

**American Bar Association
CPR Policy Implementation Committee**

Variations of the ABA Model Rules of Professional Conduct

Rule 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees

(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the

	<p>matter and is apportioned no part of the fee therefrom.</p> <p>(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:</p> <ul style="list-style-type: none">(1) is subject to Rules 1.7 and 1.9; and(2) shall not:<ul style="list-style-type: none">(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b). <p>(e) As used in this Rule, the term "matter" includes:</p> <ul style="list-style-type: none">(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties, and(2) any other matter covered by the conflict of interest rules of the appropriate government agency. <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 http://www.abanet.org/cpr/jclr/home.html.</p> <p>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: http://www.abanet.org/cpr/links.html*</p>
AL Effective 2/19/09	(a) Similar to first part of MR (a), (a)(2), and (b) but deletes clause beginning with "who has formerly served;" deletes "otherwise" before "represent;" changes "gives its...representation" to "consents after

	<p>consultation;” Last part of Alabama (a) is identical to last part of MR (b) beginning with “no lawyer;” (a)(1) and (2) are identical to MR (b)(1) and (2) (b) is equivalent to MR (c) but with changes in wording: <i>Except as may otherwise be permitted by law, a lawyer, having information concerning a person, which was acquired when the lawyer was a public officer or employee and which the lawyer knows to be confidential government information, may not represent a private client whose interests are adverse to that person in a matter in which such information could be used to that person's material disadvantage. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is precluded from any participation in the matter and is apportioned no part of the fee therefrom.</i> (a) is identical to MR (d) with MR (d)(2) added to the end; (c)(1) is similar to MR (d)(2)(i) but changes “unless the appropriate...or” to “unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or;” (c)(2) is identical to MR (d)(2)(ii); (d)(1) and (2) are identical to MR (e)(1) and (2); Adds (e): <i>As used in this rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p>
<p>AK Effective 4/15/09</p>	<p>(e)(1) Changes “contract” to “transaction.”</p>
<p>AZ Effective 12/1/03</p>	<p>Did not amend their 1.11 other than to add “gives informed consent, confirmed in writing, to the representation” in (a). Rule similar to old MR.</p>
<p>AR Effective 5/1/05</p>	<p>Title: SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT. (d)(2)(ii), after “substantially” reads: unless the lawyer has the consent, confirmed in writing, of the appropriate government supervisor or official. A lawyer serving as a law clerk to a judge or other adjudicative officer is subject to Rule 1.12(b).</p>
<p>CA Current Rule</p>	<p>[California’s Rules of Professional Conduct are structured differently from the ABA Model Rules. Please see California Rules : http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf]</p>
<p>CO Effective 1/1/08</p>	<p>(b)(2) is equivalent to MR but changes wording to: <i>(2) the personally disqualified lawyer gives prompt written notice (which shall contain a general description of the personally disqualified lawyer’s prior participation in the matter and the screening procedures to be employed), to the government agency to</i></p>

	<p><i>enable the government agency to ascertain compliance with the provisions of this Rule; and</i></p> <p>Adds (b)(3):</p> <p><i>(3) the personally disqualified lawyer and the partners of the firm with which the personally disqualified lawyer is now associated, reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.</i></p>
<p>CT Effective 1/1/07</p>	<p>Same as MR</p>
<p>DE Effective 7/1/03</p>	<p>Same as MR</p>
<p>District of Columbia Effective 2/1/07</p>	<p>Title: same as former MR but adds “or Other” after “Private”</p> <p>(a) A lawyer shall not accept other employment in connection with a matter which is the same as, or substantially related to, a matter in which the lawyer participated personally and substantially as a public officer or employee. Such participation includes acting on the merits of a matter in a judicial or other adjudicative capacity.</p> <p>(b) If a lawyer is required to decline or to withdraw from employment under paragraph (a) on account of a personal and substantial participation in a matter, no partner or associate of that lawyer, or lawyer with an of counsel relationship to that lawyer, may knowingly accept or continue such employment except as provided in paragraphs (c) and (d) below. The disqualification of such other lawyers does not apply if the sole form of participation was as a judicial law clerk.</p> <p>(c) The prohibition stated in paragraph (b) shall not apply if the personally disqualified lawyer is timely screened from any form of participation in the matter or representation as the case may be, and from sharing in any fees resulting therefrom, and if the requirements of paragraphs (d) and (e) are satisfied.</p> <p>(d) Except as provided in paragraph (e), when any of counsel, lawyer, partner, or associate of a lawyer personally disqualified under paragraph (a) accepts employment in connection with a matter giving rise to the personal disqualification, the following notifications shall be required:</p> <p>(1) The personally disqualified lawyer shall submit to the public department or agency by which the lawyer was formerly employed and serve on each other party to any pertinent proceeding a signed document attesting that during the period of disqualification the personally disqualified lawyer will not participate in any manner in the matter or the representation, will not discuss the matter or the representation with any partner, associate, or of counsel lawyer, and will not share in any fees for the matter or the representation.</p> <p>(2) At least one affiliated lawyer shall submit to the same department or</p>

