



## News

### Anthony Davis and Janis Meyer Discuss the Ethical Implications of Pillow Talk Between Lawyers in their New York Law Journal Column

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In a *New York Law Journal* column, Hinshaw partners Anthony Davis and Janis Meyer discuss the ethical implications of lawyers sharing client confidential documents and information with their significant others. The issue was recently presented in a disciplinary case decided by the Supreme Court of Ohio in *Disciplinary Counsel v. Holmes and Kerr*, Slip Op. No. 2018-Ohio-4308.

In *Holmes and Kerr*, the lawyers were disciplined for violating Ohio Rules of Professional Conduct 1.6(a) (prohibiting a lawyer from revealing a client's confidential information), and 8.4(h) (prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law).

However, for law firms having to deal with such situations, Davis and Meyer note that three other elements of the Rules of Professional Conduct are also implicated: Rule 1.4 (duty to keep clients informed of the progress of their matters); Rule 8.3 (duty to report misconduct to the relevant authorities); and Rule 5.1 (the duty of supervision). Davis and Meyer suggest that back-to-basics training in the context of their CLE programs is the best approach for law firms seeking to prevent such pillow talk situations from arising in the first place.

[Read the full article \(PDF\)](#)

You can also read "[The Ethical Implications of Pillow Talk](#)," published by the *New York Law Journal* November 5, 2018, on the *NYLJ* website (*subscription may be required*)