



January 25, 2010

Mr. Ali Abdullah
3718 Blisted Way
Sacramento, CA 95834-3805

Dear Mr. Abdullah:

This is in response to your request for an opinion regarding whether the decisions and contents resulting from ACA International's (ACA) dispute resolution program are privileged and confidential, and whether the disclosure of these decisions and contents by a member of ACA in a court of law constitutes a violation of ACA's rules of professional conduct including, but not limited to, ACA's Code of Ethics and Code of Operations and the ACA Procedural Rules for the Ethics Committee (Procedural Rules).

Procedural Rule 5.01 provides that all information and documentation made in connection with, or arising from, a proceeding involving the Procedural Rules or the Code of Ethics and Code of Operations is privileged and confidential, unless otherwise permitted. Procedural Rule 5.02 describes the circumstances in which the Ethics Committee and ACA staff can share the final determination and the basis for that determination with third parties. Procedural Rule 5.03 states that all communications between the Ethics Committee and Legal Counsel shall be accorded attorney-client privilege.

The Procedural Rules apply to the Ethics Committee and ACA staff when handling matters through ACA's dispute resolution program. As such, the Ethics Committee and ACA staff are required to maintain the confidentiality of all information obtained in processing complaints and performing their duties in accordance with Procedural Rule 5.01.

Members of ACA, including members who are a party to a complaint filed by a consumer, are not required to comply with the confidentiality requirements of Procedural Rule 5.01.

It is the position of the ACA International Ethics Committee that a member of ACA is not in violation of the ACA Code of Ethics and Code of Operations or Procedural Rules for the Ethics Committee when the member discloses in a court of law the contents and decision(s) resulting from a matter handled through ACA's dispute resolution program.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Cherner', with a long horizontal flourish extending to the right.

David Cherner
Legal Counsel to the Ethics Committee
ACA International