	<p>agency and serve on the same parties a signed document attesting that all affiliated lawyers are aware of the requirement that the personally disqualified lawyer be screened from participating in or discussing the matter or the representation and describing the procedures being taken to screen the personally disqualified lawyer.</p> <p>(e) If a client requests in writing that the fact and subject matter of a representation subject to paragraph (d) not be disclosed by submitting the signed statements referred to in paragraph (d), such statements shall be prepared concurrently with undertaking the representation and filed with Bar Counsel under seal. If at any time thereafter the fact and subject matter of the representation are disclosed to the public or become a part of the public record, the signed statements previously prepared shall be promptly submitted as required by paragraph (d).</p> <p>(f) Signed documents filed pursuant to paragraph (d) shall be available to the public except to the extent that a lawyer submitting a signed document demonstrates to the satisfaction of the public department or agency upon which such documents are served that public disclosure is inconsistent with Rule 1.6 or other applicable law.</p> <p>(g) This rule applies to any matter involving a specific party or parties.</p> <p>(h) A lawyer who participates in a program of temporary service to the Office of the District of Columbia Attorney General of the kind described in Rule 1.10(e) shall be treated as having served as a public officer or employee for purposes of paragraph (a), and the provisions of paragraphs (b)-(e) shall apply to the lawyer and to lawyers affiliated with the lawyer.</p>
<p>FL Effective 5/22/06</p>	<p>(a): adds “Representation of Private Client by Former Public Officer or Employee.” to beginning Deletes “Except as law may otherwise expressly permit”</p> <p>(a)(1): changes reference to 1.9(b)</p> <p>(b): adds “Representation by Another Member of the Firm.” to beginning (b)(1): adds “directly” before “apportioned”</p> <p>(c): adds “Use of Confidential Government Information.” to beginning Deletes “Except as law may otherwise expressly permit” and “timely” before “screened”</p> <p>(d): adds “Limits on Participation of Public Officer or Employee.” to beginning Deletes “Except as law may otherwise expressly permit”</p> <p>(d)(2)(A): same as MR (d)(2)(i) except deletes “confirmed in writing”</p> <p>(d)(2)(B): same as MR (d)(2)(ii) except replaces “lawyer for a party” with “attorney for a party” and ends paragraph after “substantially”</p> <p>(e): adds “Matter Defined.” to beginning</p>
<p>GA* Effective 1/1/01</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Title: RULE 1.11 SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT</p> <p>Changes “gives informed consent” to “consents after consultation”</p>

	<p>throughout;</p> <p>(a) Deletes clause, “who has formerly served as a public officer or employee of the government;” does not have MR (a)(1); does not have “otherwise” before “represent;” deletes “confirmed...representation;” adds: <i>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</i> <i>(2) written notice is duly given to the client and to the appropriate government entity to enable it to ascertain compliance with the provisions of this rule.</i></p> <p>Does not have MR (b);</p> <p>(b) is similar to MR (c) but deletes “As used..to the public;”</p> <p>(c) is similar to MR (d) but deletes “currently;” adds “shall not” to end;”</p> <p>Does not have MR (d)(1);</p> <p>(c)(1) is similar to MR (d)(2)(i) but replaces “under...matter; or” with “under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer’s stead in the matter; or;”</p> <p>(c)(2) is the same as MR (d)(2)(ii);</p> <p>(d) is the same as MR(e);</p> <p>Adds: <i>(e) As used in this Rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p> <p><i>The maximum penalty for a violation of this Rule is disbarment.</i></p>
<p>HI* Effective 1/1/94</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(a) Combines MR (a) and (a)(1) but deletes “who has formerly served as a public officer or employee of the government;” adds “private” before “client;” deletes language after “officer or employee” and adds instead: “No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless;”</p> <p>Adds: <i>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</i> <i>(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.</i></p> <p>Does not have MR (b);</p> <p>(b) is similar to MR (c) but deletes “As used...to the public;”</p> <p>(c) is similar to MR (d) and (d)(2) but deletes “currently” and adds to end “shall not;”</p> <p>(c)(1) is similar to MR (d)(2)(i) but replaces language after “unless” with</p>

