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(주)지디아이



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- Federal Register, Legal Classics, U.S Federal Legislative History, U.S. Statutes at Large 및 법령 자료 컬렉션 제공
- Code of Federal Regulations (1937) , US Reports(1754)
- 2002년 Best Commercial Website Award from the International Association of Law Libraries와 2001년 Best New Product Award from the American Association of Law Libraries 수상

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- Welcome Page에서 보고자 하는 Library (또는 Collection) 명을 클릭하면 해당 “Library (Collection) Home Page” 로 이동
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Updated

ⓘ AALL Spectrum

Vols. 1-19 (1996-2015)

ⓘ ABA Journal

Vols. 1-101#8 (1915-2015)

ⓘ ABA Journal of Affordable Housing & Community Development Law  
See: Journal of Affordable Housing and Community Development Law

Vols. 1-23 (1991-2015)

ⓘ ABA Journal of Labor and Employment Law

Vols. 1-30 (1985-2015)

ⓘ ABA Juvenile & Child Welfare Law Reporter  
See: Child Law Practice

Vols. 1-34#8 (1982-2015)

ⓘ ABA Section of Antitrust Law  
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Vols. 1-80#1 (1952-2015)

ⓘ Aberdeen Student Law Review

Vol:

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- 볼륨 번호, 축약어, 페이지 수 등을 입력  
예) 114 Yale L.J. 627

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- HeinOnline에서 제공하는 모든 저널 타이틀명 신속하게 검색  
예: Harvard Law Review

Full Text Citation **Catalog** Case Law

Harvard Law Review x 🔍

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# Practice

## Conflicted Over Confidentiality

Indiana ethics opinion says lawyers are not always obligated to report cases of child abuse involving clients **By David L. Hudson Jr.**

### Ethics

Indiana law requires anyone "who has reason to believe" that a child is a victim of abuse or neglect to "immediately" make a report to the state department of child services or a local law enforcement agency. Failure to make such a report constitutes a Class B misdemeanor. Unlike similar laws in some other states, the Indiana statute does not specifically exempt lawyers from the reporting requirement.

Nevertheless, the Legal Ethics Committee of the Indiana State Bar Association has concluded that the obligation of lawyers to report cases of child abuse or neglect is not absolute. Instead, the committee says in its Opinion No. 2 of 2015, a lawyer's duty to report is limited by the lawyer's obligation to protect client confidentiality. Rule 1.6 of the Indiana Rules of Professional Conduct states that a lawyer "shall not reveal information relating to the representation of a client unless the client gives informed consent" or one of a limited number of exceptions apply.

(The Indiana rule on confidentiality closely tracks Rule 1.6 of the ABA Model Rules of Professional Conduct. The

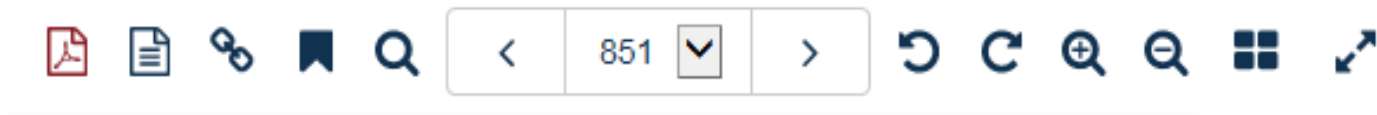
situation," says Charles Geyh, who teaches professional responsibility at Indiana University's Maurer School of Law in Bloomington. "First, it pits the public and their elected representatives against the bar by putting the bar in the awkward position of defending the sanctity of lawyer-client confidences in a context where there is likely to be little sympathy for preserving the confidences of child abusers and where the virtue of universal reporting seems obvious. Second, it pits the legislature, which regulates the general public and has imposed a universal duty to report, against the judiciary, which regulates the bar and has imposed significant duties on lawyers not to report."

### THE RULES ARE THE RULES

The opinion acknowledges the "conflict between the lawyer's ethical duty to keep silent and the apparent statutory duty to speak." But given the Indiana Supreme Court's "authority over the legal profession, its Rules of Professional Conduct control over conflicting legislation." To conclude otherwise, says the committee, would violate separation-of-powers provisions set forth in the state constitution.



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