

American Bar Association  
CPR Policy Implementation Committee

Variations of the ABA Model Rules of Professional Conduct  
Rule 1.13

August 2003

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>.

**RULE 1.13: ORGANIZATION AS CLIENT**  
(2003 Task Force on Corporate Responsibility changes in bold)

- (a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.
- (b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. **Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.**
- (c) **Except as provided in paragraph (d), if**
- (1) **despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action or a refusal to act, that is clearly a violation of law, and**
  - (2) **the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.**
- (d) **Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.**
- (e) **A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who**

	<p><b>withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization’s highest authority is informed of the lawyer’s discharge or withdrawal.</b></p> <p><del>(d)</del>(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.</p> <p><del>(e)</del>(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.</p> <ul style="list-style-type: none"> <li>• <b>Nineteen (19) states have adopted 2003 Task Force for Corporate Responsibility changes as is:</b> AL, AZ, AR, CO, CT, ID, IN, IA, KY, LA, MA, NE, NH, NM, OK, RI, SC, WA, WI</li> <li>• Seven (7) states have adopted <i>modified</i> 2003 Task Force changes: AK, IL, NV, ND, OR, UT, VT</li> <li>• Two (2) states have adopted <i>only part of</i> 2003 Task Force changes: MN, NC</li> <li>• Sixteen (16) states and the District of Columbia <i>have not</i> adopted 2003 Task Force changes: CA, DE, D.C., FL, KS, ME, MD, MS, MO, MT, NJ, NY, OH, PA, SD, VA, WY</li> </ul> <p>(Six (6) states have not made changes to Rule 1.13 since 2003 Task Force: GA, HI, MI, TN, TX, WV)</p>
<p>AL Effective 2/19/09</p>	<p>Same as former MR <b>Does not adopt 2003 Task Force changes</b></p>
<p>AK Effective 4/15/09</p>	<p>(b) Similar to former MR but replaces “action...in a matter related” with “conduct or intends to engage in conduct (whether act or omission);” replaces “is a violation” and “or a violation” with “violates;” replaces “to the organization, and that is likely” with “to the organization, and that this conduct is likely;”</p> <p>(b)(3) is similar to former MR but adds to end of paragraph: “The lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law, unless the lawyer reasonably believes that this is not necessary or is not in the best interest of the organization.”</p> <p>(c)(1) Changes “address in a timely and appropriate manner an action” to “timely and appropriately rectify a threatened or ongoing action”</p> <p>(c)(2) Deletes from “then the lawyer” through the end of the paragraph</p> <p>(d) Changes “shall not apply with respect to information” with “does not apply to client confidences and secrets”</p> <p>Adds (h): "Constituents" denotes officers, directors, employees and shareholders of a corporate client, or positions equivalent to officers, directors, employees, and</p>

	<p>shareholders held by persons acting for an organizational client that is not a corporation.</p> <p><b>Adopts modified 2003 Task Force changes</b></p>
AZ Effective 12/1/04	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
AR Effective 5/1/05	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
CA Effective 9/1/09	<p><b><i>Rule 3-600 Organization as Client</i></b></p> <p><i>(A) In representing an organization, a member shall conform his or her representation to the concept that the client is the organization itself, acting through its highest authorized officer, employee, body, or constituent overseeing the particular engagement.</i></p> <p><i>(B) If a member acting on behalf of an organization knows that an actual or apparent agent of the organization acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, the member shall not violate his or her duty of protecting all confidential information as provided in Business and Professions Code section 6068, subdivision (e). Subject to Business and Professions Code section 6068, subdivision (e), the member may take such actions as appear to the member to be in the best lawful interest of the organization. Such actions may include among others:</i></p> <p style="padding-left: 40px;"><i>(1) Urging reconsideration of the matter while explaining its likely consequences to the organization; or</i></p> <p style="padding-left: 40px;"><i>(2) Referring the matter to the next higher authority in the organization, including, if warranted by the seriousness of the matter, referral to the highest internal authority that can act on behalf of the organization.</i></p> <p><i>(C) If, despite the member's actions in accordance with paragraph (B), the highest authority that can act on behalf of the organization insists upon action or a refusal to act that is a violation of law and is likely to result in substantial injury to the organization, the member's response is limited to the member's right, and, where appropriate, duty to resign in accordance with rule 3-700.</i></p> <p><i>(D) Similar to MR (f) but deletes “when the lawyer knows...with whom the lawyer is dealing” and replaces with:</i></p> <p style="padding-left: 40px;"><i>“for whom the member acts, whenever it is or becomes apparent that the organization's interests are or may become adverse to those of the constituent(s) with whom the member is dealing. The member shall not mislead such a constituent into believing that the constituent may communicate confidential information to the member in a way that will not be used in the organization's interest if that is or becomes adverse to the constituent.”</i></p> <p><i>(E) Similar to MR (g) but changes “appropriate official” to “appropriate constituent,” adds “or constitution” before “who is to be represented,” and adds to end of paragraph, “or organization members.”</i></p>

