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COMPARISON OF STATE CONFIDENTIALITY RULES

ABA Model Rule 1.6 (b) (2) and (3):
Revealing Confidential Information in Cases of Financial Harm

	Disclosure to prevent crime (including criminal fraud)			Disclosure to prevent non- criminal fraud likely to result in substantial loss	Limited to use of lawyer's services	Disclosure to rectify substantial financial loss resulting from crime or fraud
	Permitted or required	Amount of loss required for disclosure				
ABA Model Rule 1.6(b)(2) and (3)	Permit	Substantial		Permit	Yes	Permit; prevent, mitigate or rectify; use of lawyer's services
Alabama (former rule)	No			No		No
Alabama Rule 1.6(b)(2), (3) (current rule , effective 2/19/09)	Permit	Substantial		No	No	No
Alaska (former rule)	Permit	Substantial		Permit	No	No
Alaska Rule 1.6(b)(2), (3) (current rule , effective 4/15/09)	Permit	Substantial		Permit	No	Permit; mitigate and rectify; use of lawyer's services
Arizona (former rule)	Permit	Any		No		No

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Arizona Rule 1.6(d)(1), (2) (current rule , effective 12/1/03)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Arkansas (former rule)	Permit	Any	No		No
Arkansas Rule 1.6(b)(2), (3) (current rule , effective 5/1/05)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
California (former rule)	No		No		No
California Rule 3-100 (current rule , effective 9/1/09)	Permit	Substantial	No	No	No
Colorado (former rule)	Permit	Any	No		No
Colorado Rule 1.6(b)(3), (4) (current rule , effective 1/1/08)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Connecticut (former rule)	Permit	Substantial	No		Permit; rectify; use of lawyer's services
Connecticut Rule 1.6(c)(1), (2) (current rule , effective 1/1/07)	Permit	Substantial	Permit	No	Permit; mitigate and rectify; use of lawyer's services
Delaware (former rule)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Delaware	Permit	Substantial	No	Yes	Permit; prevent,

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Rule 1.6(b)(2), (3) (current rule , effective 10/16/07)				mitigate or rectify; use of lawyer's services
D.C. (former rule)	No	No		No
D.C. Rule 1.6(d) (current rule , effective 2/1/07)	Permit Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Florida (former rule)	Require Any	No		No
Florida Rule 1.6(b)(1) (current rule , effective 3/22/06)	Require Any	No		No
Georgia Rule 1.6(b)(1)(i) (current rule , effective 1/1/01)	Permit Substantial (also includes third-party criminal conduct)	No		No
Hawaii Rule 1.6(b), (c)(1), (2) (current rule , effective 1/1/94)	Permit Substantial	Permit		Require to extent necessary to rectify if substantial financial harm; permit to otherwise rectify
Idaho (former rule)	Permit Any	No		No
Idaho Rule 1.6(b)(1), (3) (current rule , effective 7/1/04)	Permit Any	No		Permit; mitigate and rectify; use of lawyer's services; limited to crime
Illinois (former rule)	Permit Any	No		No

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Illinois Rule 1.6(b)(1)-(3) (current rule , effective 1/1/10)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Indiana (former rule)	Permit	Any	No		No
Indiana Rule 1.6(b)(2), (3) (current rule , effective 1/1/05)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Iowa (former rule)	Permit	Any	No		No
Iowa Rule 1.6(b)(2), (3) (current rule , effective 7/1/05)	Permit	Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Kansas (former rule)	Permit	Any	No		No
Kansas Rule 1.6(b)(1) (current rule , effective 7/1/07)	Permit	Any	No		No
Kentucky (former rule)	No		No		No
Kentucky Rule 1.6(b)(1) (current rule , effective 7/15/09)	No		No		No
Louisiana (former rule)	No		No		No
Louisiana Rule 1.6(b)(2), (3) (current rule ,	Permit	Substantial	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services

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effective 3/1/04)				
Maine (former rule)	Permit Any	No		No
Maine Rule 1.6(b)(2), (3) (current rule , effective 8/1/09)	Permit Substantial	Permit	Yes	Permit, mitigate and rectify; use of lawyer's services
Maryland (former rule)	Permit Substantial	Permit	No	Permit; rectify; use of lawyer's services
Maryland Rule 1.6(b)(2), (3) (current rule , effective 7/1/05)	Permit Substantial	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services
Massachusetts (former rule)	Permit Substantial	Permit	No	Permit; rectify; use of lawyer's services
Massachusetts Rule 1.6(b)(1) and (3) (current rule , effective 9/1/08)	Permit Substantial	Permit	No	Permit; prevent
Michigan Rule 1.6(c)(3) and (4) (current rule , effective 10/1/88)	Permit Any	No		Permit; rectify; use of lawyer's services
Michigan Rule 1.6(b)(3) (rule proposed by State Bar Ethics Committee in 2004)	Permit Any	No		Permit; rectify; use of lawyer's services
Minnesota	Permit Any	No		Permit; rectify; use

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(former rule)				of lawyer's services
Minnesota Rule 1.6(b)(4), (5) (current rule , effective 10/1/05)	Permit Substantial	Permit	Yes as to fraud; no as to crime	Permit; rectify; use of lawyer's services
Mississippi (former rule)	Permit Any	No		No
Mississippi Rule 1.6(b)(2), (3) (current rule , effective 11/3/05)	Permit Substantial	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services
Missouri (former rule)	No	No		No
Missouri Rule 1.6(b) (current rule , effective 7/1/07)	No	No		No
Montana (former rule)	No	No		No
Montana Rule 1.6(b) (current rule , effective 4/1/04)	No	No		No
Nebraska (former rule)	Permit Any	No		No
Nebraska Rule 1.6(b)(1) (current rule , effective 9/1/05)	Permit Any	No	No	No
Nevada (former rule)	Permit Any	Permit	Yes	Permit; rectify; use of lawyer's services; lawyer

