

**ELC 5.4  
PRIVILEGES**

**(a) Privilege Against Self-Incrimination.** A lawyer's duty to cooperate is subject to the lawyer's privilege against self-incrimination, where applicable.

**(b) Attorney-Client Privilege.**

(1) *Assertion in Response to Investigative Inquiries.* In response to an investigative inquiry made under rule 5.3(g), or an investigatory subpoena under rule 5.5, unless a lawyer makes an objection under rule 5.6, a lawyer may not assert the attorney-client privilege or other prohibitions on revealing information relating to the representation of a client as a basis for refusing to provide information.

(2) *Duties of Disciplinary Counsel.* Disciplinary counsel receives, reviews, and holds attorney-client privileged and other confidential client information under and in furtherance of the Supreme Court's authority to regulate the practice of law. Disclosure of information to disciplinary counsel is not prohibited by RPC 1.6 or RPC 1.9 and such disclosure does not waive any attorney-client privilege. If the lawyer identifies the specific information that is privileged or confidential and requests that it be treated as confidential, the Association must, absent authorization under rule 5.6, maintain the confidentiality of information provided by a lawyer in response to an inquiry or request under these rules.

(3) *Non-Disclosure.* No information identified as confidential under this rule may be disclosed or released under Title 3 of these rules unless the client or former client consents, which includes consent under rule 5.1(b). Nothing in these rules waives or requires waiver of any lawyer's own privilege or other protection as a client against the disclosure of confidences or secrets.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; January 1, 2015.]