	<b>Does not adopt 2003 Task Force changes</b>
CO Effective 1/1/08	Same as MR <b>Adopts 2003 Task Force changes</b>
CT Effective 1/1/07	Same as MR <b>Adopts 2003 Task Force changes</b>
DE Effective 10/16/07	Same as former MR <b>Does not adopt 2003 Task Force changes</b>
Wash., DC Effective 2/1/07	(b): deletes “to the organization” after “legal obligation” Does not have MR (c) – (e) (c): same as MR (f) but replaces “are adverse” with “may be adverse” (d): same as MR (g) <b>Does not adopt 2003 Task Force changes</b>
FL Effective 5/22/06	(a): adds “Representation of Organization” to beginning (b): same as former MR but adds “Violations by Officers or Employees of Organization” to beginning (c): same as former MR but adds “Resignation as Counsel for Organization” to beginning Does not have MR (d) and (e) (d): same as MR (f) but adds “Identification of Client” to beginning (e): same as MR (g) but adds “Representing Directors, Officers, Employees, Members, Shareholders, or Other Constituents of Organization” to beginning <b>Does not adopt 2003 Task Force changes</b>
GA Rules effective 1/1/01	Same as former MR but adds (f): (f) "Organization" as used herein includes governmental entities. Also adds to end of Rule: “The maximum penalty for a violation of this Rule is a public reprimand.” <b>Has not made changes to Rule since 2003 Task Force</b>
HI Effective 1/1/94	Same as former MR but adds as (f): (f) If a government lawyer knows that an officer, employee or other person associated with the government is engaged in action, intends to act or refuses to act in a matter related to the lawyer's representation that is a violation of a legal obligation to the government or the public, or a violation of law which reasonably might be imputed to the government, the lawyer shall proceed as is reasonably necessary in the best interest of the government or the public. In determining how to proceed, the lawyer shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the lawyer's representation, governmental policies concerning such matters, governmental chain of command, and any other relevant consideration. Any measures taken shall be designed to minimize disruption of the governmental functions. Such measures may include among others: (1) asking for reconsideration of the matter; (2) referring the matter to a higher authority in the government, including if warranted by the seriousness of the matter, referral to the highest government official that can act in behalf of the government on the particular matter as determined by applicable law even if

	<p>the highest authority is not within the agency or department the lawyer represents; and  (3) advising that a separate legal opinion on the matter be sought and considered; and  (4) divulging of information to persons outside the government pursuant to the limitation provided in Rule 1.6.</p> <p><b>Has not made changes to Rule since 2003 Task Force</b></p>
ID Effective 7/1/04	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
IL Effective 1/1/10	<p>(b) Changes “obligation to the organization, or a violation” to: “organization, or a crime, fraud or other violation;”  (c)(1) Changes “violation” to “crime or fraud;”  (d) Changes in two places “violation” to “crime, fraud or other violation.”  <b>Adopts modified 2003 Task Force changes</b></p>
IN Effective 1/1/05	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
IA Effective 7/1/05	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
KS Effective 7/1/07	<p>(b): same as former MR  (c): same as former MR but replaces “may resign in accordance with” with “shall follow”  Does not have MR (d) and (e)  (d): same as former MR  (e): same as MR (g)  <b>Does not adopt 2003 Task Force changes</b></p>
KY Effective 7/15/09	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
LA Effective 3/1/04	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
ME Effective 8/1/09	<p>(b): Deletes “that” before “is likely to result;” deletes from “Unless the lawyer reasonably believes” to the end of the paragraph and adds:  In determining how to proceed, the lawyer shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the lawyer’s representation, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters, and any other relevant considerations. Any measures taken shall be designed to minimize disruption of the organization and the risk of revealing confidences and secrets to persons outside the organization. Such measures may include among others:  (1) asking reconsideration of the matter;  (2) advising that a separate legal opinion on the matter be sought for presentation to appropriate authority in the organization; and</p>