	<p>“under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or;” (c)(2) is similar to MR (d)(2)(ii) but changes “lawyer” to “attorney;” (d) is the same as MR (e); Adds: <i>(e) As used in this rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p>
ID Effective 7/1/04	Has Rule as proposed by E2000 in 8/01
IL Effective 1/1/2010	Deletes “confirmed in writing” in paragraphs (a)(2) and (d)(2)(ii).
IN Effective 1/1/05	Same as MR
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	<p>(a) First clause is the same as the first clause of MR (a); adds: <i>a lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation</i>; Last sentence is the same as the second clause of MR (b); (a)(1) is similar to MR (b)(1) but deletes “timely” before “screened;” (a)(2) is the same as MR (b)(2). (b) is similar to MR (c) but deletes entire sentence beginning with “As used in this Rule;” in last sentence deletes “timely” before “screened.” (c) is similar to MR (d) but deletes “currently” and adds “shall not” to end; Does not adopt MR (d)(1); (c)(2) is similar to MR (d)(2)(i) but replaces everything following “unless” with: <i>under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or</i>; (c)(3) is similar to MR (d)(2)(ii) but replaces “lawyer” with “attorney” throughout; (d) is similar to MR (e); Adds (e): <i>(e) As used in this Rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise</i></p>

As of October 21, 2010

	<i>available to the public.</i>
KY Effective 7/15/09	(c)(2)(ii) replaces “lawyer” with “attorney.”
LA Effective 3/1/04	Same as MR
ME Effective 8/1/09	(b)(2) is similar to MR, but changes wording to: <i>(2) the appropriate governmental officer or agency gives its informed consent, confirmed in writing, to the representation.</i> (d)(2) is similar to MR but moves substance of everything following “unless” to subparagraph (d)(2)(A); (d)(2)(A) is equivalent to last part of MR (d)(2) but adds “officer” or before “agency” and adds “to the representation” before “or;” Adds subparagraph (d)(2)(B): <i>(B) under applicable law, no one is or by lawful delegation may be authorized to act in the lawyer’s stead in the matter.</i>
MD Effective 7/1/05	Same as MR
MA Rules effective 9/1/08	Does not adopt MR (a) or (b); Adds: <i>(a) Except as law may otherwise expressly permit, a lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:</i> <i>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</i> <i>(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.</i> (b) is similar to MR (c), but deletes sentence beginning with “As used in this Rule;” (c) is similar to MR (d) but deletes “currently” before “serving;” adds “shall not;” Does not adopt (d)(1); (c)(1) is similar to MR (d)(2)(i) but replaces language after “unless” with “under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or;” (c)(2) is the same as MR (d)(2)(ii); Adds: <i>(e) As used in this rule, the term "confidential government</i>

	<p><i>information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p>
<p>MI* Rules effective 10/1/88</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Title: "Successive Government and Private Employment;" Changes "gives informed consent" to "consents after consultation" throughout; (a) is similar to combined MR (a) and (a)(2) but deletes "otherwise;" replaces language after "government agency" with "consents after consultation. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, unless;" Adds: <i>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and (2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.</i></p> <p>Does not have MR (b); (b) is similar to MR (c) but deletes "As used...to the public;" (c) is similar to combined MR (d) and (d)(2) but deletes "currently;" (c)(1) is similar to MR (d)(2)(i) but replaces language after "unless" with "under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or;" (c)(2) is similar to MR (d)(2)(ii) but replaces language after "employment" with "in accordance with Rule 1.12(b);" (d) is the same as MR (e); Adds: <i>(e) As used in this rule, the term "confidential government information" means information that has been obtained under governmental authority and that, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and that is not otherwise available to the public.</i></p>
<p>New Proposed 11/24/09</p>	<p>Same as 1988 Rule.</p>
<p>MN Effective 10/1/05</p>	<p>Same as MR</p>
<p>MS Effective 11/3/05</p>	<p>Title, (a), (b), (c) and (c)(1): retains former MR (c)(2): retains former MR but deletes all language after "substantially" (d) and (e): retains former MR</p>

