Pennsylvania ETHICS HANDBOOK

Pennsylvania Bar Association

Your Other Partner

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FORWARD

In 1988, the Pennsylvania Supreme Court adopted the Pennsylvania Rules of Professional Conduct (R.P.C.), which are based on the ABA Model Rules of Professional Conduct. In the succeeding decade there has been a dramatic increase in the number of cases raising legal ethics issues. Fortunately, there currently are a number of treatises and other legal ethics resource materials that were not available ten or fifteen years ago. (These resources are summarized in Chapter 15.)

This Handbook is not intended to replace these other excellent resources, but to supplement them. In addition to providing an introduction to various ethics issues and discussing Pennsylvania cases and ethics opinions, the Handbook identifies those topics on which the Pennsylvania R.P.C. differ from the ABA Model Rules. We hope that with this assistance it will be easier for the Pennsylvania practitioner to determine when it is appropriate to rely on legal ethics resource material construing the ABA Model Rules.

This Handbook is the product of the hard work and efforts of volunteer lawyers who are dedicated to advocating ethical professionalism in Pennsylvania. The contributors are identified both at the beginning of the book and on the first page of each chapter. This Handbook was developed under the auspices of the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility under the leadership of Chairman Thomas G. Wilkinson, Jr. As Chapter 15 explains, the PBA Legal Ethics Committee is dedicated to helping Pennsylvania lawyers comply with their ethical obligations. For decades, the Committee has operated an Ethics Hotline for Pennsylvania lawyers. This Handbook represents a new level of assistance from the Committee to Pennsylvania lawyers. Financial support for this project came from the Pennsylvania Bar Trust.

The chapters of this Handbook are the products of the various authors, readers, and editors, and no chapter has been submitted to the full Ethics Committee for formal approval. The Handbook does not reflect the opinion of the Pennsylvania Bar Association, the entire Ethics Committee or the Pennsylvania Bar Trust.

There are some idiosyncrasies in the Handbook worth noting. First, this Handbook follows the format set forth in The Bluebook: A Uniform System of Citation (16th ed. 1996). According to the current Bluebook, the signal "see" is used when the cited authority directly states or clearly supports the proposition. "No signal" is used only to identify the source of a quotation or to identify an authority referred to in the text. Thus, lawyers should not be misled by the use of the signal "see" throughout this book. Second, although the Handbook follows the Bluebook with respect to signals, we have not used official Bluebook citation form. A list of the common abbreviations used in this Handbook is found at page vii.

Although, as a general matter, this Handbook presents the Pennsylvania R.P.C. in chronological order, the Handbook is organized by substantive topic, not by rule numbers. A Subject Matter Index is found at the back of the Handbook. Should you have difficulty locating a particular R.P.C., you may consult the Rule Locator found on page viii. Following the Rule Locator is a chart that cross references each R.P.C. to the relevant provision of the ALI’s Restatement of the Law Governing Lawyers.
The idea for this Handbook, and some of its material, came from the Kansas Ethics Handbook issued by the Kansas Bar Association. We gratefully acknowledge their prior work and their cooperative support of this project.

In addition to thanking the chapter authors and my co-editors Tom Wilkinson and Joe Coney, I would like to thank five individuals whose work helped make this Handbook possible. Louise M. Lamoreaux, the Ethics Coordinator for the PBA Legal Ethics Committee, continued her invaluable role to the committee by providing useful research, commentary and other assistance. Student interns William M. Garrett (Dickinson 2000) and David T. Miller (Dickinson 1999) each provided excellent research and editorial assistance. Sherry Miller cheerfully and accurately assembled the Handbook, which was no small task given the number of word processing programs involved. Sherry Miller, Lisa Woltz and Sherri Prosser ably worked on this revised edition. Finally, I would like to express my appreciation to Joe Coney. Joe is the principal editor of the revisions to the Handbook and played an extremely significant role in shaping the October 1998 edition.

Note to lawyers and nonlawyers: The information contained in this Handbook has been prepared for Pennsylvania lawyers to aid them in their practice. This Handbook is not intended to provide legal advice and should not be used in that manner.

Laurel Terry - Editor

October, 1998

Revised April, 2000
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