

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: BRAD JERBIC	FROM: JOHN REDLEIN <i>JR</i>
SUBJECT: REPORTING	COPY TO: BEN LITTLE

I have reviewed some research gathered while employed as a private corporate counsel --- three months of free access to Westlaw permitted me to accumulate some useful files for that employment.

Review of the applicable rules of conduct confirms the essential reaction I had to our discussion last night. I believe that:

1. We have an obligation to report unlawful staff conduct to management.
2. We probably have an obligation to attempt to prevent misconduct from continuing through intercession with management.
3. We have an obligation to decline to aid in any future misconduct.
4. Failure to persuade the client from continuing to engage in misconduct may require an attorney to decline future representation.
5. If a fraud was about to be committed, we might have the responsibility to notify the victim-to-be in order to prevent the fraud from being perpetrated. This obligation would exist *only* if no client confidences were involved in the revelation.
6. We would have a *right* to report unlawful conduct which we believed would result in death or injury. Even then, *only to the extent* necessary to prevent the harm.¹
7. Most of what we know of this matter is confidential. Representatives of our client corporation shared information with us *only because* we were their attorneys.
8. It would be unethical to report past client misconduct to outside agencies.
9. Even if the Bureau, already possessed of essential knowledge of the facts, contacted us and wanted to know more, it would be unethical to discuss the matter without the permission of the client.

¹ This is the only rule I do not agree with. In my opinion, this should be an obligation to report.