



The  
**DISCIPLINARY BOARD**  
*of the Supreme Court of Pennsylvania*

September  
2019  
Newsletter



## *From the Chair*

As Summer transitions to Fall, I wanted to thank all of you who timely took care of completing your attorney registration this year. Registration was efficient and ran smoothly and in addition to all of you, I wanted to thank our Board staff for their efforts in that regard.

The Rule Changes section of our newsletter is plentiful this month, with articles on RPC 1.6 (Confidentiality), RPC 8.4(g) (relating to harassment and discrimination), and notice that the Pennsylvania Lawyers Fund for Client Security proposes to amend its rules. We encourage you to review this section to more fully understand the impact of these amendments.



Also this month, we present the second in a series of three articles published by law.com relating to lawyer well-being. If you, or someone you know, is battling substance abuse or mental health conditions, we encourage you to reach out to Lawyers Concerned for Lawyers. The entire profession benefits when our colleagues who are struggling obtain the help they need. For more information, please review the "Around the Court" section below.

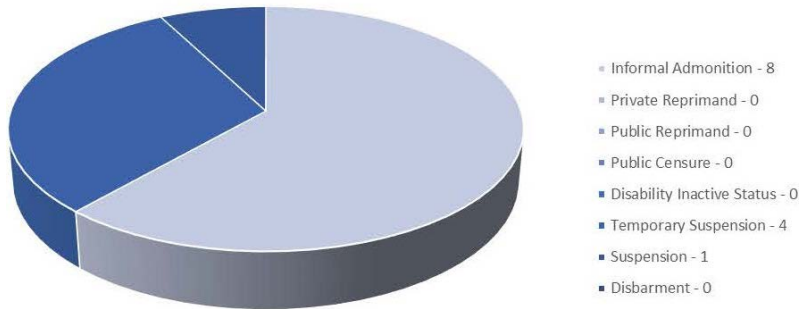
Andrew J. Trevelise, Esquire  
Board Chair

## *Social Media*

Like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

## *Discipline Imposed*

August 2019



**Temporary Suspension**

[Joseph Christopher Francis](#)

[Eric J. Linder](#)

[John Richard Shreve](#)

[Erika Roxanne Groves](#)

**Suspension**

[Michael Evan Weintraub](#)

## *Rule Changes*

**Supreme Court Adopts Confidentiality Exception for Court Ordered or Legally Required Disclosure**

By [order dated August 15, 2019](#), the Supreme Court of Pennsylvania [amended Rule 1.6](#) of the Pennsylvania Rules of Professional Conduct to assure that lawyers who are directed by tribunals or required by law to disclose confidential information will not violate the confidentiality rule by doing so.

The Rules of Professional Conduct were adopted based on the [American Bar Association's Model Rules of Professional Conduct](#). At issue is a provision in [Model Rule 1.6\(b\)](#) which establishes an exception to the confidentiality requirements in that rule:

*(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:*

\* \* \*

*(6) to comply with other law or a court order ...*

Subsection 6 was not in the initial draft of Model Rule 1.6, and was not incorporated into the Pennsylvania Rules of Professional Conduct when they were adopted in 1988. The prior Disciplinary Rule regarding confidentiality, [DR 4-101](#), contained a provision that lawyers could reveal confidences and secrets when permitted under Disciplinary Rules or required by law or court order, but when Pennsylvania adopted a version of the Model Rules of Professional Conduct, this language was not carried over into the language of RPC 1.6. Comments (18) and (21) to the rule address what a lawyer should do if required by law or ordered to reveal confidential information, but only direct the lawyer to discuss the matter with the client without providing guidance for what the lawyer should do if the client insists on maintaining confidentiality adversely to the requirements of the law or court order.

In 2002, upon a recommendation arising from the report of the [Ethics 2000 Commission](#) for updates in the Model Rules, the ABA [amended Rule 1.6](#) to add the exception in Subparagraph 6. Subsequently, 46 states and the District of Columbia followed suit and amended their rules to incorporate the new exception. However, the Pennsylvania rule was never presented to or

amended by the Supreme Court of Pennsylvania to reflect this change.

The matter came to the Board's attention in connection with border law enforcement. The Board learned that under Federal law, border officials are lawfully entitled to demand access to information on electric devices of persons crossing the border. This raised the possibility that officials could obtain access to confidential client information stored on those devices. Lawyers engaging in international travel could find themselves in a difficult position. Either they would have to refuse to allow inspection of their devices, putting them at risk of violating Federal law, or allow access, which would technically violate Rule 1.6. The amendment to Rule 1.6 allows lawyers to comply with applicable law or court order without risk of ethical issues for violating confidentiality requirements.

