

NEWS RELEASE

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Ethics changes boost client safeguards; enhance national uniformity

Pennsylvania Supreme Court Revises Conduct Rules for Lawyers

HARRISBURG, Aug. 23, 2004 – Chief Justice of Pennsylvania Ralph J. Cappy today announced that the state Supreme Court has updated a series of professional conduct rules to better serve and protect clients receiving legal services in the Commonwealth and the lawyers who represent them.

An order issued today by the court denotes the changes by amending the existing Pennsylvania Rules of Professional Conduct for the Commonwealth's nearly 55,000 lawyers. The changes take effect January 1, 2005.

The action is the culmination of nearly eight years of work at both the national and state levels, involving the American and Pennsylvania Bar Associations and the Disciplinary Board of the state Supreme Court. Initially launched in 1997 as the "Ethics 2000 Project" by Philadelphia lawyer Jerome Shestack, then the ABA president-elect, the comprehensive evaluation by the ABA of its model professional conduct rules came in response to concerns about a perceived and undesirable lack of uniformity in the application of state ethics codes and spawned work at the state level.

In brief, the process used to achieve these rule revisions was this: Based on work at the national level by the American Bar Association (ABA), the Pennsylvania Bar Association's (PBA) Committee on Legal Ethics and Professional Responsibility recommended amendments to the state's Professional Conduct Rules that were adopted by the PBA and forwarded to the Supreme Court's Disciplinary Board for its further consideration. The board unanimously approved the suggested changes and recommended their approval to the Supreme Court.

The changes announced today to Pennsylvania's Rules of Professional Conduct borrow from the national recommendations, some of which were influenced by Pennsylvania's experience. The new state rules also preserve rules specific to Pennsylvania's history and culture or that require conformity with existing statutes, thus achieving an appropriate balance between state and national practices.

"This is a reasonable and practical means of balancing the benefits of national uniformity with values that are unique and important to Pennsylvania," the chief justice said. "These revised rules of conduct adopt the best of the ABA's work and preserve the best of our existing rules, in the process providing additional and more clearly understandable protections for clients of Pennsylvania lawyers."

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“In recent years, we have consistently moved toward unifying rules and practices in Pennsylvania to better serve the justice system by modernizing, simplifying and clarifying that system – whether through administrative reorganizations, computerization, or through revised rules like those announced today. My colleagues and I are grateful to all who have contributed to this most recent effort, both at the state and national levels.”

Among the more significant changes is the adoption of a new rule regarding “terminology” that more clearly defines for the public certain terms used in the legal profession. An example would be clarification of such things as a lawyer’s responsibilities regarding communicating and consulting with a client. Among other provisions, the new rule also adopts Ethics 2000 model language with respect to attorney conflicts of interest and means by which an attorney may protect a client with diminished capacity.

Other rule changes address the confidentiality of information provided by a client, legal skills required for competent representation, scope of representation, fees, prohibited transactions and sale of a law practice.

(The order, and a complete set of the revised rules can be found on the Pennsylvania Judiciary Web site: www.courts.state.pa.us)

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