

Rule 766. Confidentiality and Privacy

(a) Public Proceedings. Proceedings under Rules 751 through 780 shall be public with the exception of the following matters, which shall be private and confidential:

- (1) investigations conducted by the Administrator;
- (2) proceedings before the Inquiry Board;
- (3) proceedings pursuant to Rule 753 before the Hearing Board prior to the service of a complaint upon the respondent;
- (4) information pursuant to which a board or the court has issued a protective order;
- (5) deliberations of the Hearing Board, the Review Board and the court;
- (6) proceedings before the Hearing and Review Boards pursuant to Rule 758;
- (7) proceedings pursuant to Rule 760;
- (8) deliberations of the Commission and minutes of Commission meetings;
- (9) deliberations related to a claim submitted under the Client Protection Program;
- (10) information concerning trust accounts provided by lawyers as part of the annual registration pursuant to Rule 756(d); and
- (11) information concerning *pro bono* services and monetary contributions in support of *pro bono* services provided by lawyers as part of the annual registration pursuant to Rule 756(f).

(b) Disclosures of Confidential Information.

(1) *Public Information of Misconduct.* Where there is public information of allegations which, if true, could result in discipline, the Administrator, with the approval of the court or a member thereof, and in the interest of the public and the legal profession, may disclose whether the matter is being investigated.

(2) *Disclosures in the Interests of Justice.* In the interests of justice and on such terms as it deems appropriate the court or a member thereof may authorize the Administrator to produce, disclose, release, inform, report or testify to any information, reports, investigations, documents, evidence or transcripts in the Administrator's possession.

(3) *Referral to Lawyers' Assistance Program.* When an investigation by the Administrator reveals reasonable cause to believe that a respondent is or may be addicted to alcohol or other chemicals, is or may be abusing the use of alcohol or other chemicals, or is or may be experiencing a mental health condition or other problem that is impairing the respondent's ability to practice law, the information giving rise to this belief may be communicated to the Lawyers' Assistance Programs, Inc., or comparable organization designed to assist lawyers with substance abuse or mental health problems.

Adopted March 30, 1973, effective April 1, 1973; amended April 1, 1974; amended October 1, 1976, effective November 15, 1976; amended June 1, 1984, effective July 1, 1984; amended October 13, 1989, effective immediately; amended March 28, 1994, effective immediately; amended November 19, 2004, effective January 1, 2005; [amended March 29, 2006, effective immediately](#); [amended June 14, 2006, effective immediately](#).