

# Duty of Confidentiality Comparison Chart

[with thanks to Stephanie Stewart]

Confidentiality of Information- General Provisions	
<b>Georgia Rule 1.6</b>	<b>Model Rule 1.6</b>
(a) Lawyer shall maintain in confidence all information gained in the professional relationship with the client. Including: Information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client	(a) Lawyer shall not reveal information relating to the representation of a client
Exceptions	
<b>Georgia Rule 1.6</b>	<b>Model Rule 1.6</b>
(a) The client consents after consultation	(a) The client gives informed consent
(a) Disclosures that are impliedly authorized to carry out the representation	(a) <i>Identical</i>
(a) Disclosures that are <i>required</i> by these rules or other law	<i>No comparable provision</i>
(a) Disclosures that are <i>required</i> by order of the Court	<i>No comparable provision</i>
(d) The lawyer <i>shall</i> reveal information as the applicable law requires	<i>No comparable provision</i>
<b>(b)(1) Lawyer may reveal confidential information which the lawyer believes is reasonably necessary:</b>	<b>(b) Lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes is necessary:</b>
<b>Harm element:</b> (b)(1)(i) To avoid or prevent harm or substantial financial loss to another	<b>Harm element:</b> (b)(2/3) To prevent , mitigate or rectify ... substantial injury to the financial interests or property of another
<b>Causation element:</b> as a result of client criminal conduct or third party criminal conduct clearly in violation of the law	<b>Causation element:</b> (b)(2) To prevent ... the client from committing a crime or fraud that is reasonably certain to result in .. (b)(3) ... has resulted from the client's commission of a crime or fraud
	<b>Additional element</b> and in furtherance of which the client has used or is using the lawyer's services
(b)(1)(ii) To prevent serious injury or death	(b)(1) To prevent <i>reasonably certain</i> death or substantial bodily harm
(b)(1)(iii) To establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegation in any proceeding concerning the lawyers representation of the client	(b)(5) <i>Identical</i>

<i>No comparable provision</i>	(b)(4) To secure legal advice about the lawyer's compliance with these Rules
<i>No comparable provision</i>	(b)(6) To comply with other law or a court order
<b>Restrictions to disclosure under an exception</b>	
<b>Georgia Rule 1.6</b>	<b>Model Rule 1.6</b>
(c) If the client has acted at the time the lawyer learns of the threat or harm or lost to a victim, use or disclosure is permissible only if the harm or loss has not yet occurred	<i>No comparable provision</i>
(d) Before using or disclosing information, if feasible, the lawyer must make a good faith effort to persuade the client either not to act, or if the client has already acted, to warn the victim	<i>No comparable provision</i>
<b>When the duty of confidentiality of begins and ends</b>	
<b>Georgia Rule 1.6</b>	<b>Model Rules</b>
SCOPE (15) There are some duties, such as that of confidentiality under Rule 1.6, that may attach when the lawyer agrees to consider whether a client-lawyer relationship will be established	SCOPE (17)- <i>Identical</i>
<i>No comparable provision</i>	MR 1.18(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client
(e) The duty of confidentiality shall continue after the client lawyer relationship has terminated	MR 1.6 Comment 18- <i>Identical</i>
<b>Georgia Rule 1.9</b>	<b>Model Rule 1.9</b>
(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter: <ul style="list-style-type: none"> <li>(1) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known; or</li> <li>(2) reveal information relating to the representation relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client</li> </ul>	<i>(c) Identical</i>