

## **Rule 80(b) Access to Information**

### **(b) Public Access to Information.**

1. *Availability of Information.* Except as otherwise provided in these rules, the state bar file maintained by the state bar, the record maintained by the superior court clerk, and all proceedings shall be open to the public upon:

A. waiver of confidentiality by respondent;

B. dismissal by unauthorized practice of law counsel; or

C. the filing of a complaint, consent agreement, application for order to show cause regarding contempt, or other document in superior court.

2. *Exceptions.* Notwithstanding other provisions of these rules, the following do not become public:

A. work product and working files of state bar staff, bar counsel, unauthorized practice of law counsel, volunteer bar counsel, investigators, the committee, or a court or court staff, including but not limited to internal memoranda, internal correspondence, internal emails, notes, and similar documents and files;

B. deliberations pertaining to decisions of unauthorized practice of law counsel the committee, or any court;

C. information with respect to which a protective order has been issued pursuant to these rules;

D. records of requests for information received by the state bar's intake department;

E. an individual's social security number (if a social security number must be used, only the last four digits of that number shall be used);

F. financial account numbers (if financial records must be used, only the last four digits of that number shall be used);

G. medical records;

H. recordings and written transcripts of audio and video witness interviews or statements, unless offered or admitted as exhibits in superior court proceedings; and

I. tax returns and official tax records.

3. *Authorized Disclosures.* The state bar file shall not be disclosed by the state bar, except that:

A. Before the state bar file becomes public:

i. the name of the person or entity under investigation and the matter under investigation may be disclosed to such person and the persons whose services or testimony are necessary in connection with the proceeding;

ii. the state bar may confirm, upon inquiry concerning the person or entity, and the particular conduct, that a charge has been received and is under investigation or in the prescreening process;

B. The state bar, pursuant to a valid subpoena, may provide documents not otherwise confidential under subparagraph 2, except for charges under investigation or in the prescreening process;

C. The state bar may disclose documents or records related to unauthorized practice of law charges, including documents deemed confidential under subparagraph 2, unless sealed by protective order, to:

i. other lawyer disciplinary entities or agencies;

ii. agencies or individuals authorized to investigate the qualifications of persons for admission to practice law;

iii. agencies or individuals authorized to investigate the qualifications of candidates for judicial office or governmental employment; and

iv. public or prosecuting authorities if it appears that the lawyer has engaged in conduct that may be criminal in nature;

D. If a proceeding is based on allegations that have become generally known to the public, the state bar's board of governors may authorize disclosure of information;

E. the state bar's board of governors may authorize other disclosures that are necessary to protect the public, the administration of justice, or the legal profession; and

F. documents deemed confidential under subparagraph 2 can be used in superior court proceedings.

4. *Disclosure by Others.* Unless otherwise ordered by a court, nothing in these rules shall prohibit the complainant, respondent, or any witness from disclosing the existence of proceedings under these rules or from disclosing any documents or correspondence served on or provided to those persons.

5. *Effect of Disclosure.* The disclosure of information under these rules shall not constitute a waiver of any evidentiary, statutory, or other privilege that might otherwise be asserted.

6. *Sealing the Record/Protective Orders.* Upon motion by a party or by a person from whom the information or evidence was obtained, and for good cause shown, the superior court or this court may order that a portion of the record and/or state bar file be sealed and take other measures to assure the confidentiality of the sealed information. Material sealed shall remain confidential notwithstanding the remaining record in the matter is made public. Sealed material shall be opened and viewed only by an order of a court for use by such body and the parties in proceedings then pending before it, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person furnishing the information.

7. *Retention of Records.* Records of unauthorized practice of law proceedings maintained by the state bar are subject to the provisions of Rule 70(h) of these rules and administrative orders entered by the court.