
RULES OF EVIDENCE 503

(a) **Definitions.** In this rule:

[...]

(4) A “lawyer’s representative” is:

- (A) one employed by the lawyer to assist in the rendition of professional legal services; or
- (B) an accountant who is reasonably necessary for the lawyer’s rendition of professional legal services.

(5) A communication is “confidential” if not intended to be disclosed to third persons other than those:

- (A) to whom disclosure is made to further the rendition of professional legal services to the client; or
- (B) reasonably necessary to transmit the communication.

(b) **Rules of Privilege.**

(1) **General Rule.** A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client:

- (A) between the client or the client’s representative and the client’s lawyer or the lawyer’s representative;
- (B) between the client’s lawyer and the lawyer’s representative;

ISSUES

- ❖ Client is incompetent and does not want medical records obtained.
- ❖ Responsibility of explaining informed consent.
- ❖ Client is charged with a child abuse offense and discloses that there are other victims.
- ❖ Client discloses that he/she/they are going to commit suicide.

Ethical Issues

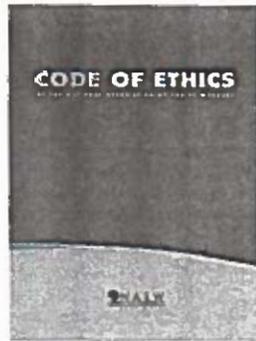
SOCIAL WORKERS WORKING UNDER AN ATTORNEY LICENSE

El Paso County Public
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Edythe Payán
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NASW



1.07 Privacy and Confidentiality

(a) Social workers should respect clients' right to privacy. Social workers should not solicit private information from or about clients except for compelling professional reasons. Once private information is shared, standards of confidentiality apply.

(b) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.

(c) Social workers should protect the confidentiality of all information obtained in the course of professional service, except for compelling

<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>

professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or others. In all instances, social workers should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.

[...]

(j) Social workers should protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, social workers should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.

TEXAS STATE BOARD OF SOCIAL WORK EXAMINERS

In light of recent events and in accordance with the recommendations of Governor Abbott's Texas Safety Action Report, the Texas State Board of Social Worker Examiners would like to remind its licensees that Section 611.004(a)(2) of the Texas Health and Safety Code authorizes behavioral health care providers to report confidential information to law enforcement should the provider determine their client poses an imminent risk of physical harm to themselves or to others. The board also urges its licensees and all behavioral health care providers to be vigilant in assessing their clients' potential to harm and to warn the appropriate authorities if imminent harm is likely.

<https://www.dshs.texas.gov/socialwork/>