



ARKANSAS JUDICIARY

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Rule 10. Confidentiality And Immunity.

Information and actions taken by JLAP shall be held in the strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of JLAP, unless such disclosure is authorized by the member of the legal profession to whom it relates or as provided in Rule 7(B) hereof. Such information and actions shall be excluded as evidence in any complaint, investigation, or proceeding before the Arkansas Professional Conduct Committee, the Arkansas Judicial Discipline and Disability Commission, or their successor entities.

No information received, gathered, or maintained by the Committee, its members or volunteers, or by an employee of JLAP in connection with the work of the Committee may be disclosed to any person or be subject to discovery or subpoena in any administrative or judicial proceeding, except upon the express written release of the subject attorney. However, the Committee may refer an attorney to a professional assistance entity, and may, in good faith, communicate information to the entity in connection with the referral. If information obtained by a member of the Committee, a volunteer, or an employee of JLAP gives rise to reasonable suspicion of a direct threat to the health or safety of the subject attorney or other person, then the obligation of confidentiality set forth in this subsection shall not apply, and the Committee member, volunteer, or JLAP employee may make such communications as are necessary for the purpose of avoiding or preventing said threat. Further, JLAP Committee members, employees, or volunteers, who, as licensed health care professionals are mandated reporters pursuant to Arkansas statutes, may make such communications as are required by law.

Lawyers who are committee members, employees, or volunteers recruited under Rule 4 are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3 of the Arkansas Rules of Professional Conduct. Nonetheless, the duty to disclose certain information may be reinstated as set out in Section (d) of Rule 8.3 of those rules. Judges who are committee members or volunteers recruited under Rule 4 are relieved of the duty to report as set forth in the relevant rules of Canon 2 of the Code of Judicial Conduct and Comment [3A] to Rule 2.15.

JLAP Committee members, employees, and volunteers recruited pursuant to Rule 4, are absolutely immune to suit or action for their activities in discharge of their duties hereunder to the full extent of judicial immunity in Arkansas.

History Text:

History. Adopted January 1, 2001; amended December 1, 2005; amended April 1, 2010.

Associated Court Rules:

Rules of the Arkansas Judges and Lawyer Assistance Program (JLAP)

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