

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Rule 8.4 of the Pennsylvania Rules of Professional Conduct; No. 196 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 8th day of June, 2020, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the *Pennsylvania Bulletin*, 49 Pa.B. 4941 (August 31, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 8.4 of the Rules of Professional Conduct is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in six months.

Justice Mundy dissents.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

* * * * *

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; [or]

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law[.]; or

(g) in the practice of law, by words or conduct, knowingly manifest bias or prejudice, or engage in harassment or discrimination, as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a

representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.

Comment:

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(2) Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

(3) For the purposes of paragraph (g), conduct in the practice of law includes participation in activities that are required for a lawyer to practice law, including but not limited to continuing legal education seminars, bench bar conferences and bar association activities where legal education credits are offered.

(4) The substantive law of antidiscrimination and anti-harassment statutes and case law guide application of paragraph (g) and clarify the scope of the prohibited conduct.

[(3)] (5) A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[(4)] (6) Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[Pa.B. Doc. No. 20-784. Filed for public inspection June 19, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

INDIANA COUNTY

Certification Pursuant to Pa.R.Crim.P. Rule 507;
M.D.-120-2020

Order of Court

And Now, this 2nd day of June, 2020, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is Hereby Ordered that the Court

adopts the following Rule of Criminal Procedure Rule 507 regarding Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth which becomes effective August 1, 2020.

The Court Administrator is Hereby Ordered to:

1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourt.us;

2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to Bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;

3) Provide one copy of this Order to the members of the Indiana County Bar Association;

4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.IndianaCountyPA.gov;

5) File this Order in the Prothonotary's Office of Indiana County.

Rule of Criminal Procedure 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Indiana County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrants affidavits by police officers, as defined in the Rules of Criminal Procedure, charging:

1) All offenses set forth in Chapter 25 (Criminal Homicide) of the Crimes Code.

2) All offenses set forth in Chapter 26 (Crimes Against Unborn Child) of the Crimes Code.

3) The following offenses set forth in Chapter 27 (Assault) of the Crimes Code

a. 18 Pa.C.S.A. § 2702—Aggravated Assault sections (1)(2)(9) (F1 grading)

b. 18 Pa.C.S.A. § 2713—Neglect of a Care-Dependent Person when the victim suffers serious bodily injury.

c. 18 Pa.C.S.A. § 2718—Strangulation

4) All offenses set forth in Chapter 29 (Kidnapping) of the Crimes Code except for:

a. 18 Pa.C.S.A. § 2902—Unlawful Restraint, and

b. 18 Pa.C.S.A. § 2903 False Imprisonment

5) All offenses set forth in Chapter 30 (Human Trafficking) of the Crimes Code.

6) All offenses set forth in Chapter 31 (Sexual Offenses) of the Crime Code except for:

a. 18 Pa.C.S.A. § 3126—Indecent Assault

b. 18 Pa.C.S.A. § 3127 Indecent Exposure

7) All offenses set forth in Chapter 32 (Abortion) of the Crimes Code.

8) 18 Pa.C.S.A. § 3301—Arson

9) All offenses set forth in Chapter 37 (Robbery).

10) All offenses set forth in Chapter 39 (Theft and Related offenses) under the Crimes Code in which the value of the theft exceeds \$50,000.00.

11) All offenses set forth in Chapter 43 (Offenses against the Family) except for:

a. 18 Pa.C.S.A. § 4304 when charged as a misdemeanor.

12) 18 Pa.C.S.A. § 5111—Dealing in Proceeds of Unlawful Activities.

13) The following offenses under Chapter 55, Subsection A (Riot, Disorderly Conduct and Related Offenses):

a. 18 Pa.C.S.A. § 5501—Riot

b. 18 Pa.C.S.A. § 5509 Desecration, Theft or sale of venerated objects

c. 18 Pa.C.S.A. § 5510 Abuse of a Corpse

14) 35 P.S. § 780-113(30) Possession of a Controlled Substance with Intent to Deliver/Manufacture.

15) All offenses under Chapter 55, Subsection B (Riot, Disorderly Conduct and Related Offenses) (Cruelty to Animals) graded as Felony Offenses.

16) All offenses set forth in Chapter 57 (Wiretapping and Electronic Surveillance) of the Crimes Code.

17) All offenses set forth in Chapter 63 (Minors) of the Crimes Code graded as Felony Offenses.

18) 55 Pa.C.S.A. § 5502.1—Homicide by Watercraft While Operating Under the Influence

19) 55 Pa.C.S.A. § 5502.2—Homicide by Watercraft

20) The following offenses set forth in Chapter 37 (Miscellaneous Provisions), Subchapter B (Serious Traffic Offenses) of the Vehicle Code:

a. 75 Pa.C.S.A. § 3732—Homicide by Vehicle

b. 75 Pa.C.S.A. § 3732.1—Aggravated Assault by Vehicle

c. 75 Pa.C.S.A. § 3735—Homicide by Vehicle While DUI

d. 75 Pa.C.S.A. § 3735.1—Aggravated Assault by Vehicle While DUI

21) Attempt, Conspiracy or Solicitation to Commit any of the Above Offenses.

22) Any offense arising out of an incident for which the District Attorney of Indiana County has given written notice to the investigating Agency of his intent to review any charges brought in connection with that incident prior to filing.

Shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

By the Court

WILLIAM J. MARTIN,
President Judge

[Pa.B. Doc. No. 20-785. Filed for public inspection June 19, 2020, 9:00 a.m.]