<p>MO Effective 7/1/07</p>	<p>(d)(2)(ii) Replaces language after “as permitted by” with “and subject to the conditions stated in, Rule 4-1.12(b);” Adds: <i>(e) A lawyer who also holds public office, whether full or part-time, shall not engage in activities in which his or her personal or professional interests are or foreseeably could be in conflict with his or her official duties or responsibilities.</i> <i>(1) A lawyer holding public office shall not attempt to influence any agency of any political subdivision of which such lawyer is a public officer, other than as a part of his or her official duties or except as authorized in sections 105.450 to 105.496, RSMo.</i> <i>(2) No lawyer in a firm in which a lawyer holding a public office is associated may undertake or continue representation in a matter in which the lawyer who holds public office would be disqualified, unless the lawyer holding public office is <u>screened</u> in the manner set forth in Rule 4-1.11(a).</i> (f) is the same as MR (e).</p>
<p>MT Effective 4/1/04</p>	<p>Same as MR</p>
<p>NE Effective 9/1/05</p>	<p>Same as MR</p>
<p>NV Effective 5/1/06</p>	<p>Same as MR</p>
<p>NH Effective 1/1/08</p>	<p>(e)(i) is similar to MR (e)(1) but rearranges order of words: <i>(1) any judicial or other proceeding involving a specific party or parties, including an application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other proceeding; and</i></p>
<p>NJ Effective 1/1/04</p>	<p>(a) Except as law may otherwise expressly permit, <u>and subject to RPC 1.9, a lawyer who formerly has served as a government lawyer or public officer or employee of the government shall not represent a private client in connection with a matter:</u> <u>(1) is subject to Rule 1.9(e); and</u> <u>(2)(1) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation or</u> <u>(2) for which the lawyer had substantial responsibility as a public officer or employee; or</u> <u>(3) when the interests of the private party are materially adverse to the appropriate government agency, provided, however, that the application of</u></p>

