

CHALLENGERS: LABOR DEPT. RULE REDEFINES 'ATTORNEY-CLIENT CONFIDENTIALITY'

News
Apr 14, 2016

The *Washington Examiner* article, "Challengers: Labor Dept. Rule Redefines 'Attorney-Client Confidentiality,'" addressed the Labor Department's new so-called "persuader rule" and how it would impact one of the fundamental concepts of the U.S. legal system: attorney-client confidentiality. The rule, which is slated to take effect later this month, would require attorneys who advise businesses on union-related matters to disclose previously private details.

The persuader rule expands on the Labor Management Reporting and Disclosure Act (LMRDA) that requires attorneys who are hired to try to persuade employees not to join a union, to publicly disclose those contacts. This includes disclosing financial details. Currently, that rule is triggered only if the lawyers interact directly with employees. Advising management about labor law remains private.

The American Bar Association has come out strongly against the coming changes. The Chamber of Commerce, the National Association of Manufacturers, and the Associated Builders and Contractors, among others, have filed suit to try to stop the rule.

Steve Bernstein, a labor lawyer and managing partner of the Tampa office, said attorneys who try to abide by the department's new rule could find themselves confronting an ethical dilemma. "From a lawyer's perspective, the principle of confidentiality is deeply embedded in what they do. It doesn't lend itself to the fine distinctions that the Labor Department would impose," he said.

Related People



Steven M. Bernstein

Regional Managing Partner
and Labor Relations Group
Co-Chair

813.769.7513

The firm recently issued a [Legal Alert about the new persuader rule](#).

You can visit the [Washington Examiner](#) to read the entire article that quotes Steve.