	<p>(3) referring the matter to higher authority in the organization, including, if warranted by the seriousness of the matter, referral to the highest authority that can act in behalf of the organization as determined by applicable law.</p> <p>(c)(1) Deletes “or fails to address in a timely and appropriate manner”</p> <p>(c)(2) Replaces MR with:  “(2) likely to result in substantial injury to the organization, the lawyer may resign in accordance with Rule 1.16 and make such disclosures as are consistent with Rule 1.6, Rule 3.3, Rule 4.1 and Rule 8.3, but only to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.”</p> <p>(e) is identical to MR (f)</p> <p>Adds as (g):  “A lawyer who acts contrary to this Rule but in conformity with promulgated federal law shall not be subject to discipline under this Rule, regardless whether such federal law is validly promulgated.”</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>MD Effective 7/1/05</p>	<p><i>(c) When the organization's highest authority insists upon action, or refuses to take action, that is clearly a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is reasonably certain to result in substantial injury to the organization, the lawyer may take further remedial action that the lawyer reasonably believes to be in the best interest of the organization. Such action may include revealing information otherwise protected by Rule 1.6 only if the lawyer reasonably believes that:</i></p> <p><i>(1) the highest authority in the organization has acted to further the personal or financial interests of members of the authority which are in conflict with the interests of the organization; and</i></p> <p><i>(2) revealing the information is necessary in the best interest of the organization.</i></p> <p>Does not have MR (d) and (e)</p> <p>(c) and (e): same as MR (f) and (g)</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>MA Effective 9/1/08</p>	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
<p>MI Effective 10/1/88</p>	<p>(a): replaces “acting through its duly authorized” with “as distinct from its directors, officers, employees, members, shareholders, or other”</p> <p>(b): same as former MR</p> <p>(c): same as former MR but adds “of a legal obligation to the organization or” before “of law” and adds to end “and may disclose information either:</p> <p>(1) when permitted by Rule 1.6, or</p> <p>(2) when the lawyer reasonably believes that:</p> <p>(i) the highest authority in the organization has acted to further the personal or financial interests of members of that authority which are in conflict</p> <p>with the interests of the organization; and</p>

	<p>(ii) revealing the information is necessary in the best interests of the organization.”</p> <p>Does not have MR (d) and (e)</p> <p>(d) and (e): same as MR (f) and (g)</p> <p><b>Has not made changes to Rule since 2003 Task Force</b></p>
<p>MN Effective 10/1/05</p>	<p>(c): same as former MR but adds “or fails to address in a timely and appropriate manner an” before “action,” deletes “and is likely to result in substantial injury to the organization” and adds to end “and may disclose information in conformance with Rule 1.6”</p> <p>Does not have MR (d)</p> <p>(e) – (f): same as MR (e) – (g)</p> <p><b>Adopts only part of 2003 Task Force changes</b></p>
<p>MS Effective 11/3/05</p>	<p>Same as former MR</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>MO Effective 7/1/07</p>	<p>(b) and (c): same as former MR</p> <p>Does not have MR (d) and (e)</p> <p>(d) and (e): same as MR (f) and (g)</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>MT Effective 4/1/04</p>	<p>(b) and (c): same as former MR</p> <p>Does not have MR (d) and (e)</p> <p>(d) and (e): same as MR (f) and (g)</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>NE Effective 9/1/05</p>	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
<p>NV Effective 5/1/06</p>	<p>(d): replaces “representation of” with “retention by”</p> <p>(f): replaces language after “identity of the client” with “to the constituent and reasonably attempt to ensure that the constituent realizes that the lawyer’s client is the organization rather than the constituent. In cases of multiple representation such as discussed in paragraph (g), the lawyer shall take reasonable steps to ensure that the constituent understands the fact of multiple representation.”</p> <p><b>Adopts modified 2003 Task Force changes</b></p>
<p>NH Effective 1/1/08</p>	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
<p>NJ Effective 1/1/04</p>	<p>(a): replaces “by” with “to represent” and “acting through its duly authorized constituents” with “as distinct from its directors, officers, employees, members, shareholders or other constituents. For the purposes of RPC 4.2 and 4.3, however, the organization's lawyer shall be deemed to represent not only the organizational entity but also the members of its litigation control group. Members of the litigation control group shall be deemed to include current agents and employees responsible for, or significantly involved in, the determination of the organization's legal position in the matter whether or not in litigation, provided, however, that "significant involvement" requires involvement greater, and other than, the supplying of factual information or data respecting the matter. Former agents and employees who were members of the</p>

