



NATIONAL GOVERNMENT ETHICS
SUMMIT
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Do I really have to report my clients' names?

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5 U.S.C. app. 4 § 102(a)(6)(B)

If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

- (i) the identity of each source of such compensation; and
- (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

General Guidance

Report

- Each person
- Paid more than \$5,000 for the
- Filer's personal services
- In a calendar year
- Include both payment to the filer directly and to filer's employer/business

Source Name	City/State	Brief Description of Duties
Faraday, Maxwell & Franklin	New York, NY	Associate attorney at this firm.
Widgets Unlimited	Grand Rapids, MI	Legal services (client of Faraday, Maxwell & Franklin)

Confidential Clients

Filers are not required to report information that is confidential as a result of a privileged relationship established by law.

When is a client confidential?

1. Does a privileged relationship exist?
2. Ensure that the client's identity has not been released to the public.
3. If a privileged relationship exists, the filer does not need to report a client's identity if:
 - client's identity is protected by a statute, court order, or is under seal
 - client is the subject of a pending grand jury proceeding or other non-public investigation
 - disclosure is prohibited by a rule of professional conduct
 - a written confidentiality agreement was entered into with the client when the filer was retained and it expressly prohibits release of the identity

Rule of Professional Conduct

DC Rule of Professional Conduct 1.6

- Prohibits disclosure of a confidence or a secret
- “‘Secret’ refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client”
- This has been read to include a client’s identity if the release of the identity would be embarrassing or detrimental.

Model Rule of Professional Conduct 1.6

- “A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent”
- OGE does not read to include the client’s identity

Reporting Confidential Clients

Source Name	City/State	Brief Description of Duties
Faraday, Maxwell & Franklin	Washington, DC	Associate attorney at this firm.
Widgets Unlimited	Grand Rapids, MI	Legal services (client of Faraday, Maxwell & Franklin)
26 confidential clients (2 corporations and 24 individuals)		Client's names are confidential under DC Rule of Professional Conduct 1.6

THANK YOU
