

## **Rule 1.8.2 Use of Current Client's Information Relating to the Representation**

(Commission's Proposed Rule – Clean Version)

A lawyer shall not use information relating to a client to the disadvantage of the client unless the client gives informed written consent, except as permitted by these Rules or the State Bar Act.

### **Comment**

- [1] Use of information relating to a client, whether or not confidential, to the disadvantage of the client violates the lawyer's duty of loyalty. This Rule applies when the information is used to benefit either the lawyer or a third person, such as another client or business associate of the lawyer, to the disadvantage of the client. For example, if a lawyer learns that a client intends to purchase and develop several parcels of land, the lawyer may not use that information to purchase one of the parcels in competition with the client or to recommend that another client make such a purchase. The Rule does not prohibit uses that do not disadvantage the client. For example, a lawyer who learns a government agency's interpretation of trade legislation during the representation of one client may properly use that information to benefit other clients. This Rule prohibits disadvantageous use of client information unless the client gives informed written consent, except as permitted by these Rules or the State Bar Act. See Rules 1.6, 1.9(c), 4.1(a)(2), and Business and Professions Code section 6068(e).