
**E-93-5 Revealing identity of present and former
clients and nature of representation**

Question

Prospective clients sometimes request information about a lawyer's experience in related matters before deciding whether to retain the lawyer, including the identity of present and former clients. Is client consent required for a lawyer to disclose that he or she represents or has represented a client in a certain type of matter when the information is sought for purposes of a prospective representation of another client?

Opinion

Generally, yes. SCR 20:1.6(a) provides that "information relating to representation of a client" is confidential and should not be revealed without client consent after consultation or unless some other exception applies. While the mere identity of a client generally is not considered to be information relating to the representation of that client, information about the type of matter in which the representation occurred would be confidential and should not be revealed without client consent.

In addition, even when client consent is obtained, a lawyer should be careful to comply with SCR 20:7.1 in communicating with prospective clients about the lawyer's services. Statements by lawyers about themselves and their services must not be false or misleading.

The duty of confidentiality and the prohibition on false or misleading statements about the lawyer's services combine to require lawyers to chart a careful course in communicating with prospective clients about their services, especially when such communication relies on a list of who the lawyer has represented.