

## Tip of the Month

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### Be Cautious When Your Client Gives You Possibly Stolen Evidence

The ethics rules of most states do not specifically address the propriety of an attorney's review and use of materials which may have been stolen or otherwise acquired without permission from their rightful owners. Rule 1.15, however, usually includes the requirement that, if a lawyer receives property in which third persons have an interest, the lawyer must notify these persons and promptly deliver the property to them. The court in the case, *In re Grand Jury Proceedings Involving Berkeley & Co.*, 466 F. Supp. 863 (D. Minn. 1979), held that when a former employee allegedly steals corporate documents and turns them over to the government, the privileged status of document should not be lost in such circumstance if "the attorney and client take reasonable precautions to ensure confidentiality," which is the approach taken in by the American Law Institute in the Restatement of the Law Governing Lawyers, § 129. Lawyers should proceed with caution and seek legal guidance when their clients provide them with documents or other evidence that appears to have been obtained from the adverse party.