

**From:** Michael Smolensky <mike@smolenskylaw.com>  
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**Subject:** [External]RPC 1.6 Comment on Proposed Amendment

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Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Subj: Working Group on the Duty of Confidentiality and Wrongful Convictions  
Hughes Justice Complex; P.O. Box 037  
Trenton, New Jersey 08625-0037

Dear Judge Grant,

I am writing to comment on the report and recommendations of the Supreme Court Working Group on the Duty of Confidentiality and Wrongful Convictions. I agree with the strong minority of the Working Group, including representatives of the Offices of the Attorney General and Public Defender, which opposed a new exception to confidentiality in RPC 1.6.

To mandate the disclosure of client confidences will greatly undermine trust and candor, which is at the heart of the attorney-client relationship. Per the report, "An exception that would require a lawyer to betray confidences and inflict direct harm on a client is unfathomable and contrary to the lawyer's oath and duty." Based on these and other reasons expressed by the strong minority of the Working Group, please accept this comment in opposition to the proposed amendment.

Thank you very much for your time and consideration.

Sincerely,

Michael Smolensky, Esquire  
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