# Rules of Professional Conduct

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# RULES OF PROFESSIONAL CONDUCT (RPC)

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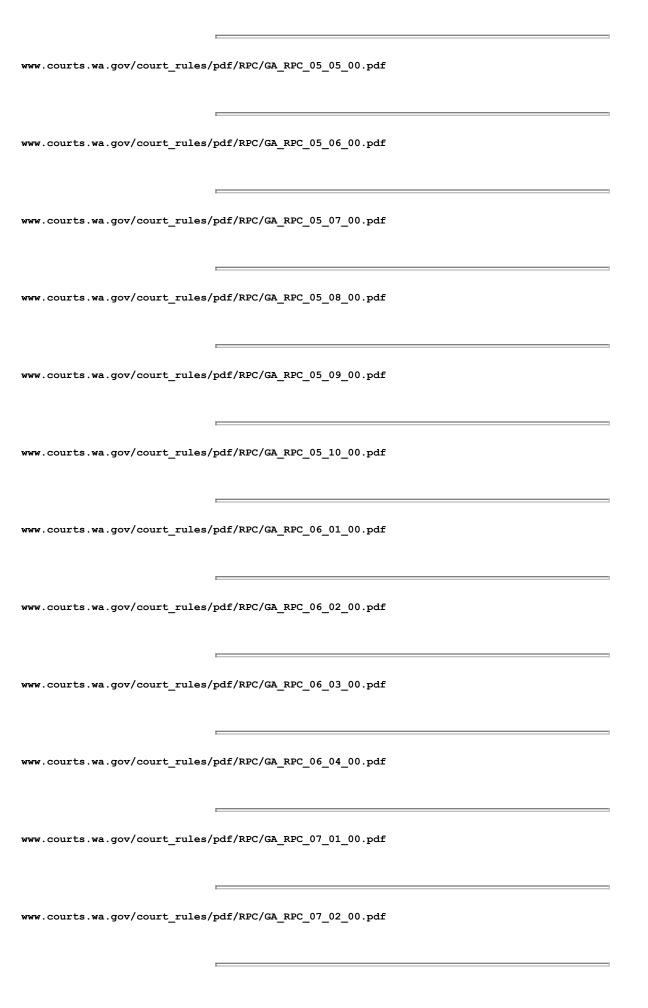
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# APPENDIX GUIDELINES FOR APPLYING RULE OF PROFESIONAL CONDUCT 3.6

# I. Criminal

- A. The kind of statement referred to in Rule 3.6 which may potentially prejudice criminal proceedings is a statement which relates to:
  - (1) The character, credibility, reputation or criminal record of a suspect or defendant;
- (2) The possibility of a plea of guilty to the offense or the existence or contents of a confession, admission or statement given by a suspect or defendant or that persons refusal or failure to make a statement;
- (3) The performance or results of any investigative examination or test such as a polygraph examination or a laboratory test or the failure of a person to submit to an examination or test;
  - (4) Any opinion as to the guilt or innocence of any suspect or defendant;
  - (5) The credibility or anticipated testimony of a prospective witness; and
  - (6) Information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial.

- B. The public has a legitimate interest in the conduct of judicial proceedings and the administration of justice. Lawyers involved in the litigation of criminal matters may state without elaboration:
  - (1) The general nature of the charge or defense;
  - (2) The information contained in the public record; and
  - (3) The scheduling of any step in litigation, including a scheduled court hearing to enter a plea of guilty.
- C. The public also has a right to know about threats to its safety and measures aimed at assuring its security. Toward that end a public prosecutor or other lawyer involved in the investigation of a criminal case may state:
- (1) That an investigation is in progress, including the general scope of the investigation and, except when prohibited by law, the identity of the persons involved;
  - (2) A request for assistance in obtaining evidence and information;
- (3) A warning of danger concerning the behavior of a person involved when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(4)

- (i) The identity, residence, occupation and family status of the accused;
- (ii) information necessary to aid in apprehension of the accused;
- (iii) the fact, time and place of arrest; and
- (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

# II. Civil

The kind of statement referred to in Rule 3.6 which may potentially prejudice civil matters triable to a jury is a statement designed to influence the jury or to detract from the impartiality of the proceedings.

[Amended effective September 1, 2006.]