

# Order

Michigan Supreme Court  
Lansing, Michigan

September 18, 2024

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2023-25

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Proposed Amendment of Rule  
1.6 of the Michigan Rules of  
Professional Conduct

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.6 of the Michigan Rules of Professional Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Rule 1.6. Confidentiality of Information.

(a)-(b) [Unchanged.]

(c) A lawyer may reveal:

(1)-(3) [Unchanged.]

(4) the intention of a client to commit a crime and the information necessary to prevent the crime; ~~and~~

(5) confidences or secrets necessary to establish or collect a fee, or to defend the lawyer or the lawyer's employees or associates against an accusation of wrongful conduct; ~~and-~~

(6) confidences or secrets to the extent reasonably necessary to protect the client from self-harm that may result in the client's death.

(d) [Unchanged.]

Comment:

[Paragraphs 1-25 unchanged.]

*Confidentiality of Information.*

When transmitting a communication that contains confidential and/or privileged information relating to the representation of a client, the lawyer should take reasonable measures and act competently so that the confidential and/or privileged client information will not be revealed to unintended third parties. Any confidences or secrets that may be disclosed under paragraph (c)(6) may only be disclosed to an individual or entity who is licensed by the State of Michigan to provide information about or assistance with regard to suicidal individuals.

*Staff Comment (ADM File No. 2023-25):* The proposed amendment of MRPC 1.6 would provide an exception to the confidentiality rule by permitting a lawyer to reveal, to certain individuals, confidences or secrets to the extent reasonably necessary to protect a client from self-harm that may result in the client's death.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the [Court's Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2023-25. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 18, 2024

Clerk