
**8/76 B Attorney-client privilege: Whereabouts
of client who is fugitive from justice**

Information an attorney has as to the whereabouts of a client who is a fugitive from justice comes within the attorney-client privilege, if the client has come to the attorney for advice regarding his rights as a fugitive or to negotiate a surrender. If, however, the client has come to the attorney for advice on how to remain a fugitive, information the attorney may gain as to the client's whereabouts is not privileged and must be revealed to inquiring authorities. DR 4-101(C)(3) allows an attorney to reveal his/her client's intent to commit a crime and the information necessary to prevent the crime. Wis. Stats. sec. 905.03(4)(a) removes from the evidentiary privilege information an attorney gains if his/her services are sought to assist in the commission of what the client knows or should know is a crime or fraud. Since continued flight would be a crime, any confidence the client reveals to the attorney about his/her continued flight is not privileged.

If the attorney is required to reveal the client's whereabouts by court order so that DR 4-101(C)(2) applies, but the attorney's knowledge qualifies as privileged, s/he could still resist disclosure under Wis. Stats. sec. 905.03(3).