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## Attorney News - May 2015



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- **Follow the Disciplinary Board on Twitter**

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## Registration Season Has Arrived; You Have Questions

It's that season again. The **registration portal** is open, and you may now complete your 2015-2016 registration online. Under "Attorney Registration," click "Log In" if you have previously created an account, or "Create an Account" if you haven't. It's the **last year that paper registration** will be offered, so you might want to try out the electronic system this year.

Recently the Disciplinary Board sent an email on the new reporting requirements for financial data. You had questions. Boy, did you have questions. Click the following **link** to view the FAQ's.

## Philadelphia Office on the Move

After years at 7 Penn Center in Philadelphia, the District I office of the Office of Disciplinary Counsel has moved – but not far. Deputy Chief Disciplinary Counsel Paul Burgoyne and the eight intrepid Disciplinary Counsel led by Counsel in Charge Anthony P. Sodroski now ply their trade from 5 Penn Center, Suite 3320, 1601 Market Street. All other contact information remains the same. Find them (electronically) **here**.

## Commission on Women in the Profession Issues Report Card

In **January** we mentioned that the Commission on Women in the Profession (WIP) of the Pennsylvania Bar Association was offering a survey seeking input about satisfaction with legal careers as well as concerns about the legal profession and practice.

The WIP has announced that the **2015 Report Card** is now available. The ten-question survey of both male and female attorneys in Pennsylvania was designed to assess trends and the current climate within the profession and throughout the Commonwealth. Many readers of this e-newsletter completed the survey. The WIP thanks you for participating.

The 2015 Report Card includes not only the results of the survey, but also provides concrete data about women judges sitting on all state and federal courts in Pennsylvania<sup>[1]</sup> and women participating at all levels of the Pennsylvania Bar Association.<sup>[2]</sup> It also recognizes WIP's annual award winners.

The full report is posted **here**.

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**[1]** The Court of Common Pleas with the highest percentage of women judges is Bradford County, with 100%. Of course, Bradford County has one judge. The next highest is Philadelphia with 52%. 27 of 59 Common Pleas courts (45.7%) have no women judges. None of these has more than four judges. 73% of Superior Court judges are women.

**[2]** Fun fact: the percentage of women in the PBA has increased from 24% in 1994 to 32% in 2014.

## Intoxication at CLE Costs Lawyer His License

A Virginia lawyer has been **suspended by the Virginia State Bar Disciplinary Board** based on a finding that he appeared drunk and disorderly at a Continuing Legal Education session. Wayne Richard

Harvey was suspended for six months and ordered to enroll in a two-year treatment and monitoring program. Noncompliance with the terms of the order could lead to further suspension for up to three years.

Witnesses reported that Hartke loudly snored and then yelled at a video screen during the session. Another attendee escorted Hartke from the room, and a bottle of liquor was found among his belongings.

The incident is Hartke's third encounter with the disciplinary system. He was reprimanded in 2010 for a practice-related incident, and again in 2011 on **charges** that included a contempt of court citation after he appeared in court with a blood alcohol content measured at 0.127.

In a comment to the **ABA Journal**, Hartke stated that the report "was not the official response by the Disciplinary Board." He is listed as not eligible to practice on the website of the Virginia Bar.

The Hartke case is a reminder that a lawyer's conduct reflects on his or her professional qualification even when he or she is not directly engaged in practice, and bad judgment can have adverse effects on a lawyer's life even when committed outside the practice of law.

Hartke was referred to Lawyers Helping Lawyers, a 30-year-old assessment, referral, monitoring and support program helping lawyers address addiction and mental health issues.

Pennsylvania lawyers struggling with issues of substance addiction and mental health have access to a similar program in **Lawyers Concerned for Lawyers**. The number for LCL's Lawyers Confidential Helpline is **888-999-1941**.

## Do Law Firms Need Cyber Liability Insurance?

Hardly any lawyer or law firm would attempt to practice today without professional liability insurance, and indeed **Rule 1.4(c)** of the Pennsylvania Rules of Professional Conduct requires lawyers in private practice to disclose their lack of coverage if they don't maintain minimum coverage levels.

An **article in the ABA journal** by David L. Hudson, Jr., suggests that lawyers in modern practice should consider a new area of liability coverage – cyber liability. Threats against which contemporary lawyers must guard include:

- Vulnerability of business secrets and confidential corporate data obtained in representation;
- Personal health information of clients related to representation;
- Potential hacking of private client information such as credit card, bank account, and Social Security numbers;
- Intellectual property of clients or the firm;
- Essential proprietary firm information.

Losses may be malicious, such as through hacking or deliberate espionage, a dishonest employee, or theft of a laptop, tablet or cell phone. They may also result from innocent mistakes, unintended transmissions, or other human error all too easy to make in a complex and busy practice.

Cyber risk policies have been available since the 1990's, but recent years have seen explosive growth in the availability of such policies and the risks they cover. Most providers offer a menu of coverages which can be tailored to the law firm's needs. Two different kinds of coverage are available. Third party policies protect against legal liability arising out of security failures and sometimes even for fines and penalties

arising from regulatory actions. First party coverage addresses losses that might be incurred by the firm as its own expenses, such as mitigating costs, corrective work, and even lost income due to technology-related disruption. The article recommends that each firm or practitioner should carefully consider their existing professional liability coverage, and choose policies that complement current coverage.

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