**PHILADELPHIA BAR ASSOCIATION**

**RESOLUTION REGARDING PROPOSED AMENDMENTS TO**

**PENNSYLVANIA RULE OF PROFESSIONAL CONDUCT 1.2**

**WHEREAS,** on April 17, 2016, Governor Thomas Wolf signed into law Act 2016-16 (formerly Senate Bill 3, Printer’s No. 1690), legalizing medical marijuana in Pennsylvania in certain limited circumstances; and

**WHEREAS,** the creation and implementation of the distribution model for medical marijuana in the Commonwealth is a process that is projected to take many months and will be quite complex; and

**WHEREAS,** there are many individuals and businesses already interested in becoming involved in the business activities, regulation and patient use of medical marijuana; and

**WHEREAS,** these individuals and businesses are best served by receiving competent legal advice from and representation by Pennsylvania attorneys unfettered by a concern that counseling a client regarding conduct that is expressly permitted by Pennsylvania law, even if the attorney also addresses the legal consequences of other applicable law, nevertheless could violate Rule 1.2 of the Rules of Professional Conduct in its current form; and

**WHEREAS,** at present the production and distribution of marijuana remains illegal under federal law; and

**WHEREAS,**  this issue was addressed in Joint Opinion 2015-100 of the Philadelphia Bar Association Professional Guidance and the Pennsylvania Bar Association Legal Ethics and Professional Responsibility Committees; and

**WHEREAS,** that opinion recommends a change to Rule 1.2d and the addition of Rule 1.2e; and

**WHEREAS,** the Disciplinary Board of the Supreme Court of Pennsylvania has given notice and asked for comment by June 3, 2016 on the changes proposed in that joint opinion, which notice with proposed changes is attached as Exhibit “A,”

**NOW, THEREFORE, BE IT RESOLVED** that the Philadelphia Bar Association endorses the amendments to Pennsylvania Rule of Professional Conduct 1.2 as proposed by the Disciplinary Board of the Supreme Court of Pennsylvania in its “Notice of Proposed Rule Making,”

**AND BE IT FURTHER RESOLVED** that the Chancellor and/or the Chancellor’s designee(s) shall communicate the position of the Philadelphia Bar Association to the Disciplinary Board of the Supreme Court of Pennsylvania, the legal profession and the public and take such other action as may be necessary to effectuate this Resolution.

**PHILADELPHIA BAR ASSOCIATION**

**BOARD OF GOVERNORS**

**ADOPTED: May 26, 2016**