

Order

Michigan Supreme Court
Lansing, Michigan

September 18, 2019

Bridget M. McCormack,
Chief Justice

ADM File No. 2018-11

David F. Viviano,
Chief Justice Pro Tem

Amendments of Rules 1.1
and 1.6 of the Michigan Rules
of Professional Conduct

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 1.1 and 1.6 of the Michigan Rules of Professional Conduct are adopted, effective January 1, 2020.

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

Rule 1.1 Competence

[Rule unchanged.]

Comments:

Legal Knowledge and Skill. [Unchanged.]

Thoroughness and Preparation. [Unchanged.]

Maintaining Competence. To maintain the requisite knowledge and skill, a lawyer should engage in continuing study and education, including the knowledge and skills regarding existing and developing technology that are reasonably necessary to provide competent representation for the client in a particular matter. If a system of peer review has been established, the lawyer should consider making use of it in appropriate circumstances.

Rule 1.6 Confidentiality of Information

[Rule unchanged.]

Comments: [Current language unchanged; proposed new language would be a new comment at the end of the comments section.]

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.

Staff comment: The amendments of the comments of MRPC 1.1 and MRPC 1.6 address a lawyer's obligation to maintain reasonable competence in relevant technology and ensure reasonable efforts to maintain confidentiality of documents.

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



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, 2019

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk