

	<p style="text-align: center;"><b>American Bar Association CPR Policy Implementation Committee</b></p> <p style="text-align: center;"><b>Variations of the ABA Model Rules of Professional Conduct</b></p> <p><b>Rule 1.1: Competence</b></p> <p>A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p> <p>Variations from ABA Model Rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see <a href="http://www.abanet.org/cpr/jclr/home.html">http://www.abanet.org/cpr/jclr/home.html</a>.</p> <p>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: <a href="http://www.abanet.org/cpr/links.html">http://www.abanet.org/cpr/links.html</a>*</p>
AL Effective 2/19/09	Same as MR
AK Effective 4/15/09	Adds (b): <i>(b) In an emergency, a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required or in which referral to or consultation or association with another lawyer would be impractical; provided, however, that the assistance shall be limited to that reasonably necessary in the circumstances and the client shall be advised of the lawyer's limited knowledge in the legal field in which the advice is sought.</i>
AZ Effective 12/1/03	Same as MR
AR Effective 5/1/05	Same as MR
CA Current Rule	[California's Rules of Professional Conduct are structured differently from the ABA Model Rules. Please see California Rules : <a href="http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf">http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf</a> ]
CO Effective 1/1/08	Same as MR
CT Effective 1/1/07	(a): adds to end "Subject to revocation by the client and to the terms of the contract, a client's decision to settle a matter shall be implied where the lawyer is retained to represent the client by a third party obligated under the terms of a contract to

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	<p>provide the client with a defense and indemnity for the loss, and the third party elects to settle a matter without contribution by the client.”</p> <p>(c): adds to end “Such informed consent shall not be required when a client cannot be located despite reasonable efforts where the lawyer is retained to represent a client by a third party which is obligated by contract to provide the client with a defense.”</p>
DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	<p>(a): same as text of MR</p> <p>Adds (b) A lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.</p>
FL Effective 5/22/06	Same as MR
GA* Effective 1/1/01	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Adds after “client:” “Competent representation as used in this Rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question;” changes “comptenant representation” in beginning of second sentence to “competence;” Adds to end: “The maximum penalty for a violation of this Rule is disbarment.”</p>
HI* Effective 1/1/94	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Same as MR</p>
ID Effective 7/1/04	Same as MR
IL Effective 1/1/2010	Same as MR
IN Effective 1/1/05	Same as MR
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	Same as MR
KY Effective 7/15/09	Same as MR

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LA Effective 3/1/04	adds (b): "A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.
ME Effective 8/1/09	Same as MR
MD Effective 7/1/05	Same as MR
MA Rules effective 9/1/08	Same as MR
MI* Effective 10/1/88	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i>  Replaces language after "to a client" with: <i>A lawyer shall not:</i> <i>(a) handle a legal matter which the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it;</i> <i>(b) handle a legal matter without preparation adequate in the circumstances; or</i> <i>(c) neglect a legal matter entrusted to the lawyer.</i>
New Proposed 11/24/09	Same as 1988 Rule
MN Effective 10/1/05	Same as MR
MS Effective 11/3/05	Same as MR
MO Effective 7/1/07	Same as MR
MT Effective 4/1/04	Same as MR
NE Effective 9/1/05	adds "and judgment" after "preparation"
NV Effective 5/1/06	Same as MR
NH	First sentence of MR is (a). Changes second part of MR to:

<p>Effective 1/1/08</p>	<p><i>(b) Legal competence requires at a minimum: (1) specific knowledge about the fields of law in which the lawyer practices; (2) performance of the techniques of practice with skill; (3) identification of areas beyond the lawyer's competence and bringing those areas to the client's attention; (4) proper preparation; and (5) attention to details and schedules necessary to assure that the matter undertaken is completed with no avoidable harm to the client's interest. (c) In the performance of client service, a lawyer shall at a minimum: (1) gather sufficient facts regarding the client's problem from the client, and from other relevant sources; (2) formulate the material issues raised, determine applicable law and identify alternative legal responses; (3) develop a strategy, in consultation with the client, for solving the legal problems of the client; and (4) undertake actions on the client's behalf in a timely and effective manner including, where appropriate, associating with another lawyer who possesses the skill and knowledge required to assure competent representation.</i></p>
<p>NJ Effective 1/1/04</p>	<p>A lawyer shall not: “(a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer’s conduct constitutes gross negligence. (b) Exhibit a pattern of negligence or neglect in the lawyer’s handling of legal matters generally.”</p>
<p>NM Effective 11/2/09</p>	<p>Changed to Rule 16-101</p>
<p>NY Effective 4/1/09</p>	<p>Adds: <i>(b) A lawyer shall not handle a legal matter that the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it. (c) A lawyer shall not intentionally: (1) fail to seek the objectives of the client through reasonably available means permitted by law and these Rules; or (2) prejudice or damage the client during the course of the representation except as permitted or required by these Rules.</i></p>
<p>NC Effective 3/1/03</p>	<p>Replaced first sentence with: "A lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle without associating with a lawyer who is competent to handle the matter."</p>
<p>ND Effective 8/1/06</p>	<p>Same as MR</p>
<p>OH Effective 2/1/07</p>	<p>Same as MR</p>
<p>OK Effective 1/1/08</p>	<p>Same as MR</p>
<p>OR Effective 12/1/06</p>	<p>Same as MR</p>
<p>PA</p>	<p>Same as MR</p>

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Effective 7/1/06	
RI Effective 4/15/07	Same as MR
SC Effective 10/1/05	Same as MR
SD Effective 1/1/04	Same as MR
TN Effective 1/1/2011	Same as MR
TX* Current Rule	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Changes title to: “Competent and Diligent Representation;”</p> <p>Changes language of Rule to:</p> <p><i>(a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer’s competence, unless:</i></p> <p><i>(1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter; or</i></p> <p><i>(2) the advice or assistance of the lawyer is reasonably required in an emergency and the lawyer limits the advice and assistance to that which is reasonably necessary in the circumstances.</i></p> <p><i>(b) In representing a client, a lawyer shall not:</i></p> <p><i>(1) neglect a legal matter entrusted to the lawyer; or</i></p> <p><i>(2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.</i></p> <p><i>(c) As used in this Rule neglect signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.</i></p>
UT Effective 11/1/05	Same as MR
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	Same as MR
WA Effective 9/1/06	Same as MR
WV Effective	Same as MR

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1/1/89	
WI Effective 7/1/07	Same as MR
WY Effective 7/1/06	Same as MR

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