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				shall make reasonable effort to persuade client to take corrective action
Nevada Rule 1.6(b)(2), (3) (current rule , effective 5/1/06)	Permit Any	Permit	Yes	Permit; mitigate and rectify; use of lawyer's services; lawyer shall make reasonable effort to persuade client to take corrective action
New Hampshire (former rule)	Permit Substantial	No		No
New Hampshire Rule 1.6(b)(1) (current rule , effective 1/1/08)	Permit Substantial	No		No
New Jersey (former rule)	Require (also required to prevent fraud upon tribunal) Substantial	Require	No	Permit; rectify; use of lawyer's services
New Jersey Rule 1.6(b), (d)(1) (current rule , effective 1/1/04)	Require Substantial (also required to prevent fraud upon tribunal and prevent third-party crimes and frauds; permitted reveal information to person threatened to extent necessary to protect them)	Require	No	Permit; rectify; use of lawyer's services
New Mexico (former rule)	Permit Substantial	No		No
New Mexico Rule 1.6(b)(2), (3)	Permit Substantial	No	Yes	Permit; prevent, mitigate or rectify;

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(current rule , effective 11/2/09)				use of lawyer's services
New York (former rule)	Permit Any (also permitted when implicit in withdrawing opinion used to further crime or fraud)	No		No
New York Rule 1.6(b)(2) (current rule , effective 4/1/09)	Permit Any (also permitted when implicit in withdrawing opinion used to further crime or fraud)	No		No
North Carolina (former rule)	Permit Any	No		Permit; rectify; use of lawyer's services
North Carolina Rule 1.6(b)(2), (4) (current rule , effective 3/1/03)	Permit Any	Permit	No as to crime; yes as to fraud	Permit; rectify and mitigate; use of lawyer's services
North Dakota (former rule)	Permit Substantial	Permit	No	Permit; rectify; use of lawyer's services without lawyer's knowledge
North Dakota Rule 1.6(c)(1), (2) (current rule , effective 8/1/06)	Permit Substantial	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services
Ohio (former rule)	Permit Any	No		No
Ohio Rule 1.6(b)(2), (3) (current rule , effective 2/1/07)	Permit Substantial	No		Permit; mitigate; use of lawyer's services
Oklahoma	Permit Any	No		Permit; rectify; use

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(former rule)				of lawyer's services; must first try to contact client and give client opportunity to rectify
Oklahoma Rule 1.6(b)(2), (3) (current rule , effective 1/1/08)	Permit Substantial	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services; must first try to contact client and give client opportunity to rectify
Oregon (former rule, effective 1/1/05)	Permit Any	No		No
Oregon Rule 1.6(b)(1) (current rule , effective 12/1/06)	Permit Any	No	No	No
Pennsylvania (former rule)	Permit Substantial (required when necessary to comply with Rule 3.3)	Permit	No as to crime; yes as to fraud	Permit; rectify and mitigate; use of lawyer's services
Pennsylvania Rule 1.6(c)(2), (3) (current rule , effective 7/1/06)	Permit Substantial	Permit	No	Permit; prevent, mitigate or rectify
Rhode Island (former rule)	No	No		No
Rhode Island Rule 1.6(b) (current rule ,	No	No		No

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effective 4/15/07)				
South Carolina (former rule)	Permit Any	No		No
South Carolina Rule 1.6(b)(1), (3) (current rule , effective 10/1/05)	Permit Any	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services
South Dakota (former rule)	No	No		Permit; rectify; use of lawyer's services
South Dakota Rule 1.6(b) (current rule , effective 1/1/04)	No	No		Permit; rectify; use of lawyer's services
Tennessee Rule 1.6(b)(1-3) (current rule , effective 1/1/2011)	Permit Substantial	Permit	Yes	Permit; prevent, mitigate, or rectify; use of lawyer's services
Texas Rule 1.05(c)(7) and (8) (current rule , effective 4/6/95)	Permit Any	Permit (not limited to substantial loss)	No	Permit; rectify; use of lawyer's services
Utah (former rule)	Permit Substantial	Permit	No	Permit; rectify; use of lawyer's services
Utah Rule 1.6(b)(2), (3) (current rule , effective 11/1/05)	Permit Substantial	Permit	Yes	Permit; rectify and mitigate; use of lawyer's services
Vermont (former rule)	Permit Any (required to reveal to third person to prevent client's crime or fraud)	No		No

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Vermont Rule 1.6(b) and (c)(1) (current rule , effective 9/1/09)	Require Any	Require	No	No
Virginia (former rule)	Require Any (also required to reveal fraud on tribunal)	Permit (not limited to substantial loss)	No	No
Virginia Rule 1.6(c) (current rule , effective 1/1/04)	Require Any (also required to reveal fraud on tribunal)	Permit (not limited to substantial loss)	No	No
Washington (former rule)	Permit Any (also permitted to reveal client's breaches of fiduciary responsibility)	No		No
Washington Rule 1.6(b)(2), (3) (current rule , effective 9/1/06)	Permit Any	No		Permit; mitigate or rectify; use of lawyer's services
West Virginia Rule 1.6(b)(1) (current rule , effective 1/1/89)	Permit Any	No		No
Wisconsin (former rule)	Require Substantial	Require	No	Permit; rectify; use of lawyer's services
Wisconsin Rule 1.6(c)(2) (current rule , effective 7/1/07)	Require Substantial	Require	No	Permit; mitigate or rectify; use of lawyer's services
Wyoming (former rule)	Permit Any	No		No

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Wyoming Rule 1.6(b)(1) (current rule , effective 7/1/06)	Permit	Any	No		No
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