

NEWS RELEASE

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Pennsylvania Supreme Court

Rules Change Allows Pennsylvania Lawyer Disciplinary Process to Come Under Public Review

HARRISBURG, October 26, 2005 — The Supreme Court of Pennsylvania today issued a historic order removing the long-standing veil of confidentiality of the lawyer disciplinary process in the Commonwealth.

The order amends the Pennsylvania Rules of Disciplinary Enforcement by authorizing disciplinary proceedings to be open to public review once formal charges — otherwise known as a Petition of Discipline — are filed, and after the respondent-attorney has either filed an answer or the time to answer the petition has elapsed.

Pennsylvania joins 40 other jurisdictions across the country that now allow public access to lawyer disciplinary proceedings.

“Opening up the lawyer disciplinary system allows the public to have even greater confidence in Pennsylvania’s quality legal profession,” Chief Justice of Pennsylvania Ralph J. Cappy said. “I want to thank the Disciplinary Board of the Supreme Court, Pennsylvania’s lawyers and the public for their participation in this important change.”

The 16-member Disciplinary Board was created by the Supreme Court in 1972 to oversee the conduct of the Commonwealth’s approximately 55,000 lawyers. The board traditionally conducted its inquiries and carried out disciplinary measures under a confidentiality rule in the Pennsylvania Rules of Disciplinary Enforcement. Before today’s change, disciplinary measures only became public if the Supreme Court issued an order imposing public discipline against a lawyer.

In 2004, about seven percent of the complaints filed against lawyers in Pennsylvania resulted in the filing of formal charges — a percentage consistent with that found in other states. The vast majority of complaints were dismissed as unfounded and did not result in the filing of formal charges following a Disciplinary Board investigation. Complaints against lawyers that do not result in a Petition of Discipline will remain confidential.

The change had been under review for nearly two years. The Disciplinary Board solicited written comments from the public and the legal profession on the rule change before forwarding its recommendation to the Supreme Court in November 2004 for consideration.

(A copy of the order is available on Pennsylvania Judiciary’s Web site: www.courts.state.pa.us)