Fiduciary Duty in Practice: Confidentiality

- The bar’s activities should be kept confidential unless they are already known by the public or are of public record.
- Special care should be taken with litigation, employee matters, contracts and any matters that are in process.
- If you have a concern that the organization is doing something unlawful, you have a responsibility to share that concern with the chief executive or chief elected officer. Also consult with personal counsel.
- If in doubt about what can be shared, ask the bar’s leadership.

Questions for Reflection/Discussion

- How well does the board maintain confidentiality about the bar’s business?
- Do we have a shared understanding about what matters are confidential?
- How well do we deal with breaches of confidentiality?