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CARY A. ROCKNE
OFFICE MANAGER

September 3, 1992

*ALSO LICENSED IN MINNESOTA

Dear [REDACTED]

Re: Request for Opinion Dated 9/2/92

The Ethics Committee of the State Bar Association of North Dakota has met and considered your request for an opinion as outlined in your letter of September 2, 1992.

The Ethics Committee is of the opinion that Rule 1.6 (a) requires you to reveal information concerning your client to the extent you believe it is necessary to prevent the client from committing an act that you believe is likely to result in imminent death or imminent substantial bodily harm. The comments to the Rule make it clear that such disclosure is required even though you may not be certain of the client's intentions.

The Committee would like to point out that any disclosure you make should be no greater than you reasonably believe necessary to accomplish your purpose. Thus, we assume you could reveal your concerns about your client's physical and emotional state without disclosing the exact nature of the work he has asked you to do.

If you need further information, do not hesitate to recontact the Committee.

Very Truly Yours,

Paul F. Richard

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Acting Chair

Ethics Committee

State Bar Association of North Dakota

[REDACTED]

September 2, 1992

Sandy Tabor
SBAND Ethics Committee
Fax No. 224-1621

Dear Ms. Tabor and Members of the Committee

I need some ethical direction in a matter which I am afraid may not allow for the normal channels to work because of a time constraint.

I had a client come into my office today and asked me to prepare a will for him. The gentleman was very obviously distraught, preoccupied and appeared to be going with little to eat and no sleep.

Other facts that I know about him are that he has recently been convicted of a crime, and has lost his family through divorce. I also know other facts about his mental and emotional state that I am sure that this will is a final preparation in his committing suicide.

I called him about an hour after he had left my office to tell him I would arrange for him to speak with someone who could help him with his problems. He refused help.

My dilemma: May I use this information, that he has been to see me about a will in order to alert a brother or his mother that he may need immediate help?

I thank you for your prompt reply.

Very truly yours,
[REDACTED]