<p><u>this provision shall be limited to a period of six months immediately following the termination of the attorney's service as a government lawyer or public officer.</u></p> <p>(e)(b) Except as law may otherwise expressly permit, a lawyer <u>having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a</u> who formerly has served as <u>a government lawyer or public officer or employee of the government:</u></p> <p><u>(1) shall be subject to RPC 1.9(c)(2) in respect of information relating to a private party or information that the lawyer knows is confidential government information about a person acquired by the lawyer while serving as a government lawyer or public officer or employee of the government, and</u></p> <p><u>(2) may shall</u> not represent a private client <u>person</u> whose interests are adverse to that person <u>private party</u> in a matter in which the information could be used to the material disadvantage of that person <u>party</u>.</p> <p>(Definition of "confidential government information moved to (e)(2); rest of MR deleted)</p> <p>(b)(c) <u>When</u> <u>In the event</u> a lawyer is disqualified from representation under paragraph (a) or (b), no lawyer in <u>the lawyer may not represent a private client, but</u> a firm with which that lawyer is associated may <u>knowingly undertake or continue representation in such a matter unless if:</u></p> <p><u>(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom, and</u></p> <p><u>(2) written notice is given promptly to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.</u></p> <p>(d) Except as law may otherwise expressly permit, a lawyer currently serving as a <u>government lawyer or public officer or employee of the government:</u></p> <p><u>(1) is shall be subject to RPC 4.7 and 1.9(c)(2) in respect of information relating to a private party acquired by the lawyer while in private practice or nongovernmental employment,</u></p> <p><u>(2) shall not participate in a matter (i) in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing or (ii) for which the lawyer had substantial responsibility while in private practice or nongovernmental employment, or (iii) with respect to which the interests of the appropriate government agency are materially adverse to the interests of a private party represented by the lawyer while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter or unless the private party gives its informed consent, confirmed in writing, and</u></p> <p><u>(3) shall not negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially or for which the lawyer has substantial responsibility, except that a lawyer serving as a law clerk to</u></p>
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	<p>a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and <u>shall be subject to the conditions stated in RPC 1.12(b)(c).</u></p> <p>(e)(2): definition of “confidential government information” moved from MR (c)</p>
<p>NM Effective 11/2/09</p>	<p>Changed to Rule 16-111;</p> <p>(a) Renamed “A. Subsequent representation;”</p> <p>(a)(1) Replaces “Rule 1.9(c)” with “Paragraph C of Rule 16-109 of the Rules of Professional Conduct;”</p> <p>(b) Renamed “B. Imputation of conflict to firm; screening;” Replaces “paragraph (a)” with “Paragraph A;”</p> <p>(c) Renamed “C. Confidential government information;” “Rule” is made lowercase in all instances;</p> <p>(d) Renamed “D. Subsequent government employment;”</p> <p>(d)(1) Replaces “Rules 1.7 and 1.9” to “Rules 16-107 and 16-109” of the Rules of Professional Conduct;”</p> <p>(d)(2)(ii) Replaces “Rule 1.12(b)” with “Paragraph B of Rule 16-112 of the Rules of Professional Conduct” and, subsequently, with “Paragraph B of Rule 16-112;”</p> <p>(d) Renamed “E. “Matter” defined;” “Rule” becomes lowercase.</p>
<p>NY Effective 4/1/09</p>	<p>(a)(1) Changes “is subject to” to “shall comply with;”</p> <p>(a)(2) Adds to end of paragraph: “This provision shall not apply to matters governed by Rule 1.12(a);”</p> <p>Replaces (b)(1) and (2) with:</p> <p style="padding-left: 40px;">(1) <i>the firm acts promptly and reasonably to:</i></p> <p style="padding-left: 80px;">(i) <i>notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client;</i></p> <p style="padding-left: 80px;">(ii) <i>implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm;</i></p> <p style="padding-left: 80px;">(iii) <i>ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and</i></p> <p style="padding-left: 80px;">(iv) <i>give written notice to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule; and</i></p> <p style="padding-left: 40px;">(2) <i>there are no other circumstances in the particular representation that create an appearance of impropriety.</i></p> <p>(c) Changes “permit” to “provide” in first sentence; adds “and effectively” after “timely;” replaces everything following “participation in the matter” with “in accordance with the provisions of paragraph (b);”</p> <p>(d) Similar to MR but adds “shall not” to end of paragraph;</p> <p>Does not adopt MR (d)(1);</p> <p>(d)(1) is similar to MR (d)(1)(i) but replaces everything following “unless” with: “under applicable law no one is, or by lawful delegation may be,</p>

	<p>authorized to act in the lawyer’s stead in the matter; or;” (d)(2) is similar to MR (d)(1)(ii) but deletes everything after “personally and substantially;” (e) Replaces everything after “matter” with “as defined in Rule 1.0(l) does not include or apply to agency rulemaking functions;” Does not adopt (e)(1) or (2); Adds (f): (f) <i>A lawyer who holds public office shall not:</i> (1) <i>use the public position to obtain, or attempt to obtain, a special advantage in legislative matters for the lawyer or for a client under circumstances where the lawyer knows or it is obvious that such action is not in the public interest;</i> (2) <i>use the public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client; or</i> (3) <i>accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer’s action as a public official.</i></p>
NC Effective 3/1/03	<p>proposed the version of 1.11 from the August 2001 report to the HOD. references to apportionment of the fee are deleted.</p>
ND Effective 8/1/06	<p>Title: has former MR title (a)(2), changes end: “... appropriate government agency consents to the representation” (d)(2)(i): omits “obtained in writing” and “informed” before “consent”</p>
OH Effective 2/1/07	<p>(a): deletes “Except as law may otherwise expressly permit,” adds “shall comply with both of the following” to end (a)(1) all applicable laws and Rule 1.9(c) regarding conflicts of interest; (a)(2): deletes “shall” (b): adds “both of the following apply” to end (b)(2): deletes “promptly,” adds “as soon as practicable” after “given” (d): adds to end “shall comply with both of the following” (d)(1): deletes “is subject to” (d)(2): adds to end “do either of the following” (e): adds to end “both of the following”</p>
OK Effective 1/1/08	<p>Same as MR</p>
OR Effective 12/1/06	<p>(a): adds “Rule 1.12 or” after “Except as.” (b) and (c) Identical with two differences. The limitation on apportionment of fees is not included and screening procedures must be in accordance with the procedures set forth in rule 1.10(c). adds four additional provisions in (d)(2): (i) use the lawyer’s public position to obtain, or attempt to obtain, special advantage in legislative matters for the lawyer or for a client.</p>

	<p>(ii) use the lawyer’s public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client.</p> <p>(iii) accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer’s action as a public official.</p> <p>(iv) either while in office or after leaving office use information that the lawyer knows is confidential government information obtained while a public official to represent a private client.</p> <p>MR (d)(2)(i) is renumber as (d)(2)(v) and is amended by requiring consent of the lawyer’s former client as well as the appropriate government agency.</p> <p>(d)(2)(vi): Identical (d)(2)(ii).</p> <p>MR (e) has been moved to Rule 1.0 definition section add as (e):</p> <p>Notwithstanding any Rule of Professional Conduct, and consistent with the "debate" clause, Article IV, section 9, of the Oregon Constitution, or the "speech or debate" clause, Article I, section 6, of the United States Constitution, a lawyer-legislator shall not be subject to discipline for words uttered in debate in either house of the Oregon Legislative Assembly or for any speech or debate in either house of the United States Congress.</p> <p>add as (f): A member of a lawyer-legislator’s firm shall not be subject to discipline for representing a client in any claim against the State of Oregon provided:</p> <p>(1) the lawyer-legislator is screened from participation or representation in the matter in accordance with the procedure set forth in Rule 1.10 (the required affidavits shall be served on the Attorney General); and</p> <p>(2) the lawyer-legislator shall not directly or indirectly receive a fee for such representation</p>
<p>PA Effective 7/1/06</p>	<p>(a)(2): does not include “confirmed in writing”</p> <p>(b)(1) and (c): does not include the word “timely”</p> <p>(d)(2)(i): does not include “confirmed in writing”</p>
<p>RI Effective 4/15/07</p>	<p>Same as MR</p>
<p>SC Effective 10/1/05</p>	<p>Same as MR</p>
<p>SD Effective 1/1/04</p>	<p>(d)(1): adds reference to 1.13.</p>
<p>TN Effective 1/1/2011</p>	<p>(b) Adds after “in such a matter unless”: <i>both the personally disqualifies lawyer and the lawyers who are representing the client in the matter act reasonably to:</i></p> <p><i>(1) ascertain that the personally disqualified lawyer is prohibited from participating in the representation of the current client; and</i></p> <p><i>(2) determine that no lawyer representing the client has acquired any material confidential government information relating to the</i></p>

	<p><i>matter; and</i></p> <p><i>(3) promptly implement screening procedures to effectively prevent the flow of information about the matter between the personally disqualified lawyer and other lawyers in the firm; and</i></p> <p><i>(4) advise the government agency in writing of the circumstances that warranted the utilization of the screening procedures required by this Rule and the actions that have been taken to comply with this Rule.</i></p> <p>(c) Changes last sentence after “in the matter only if” to “both the personally disqualified lawyer and the lawyers who are representing the client in the matter comply with the requirements set forth in paragraph (b).”</p> <p>(d)(2)(i) Adds at the end: “or under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer’s stead in the matter; or”</p> <p>(d)(2)(ii) Adds after “a lawyer serving as”: “a staff attorney to a court or as”</p>
<p>TX* Effective 3/1/05</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Title: “Successive Government and Private Employment;”</p> <p>Replaces “gives informed consent” with “consents after consultation” throughout;</p> <p>(a) is similar to combined MR (a) and (a)(2) but deletes clause, “a lawyer who has...government” and deletes “confirmed in writing;”</p> <p><i>(b) No lawyer in a firm with which a lawyer subject to paragraph (a) is associated may knowingly undertake or continue representation in such a matter unless:</i></p> <p><i>(1) The lawyer subject to paragraph (a) is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</i></p> <p><i>(2) written notice is given with reasonable promptness to the appropriate government agency.</i></p> <p>(c) Adds “or should know” after “knows;” replaces language after “about a person” with “or other legal entity acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person or legal entity;”</p> <p>Adds:</p> <p><i>(d) After learning that a lawyer in the firm is subject to paragraph (c) with respect to a particular matter, a firm may undertake or continue representation in that matter only if that disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.</i></p> <p>(e) is similar to combined MR (d) and (d)(2) but deletes “currently;”</p>

