

SUPREME COURT OF PENNSYLVANIA

In Re: Amendment of Rule 7.3 of Pa Rules of Professional Conduct

Supreme Court of Pennsylvania (July 30, 2018)

SUMMARY

The Supreme Court of Pennsylvania amended Rule 7.3 of the Pennsylvania Rules of Professional Conduct to add subsection (b)(4), which prohibits lawyers from soliciting a party named as a defendant or respondent in a domestic relations action until proof of service appears on the docket. The amendment aims to reduce the risk of violent confrontation that may arise if a solicitation reaches the defendant before service of the complaint. The rule defines "domestic relations action" to include actions governed by the Family Court Rules and actions under the Protection of Victims of Sexual Violence or Intimidation Act.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	July 30, 2018
DISPOSITION	approved
PROCEDURAL POSTURE	Rule amendment proceeding
PRECEDENTIAL VALUE	published

TOPICS

family law domestic violence civil procedure

PRACTICE AREAS

Legal Ethics Family Law

QUESTIONS PRESENTED

- Whether to amend Rule 7.3 to prohibit solicitation of defendants in domestic relations actions prior to service of process.

HOLDINGS

- The court amended Rule 7.3(b) to add paragraph (4) prohibiting solicitation of a party who has been named as a defendant or respondent in a domestic relations action until proof of service appears on the

docket, and added a comment explaining the rationale.

KEY QUOTATIONS

“In this instance, the term “domestic relations action” includes the actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§62A03 et seq. In such cases, a defendant/respondent party’s receipt of a lawyer’s solicitation prior to being served with the complaint can increase the risk of a violent confrontation between the parties. The prohibition in RPC 7.3(b)(4) against any solicitation prior to proof of service appearing on the docket is intended to reduce any such risk and allow for the plaintiff to take any appropriate steps.” ([010combined])

FACTUAL BACKGROUND

The Supreme Court of Pennsylvania amended Rule 7.3 of the Pennsylvania Rules of Professional Conduct to add a new paragraph (4) prohibiting solicitation of defendants or respondents in domestic relations actions until proof of service appears on the docket, and added a comment explaining the purpose.

DISPOSITION

approved

OPINION

PER CURIAM.

Rule 7.3 Solicitation of Clients *** (b) A lawyer may contact, or send a written communication to, the target of the solicitation for the purpose of obtaining professional employment unless: (1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer; (2) the person has made known to the lawyer a desire not to receive communications from the lawyer; [or] (3) the communication involves coercion, duress, or harassment[.]; or (4) the communication is a solicitation to a party who has been named as a defendant or respondent in a domestic relations action.

In such cases, the lawyer shall wait until proof of service appears on the docket before communication with the named defendant or respondent. Comment: *** [8] In this instance, the term “domestic relations action” includes the actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§62A03 et seq.

In such cases, a defendant/respondent party’s receipt of a lawyer’s solicitation prior to being served with the complaint can increase the risk of a violent confrontation between the parties. The

prohibition in RPC 7.3(b)(4) against any solicitation prior to proof of service appearing on the docket is intended to reduce any such risk and allow for the plaintiff to take any appropriate steps.

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