

Case Summary

Attorney Grievance Comm'n of Maryland v. Potter

844 A.2d 367 (Md. 2004)

Attorney Violates Rules of Professional Conduct for Deleting Files From Former Employer's Computer

The court considered a Petition for Disciplinary Action against the defendant, an attorney, alleging violations of the Maryland Rules of Professional Conduct. The defendant worked for a law firm that paid him a base salary plus a percentage of the fees generated by cases he worked on. Before leaving the firm, the defendant took paper files pertaining to two clients believing the clients would choose to have him continue to represent them. In addition, the defendant, without permission, deleted all files relating to matters involving the two clients from the firm's computer.

Decision

The court held that this was a crime under Maryland Criminal Law because the defendant exceeded his authorized access to a computer with the intent to destroy data stored on the computer. The defendant was authorized to use the law firm's computers to generate and store documents relating to client matters, but was not authorized to delete client files without the consent of his employer. The court held that the defendant violated the Rules of Professional Conduct because his actions reflected adversely on his honesty, trustworthiness, and fitness as a lawyer. Consequently, the defendant's actions warranted a 90-day suspension from the practice of law.

Deletion of Electronic Documents