

Order

Michigan Supreme Court
Lansing, Michigan

April 23, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2023-25

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

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

On order of the Court, the proposed amendment of Rule 1.6 of the Michigan Rules of Professional Conduct having been published for comment at ___ Mich ___ (2024), and an opportunity having been provided for comment in writing and at a public hearing, the Court declines to adopt the proposed amendment. This administrative file is closed without further action.

WELCH, J. (*dissenting*). We received a request to consider updating Model Rule of Professional Conduct 1.6 to add a limited exception to the normal rules of confidentiality that apply to the attorney-client relationship. The proposed revision would have allowed an attorney to reveal limited confidential information obtained from a client to certain non-client individuals but only to the extent reasonably necessary to protect the client from committing suicide. Although the proposal that was originally published for comment needed additional refinement, all public comments—including those from the State Bar of Michigan Professional Ethics Committee and the Attorney Grievance Commission—supported the concept and suggested revisions. Rather than adopt or republish a more refined amendment than what we initially proposed, the Court has decided to close this file without further action. I am disappointed by this decision.

Clients, many of whom are in the midst of crisis while navigating difficult legal issues, share a great deal of information with their attorneys in confidence. This could include a client's plan to harm themselves. Attorneys placed in such a situation face an unenviable moral and ethical quandary because our current ethical rules generally do not allow attorneys to breach confidence to save the life of their client without the client's consent. Despite this, I suspect that many attorneys would rather risk being sanctioned than live with the moral guilt associated with taking no action at all. I do not believe our ethical rules should require such a choice. I would have been open to a more refined rule that allowed for a limited disclosure to emergency first responders and some limited class of other third parties. I respectfully dissent.

CAVANAGH, C.J., joins the statement of WELCH, J.



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.

April 23, 2025

Clerk