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#### **Disciplinary Board Seeks Comments on Proposed Harassment and Discrimination Rule**

The Disciplinary Board is seeking comments on a proposed addition to [Rule 8.4](#) of the Rules of Professional Conduct, regarding lawyer misconduct. The proposal would add a new Subsection (g) to the Rule, addressing harassment and discrimination in the course of practice of law. The proposal is published at [49 Pa.B. 4941](#) (8/31/19). Comments received on or before **September 30, 2019** will be considered. [Read More](#) . . .

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#### **Lawyers Fund for Client Security Seeks Comments on Proposed Rule Changes**

The Pennsylvania Lawyers Fund for Client Security published a set of proposed amendments to its rules. The proposal appears at [49 Pa.B. 4542](#) (8/14/2019). The comment period ended **August 31, 2019**. [Read More](#) . . .

## *Articles of Interest*

#### **Lawyers Face Epidemic of Loneliness**

One of the hazards of a profession built on adversity and prizing competitive skill is that it often leaves the individual feeling isolated and lonely. [An article at law.com](#) [free subscription required] notes that mental health experts have identified a near epidemic of loneliness among lawyers, who find that the nature of their work alienates and isolates them from others.

Patrick Krill, an attorney and licensed professional counselor who devotes much of his practice to issues of mental health in the law, notes several factors that isolate lawyers from other people: a lack of civility in a line of work that's adversarial by nature; decreasing connections between lawyers and their firms as lateral movement increases; and a primary focus on billing hours, often a solitary task, to bring in revenue and boost profits.

This is especially true among young lawyers in law firms, whose work is often oriented to documents, research, and writing rather than human interaction. The demand for billable hours and production takes a toll in the amount of time with others young lawyers can afford. Especially since many enter the law out of a spirit of idealism, a desire to contribute, and seeing law as a calling, the factory work nature of much modern legal practice does not meet their expectations.

Loneliness and frustration contribute to high levels of depression, substance abuse, family trauma, and mental health issues in lawyers.

The experts recommend to firms and employers a number of actions to reduce the isolation of legal staff. Some of these include training supervising lawyers in mentoring and leadership skills; formation of teams to increase interaction; and regular social events such as brown bag lunches to help people maintain contact with each other.

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### **Stars Get Benched: Former NFL Players who Became Lawyers and Judges**

As the National Football League begins to kick off its season, it's worth a moment to remember [former NFL players who went on to become lawyers and judges](#) [free subscription required], including:

- [Byron "Whizzer" White](#), who twice led the NFL in rushing for Pittsburgh and Detroit, then served for 31 years on the United States Supreme Court;
- [Alan Page](#), Hall of Fame lineman for the Minnesota Vikings, then later sat on the Minnesota Supreme Court for 22 years; and
- [Dwayne Woodruff](#), star cornerback for the Pittsburgh Steelers, and a judge of the Allegheny County Court of Common Pleas since 2005.

## *Attorney Registration*

If you are a Pennsylvania attorney who has yet to complete the annual registration requirement, the last day to do so is Thursday, September 12, 2019 through the [UJS Portal](#).

## *Around the Court*

LET'S TALK ABOUT MENTAL HEALTH

Depressed?  
Stressed?  
Anxious?  
Overwhelmed?

**YOU ARE NOT ALONE.**

LAWYERS CONCERNED FOR LAWYERS  
PENNSYLVANIA  
[www.lclpa.org](http://www.lclpa.org)

**LCL CONFIDENTIAL HELPLINE  
1-888-999-1941**

Lawyers Concerned for Lawyers is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. An astounding one in three legal professionals will face these issues at some point in their career. Over the past 32 years, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. Members of our profession are dying because they are afraid or unable to ask for help. If you or someone you know is struggling, please call us. You may save a life. There is help and there is hope.

Confidential 24/7 Helpline: 1-888-999-1941

- LCL resources are free, voluntary, & confidential
- Assessment by a healthcare professional to determine a customized treatment plan, if indicated
- Peer and staff support & resource coordination
- Lawyers-only support meetings
- Free CLE's, resources, and information on LCL's website: <https://www.lclpa.org/>

## *Resources*

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[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

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