	<p>(e)(1) replaces “in which the lawyer...substantially” with “(d) After learning that a lawyer in the firm is subject to paragraph (c) with respect to a particular matter, a firm may undertake or continue representation in that matter only if that disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom;” replace language after “unless” with “under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer’s stead in the matter; or;”</p> <p>(e)(2) Changes “lawyer” to “attorney;” deletes language after “substantially;”</p> <p>(f) is equivalent to MR (e) but changes language to:</p> <p style="padding-left: 40px;"><i>(f) As used in this rule, the term matter does not include regulation-making or rule-making proceedings or assignments, but includes:</i></p> <p style="padding-left: 80px;"><i>(1) Any adjudicatory proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge accusation, arrest or other similar, particular transaction involving a specific party or parties; and</i></p> <p style="padding-left: 80px;"><i>(2) any other action or transaction covered by the conflict of interest rules of the appropriate government agency.</i></p> <p>Adds:</p> <p style="padding-left: 40px;"><i>(g) As used in this rule, the term confidential government information means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p> <p style="padding-left: 40px;"><i>(h) As used in this Rule, Private Client includes not only a private party but also a governmental agency if the lawyer is not a public officer or employee of that agency.</i></p> <p style="padding-left: 40px;"><i>(i) A lawyer who serves as a public officer or employee of one body politic after having served as a public officer of another body politic shall comply with paragraphs (a) and (c) as if the second body politic were a private client and with paragraph (e) as if the first body politic were a private client.</i></p>
<p>UT Effective 11/1/05</p>	
<p>VT Effective 9/1/09</p>	<p>Same as MR</p>
<p>VA Effective 1/1/04</p>	<p>(a) A lawyer who holds public office shall not:</p> <p>(1) use the public position to obtain, or attempt to obtain, a special advantage in legislative matters for the lawyer or for a client under circumstances where the lawyer knows or it is obvious that such action is not in the public interest;</p>

	<p>(2) use the public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client; or</p> <p>(3) accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer's action as a public official.</p> <p>(b): same as former MR (a)</p> <p>(c): same as former MR (b)</p> <p>(d): same as former MR (c)</p> <p>(d)(1): same as former MR (c)(1)</p> <p>(d)(2): same as former MR (c)(2) but adds "mediator" after "officer"</p> <p>(f): same as former MR (e)</p>
<p>WA Effective 9/1/06</p>	<p>Same as MR</p>
<p>WV* Effective 1/1/89</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Changes title to: "Successive Government and Private Employment;"</p> <p>Changes "gives informed consent" to "consents after consultation" throughout;</p> <p>(a) similar to combined MR (a) and (a)(2), but deletes "who has...government;" deletes "otherwise" before "represent" and "private" before "client;" adds to end: "No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless;"</p> <p>Adds subparagraphs (a)(1) and (2):</p> <p style="padding-left: 40px;"><i>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</i></p> <p style="padding-left: 40px;"><i>(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.</i></p> <p>Does not have MR (b);</p> <p>(b) is similar to MR (c) but deletes "As used...to the public;"</p> <p>(c) is the same as combined MR (d) and (d)(2); (c)(1) is similar to MR (d)(2)(i) but replaces language after "unless" with "under applicable law no one is, or by lawful delegation may be authorized to act in the lawyer's stead in the matter; or;"</p> <p>(c)(2) is similar to MR (d)(2)(ii) but change "lawyer" to "attorney;"</p> <p>(d) is the same as MR (e);</p> <p>Adds:</p> <p style="padding-left: 40px;"><i>(e) As used in this Rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.</i></p>

As of October 21, 2010

WI Effective 7/1/07	Adds (f) The conflicts of a lawyer currently serving as an officer or employee of the government are not imputed to the other lawyers in the agency. However, where such a lawyer has a conflict that would lead to imputation in a nongovernment setting, the lawyer shall be timely screened from any participation in the matter to which the conflict applies.
WY Effective 7/1/06	(a)(2) and (d)(2)(i), changes end: “unless the appropriate government agency makes an informed decision, confirmed in writing, to allow the representation.”

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