

Is This Confidential? - Talking To Lawyers - HELP4TN Blog



Is this Confidential?

You need to talk to an attorney - maybe using a free legal helpline, like [844-HELP4TN](#), or at a [local legal clinic](#). You may need to tell this attorney some sensitive things that you don't want the attorney to share with anyone else. Before you share private information, you might be wondering... is this confidential?

Lucky for you, these conversations are confidential. As long as both you and the attorney agree to discuss your legal issue, attorneys are required by law and the professional ethics code to keep information from clients secret and confidential.

As attorneys, we want you to be open and truthful with us without worrying that we'll share this information with anyone else. That's the only way we can really help you prepare your case.

How can you be sure that your attorney will keep your secrets? Well, attorneys must obey the Tennessee Rules of Professional Conduct (TRPC), which require confidentiality. Rule 1.6 of the TRPC states that an attorney shall not reveal information relating to the representation of a client.

Like every rule, there are a few exceptions. You can view this rule and its exceptions [here](#), but these are the main things to know:

- (1) An attorney can reveal information if the client allows her to.
- (2) An attorney can also reveal information if it's necessary to represent her client.

Example: You hire a divorce attorney and tell her about how your spouse cheated on you. That attorney may use that information in pleadings or in court to prove adultery. Thus, they're revealing information in an attempt to help you win your case.

There are a couple other exceptions that need to be discussed as well:

An attorney may reveal information to prevent a client from committing a crime.

If you've been charged with a crime or the police are asking you questions, you can call an attorney and get help resolving the legal matter. What you discuss with that attorney will be confidential.

However, if you plan to commit a crime and need advice from your attorney about how you are going to commit a crime, you're out of luck. TV lawyers, like Saul Goodman, are not a good example of how attorneys must behave.

On that note, if an attorney believes that information provided by a client could lead to the death or serious bodily harm of another person, then the attorney must reveal this information.

The confidentiality rule you just read about means that attorneys can't share your private information with friends, family, or anyone else for that matter, but confidentiality wouldn't mean much if an attorney could be made to testify in court as to what her client told her. There's another important rule that protects your private information and that's attorney-client privilege. A Tennessee law ensures that attorneys can't be made to testify against their clients.

23-3-105. Privileged communications - No attorney, solicitor or counselor shall be permitted, in giving testimony against a client or person who consulted the attorney, solicitor or counselor professionally, to disclose any communication made to the attorney, solicitor or counselor as such by such person during the pendency of the suit, before or afterward, to the person's injury.

So, the next time you consult with a private practice attorney, attend a legal clinic, call a legal helpline, or seek advice from a licensed Tennessee attorney online at tn.freelegalanswers.org, you'll know that your conversation is private and confidential.

HELP4TN Blog posts are written by TALS staff attorneys. This blog is not legal advice, but it is legal information to help you learn about your rights. If you have questions about this blog or about your legal situation, you can talk to a lawyer for free at 1-844-HELP4TN (1-844-435-7486).

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