



# What Every Attorney Needs to Know About Cybersecurity

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\*The opinions contained in this presentation belong to the authors and not necessarily their current or past employers.

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## Agenda



- I. An Attorney's Obligation to Safeguard Confidential Client Information
- II. Practical Tips for Safeguarding Client Information
- III. Border Searches of Electronic Devices
- IV. Summary

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## An Attorney's Obligation to Safeguard Confidential Client Information

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### A LAWYER'S RESPONSIBILITIES

A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Texas Disciplinary Rules of Professional Conduct or other law.

Preamble, Texas Disciplinary Rules  
of Professional Conduct

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## 1.05 CONFIDENTIALITY OF INFORMATION

What is Confidential Information?

(a) Confidential information includes both privileged information and unprivileged client information. Privileged information refers to the information of a client protected by the lawyer-client privilege . . . . Unprivileged client information means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.

## 1.05 CONFIDENTIALITY OF INFORMATION

- (b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e), and (f), a lawyer shall not knowingly:
- (1) Reveal confidential information of a client or a former client to:
    - (i) a person that the client has instructed is not to receive the information; or
    - (ii) anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyers' law firm.

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