	<p>litigation control group shall presumptively be deemed to be represented in the matter by the organization's lawyer but may at any time disavow said representation.”</p> <p>(b): same as former MR</p> <p>(c) <i>When the organization's highest authority insists upon action, or refuses to take action, that is clearly a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer may take further remedial action that the lawyer reasonably believes to be in the best interest of the organization. Such action may include revealing information otherwise protected by RPC 1.6 only if the lawyer reasonably believes that:</i></p> <p style="padding-left: 40px;">(1) <i>the highest authority in the organization has acted to further the personal or financial interests of members of that authority which are in conflict with the interests of the organization; and</i></p> <p style="padding-left: 40px;">(2) <i>revealing the information is necessary in the best interest of the organization.</i></p> <p>Does not have MR (d) and (e)</p> <p>(d): same as MR (f) but replaces language after “when the lawyer” with “believes that such explanation is necessary to avoid misunderstanding on their part”</p> <p>(e): same as MR (g)</p> <p>Adds (f) <i>For purposes of this rule "organization" includes any corporation, partnership, association, joint stock company, union, trust, pension fund, unincorporated association, proprietorship or other business entity, state or local government or political subdivision thereof, or non-profit organization.</i></p> <p><b>Does not adopt 2003 Task Force changes</b></p>
<p>NM Rules effective 11/2/09</p>	<p>NM Rule 16-113 is almost identical to MR, but adds “of this rule” after reference to a paragraph throughout, adds “NMRA of the Rules of Professional Conduct” after reference to a rule throughout, and adds headings:</p> <ul style="list-style-type: none"> <li>A. Generally</li> <li>B. Acting in best interest of organization</li> <li>C. Authority to reveal information:</li> <li>D. Exception to authority to reveal information</li> <li>E. Notice of discharge or withdrawal</li> <li>F. Identity of client</li> <li>G. Personal representation of office or employee</li> </ul> <p><b>Adopts 2003 Task Force changes</b></p>
<p>NY Effective 4/1/09</p>	<p>(a) Changes wording and adds more details than MR:  <i>“When a lawyer employed or retained by an organization is dealing with the organization’s directors, officers, employees, members, shareholders or other constituents, and it appears that the organization’s interests may differ from those of the constituents with whom the lawyer is dealing, the lawyer shall explain that the lawyer is the lawyer for the organization and not for any of the constituents.”</i></p> <p>(b): adds “or” before “intends,” deletes “or” before “a violation;”          Moves “is a violation...imputed to the organization, and” into a new subparagraph</p> <p>(b)(i)          Replaces “that” before “is likely” with “(ii)” and moves the rest of the paragraph into</p>

	<p>a new subparagraph (b)(ii)  (c) is identical to former MR  Does not adopt MR (c) through (f)  (d): same as MR (g)  <b>Does not adopt 2003 Task Force changes</b></p>
<p>NC  Effective  3/2/06</p>	<p>(c): has former MR but adds “reveal such information outside the organization to the extent permitted by Rule 1.6 and may” after “the lawyer may”  (e): replaces “either of these paragraphs” with “these Rules”  <b>Adopts only part of 2003 Task Force changes</b></p>
<p>ND  Effective  8/1/06</p>	<p>(d): replaces “constituent” with “consultant”  (f): replaces “knows or reasonably should know” with “reasonably believes,” adds “or are likely to become” before “adverse”  (g): replaces “official” with “constituent,” deletes “or by the shareholders”  <b>Adopts modified 2003 Task Force changes</b></p>
<p>OH  Effective  2/1/07</p>	<p>(a): deletes “duly authorized,” adds “A lawyer employed or retained by an organization owes allegiance to the organization and not to any constituent or other person connected with the organization. The constituents of an organization include its owners and its duly authorized officers, directors, trustees, and employees.” to end  <i>(b) If a lawyer for an organization knows or reasonably should know that its constituent's action, intended action, or refusal to act (1) violates a legal obligation to the organization, or (2) is a violation of law that reasonably might be imputed to the organization and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is necessary in the best interest of the organization. When it is necessary to enable the organization to address the matter in a timely and appropriate manner, the lawyer shall refer the matter to higher authority, including, if warranted by the circumstances, the highest authority that can act on behalf of the organization under applicable law.</i>  (c) <i>The discretion or duty of a lawyer for an organization to reveal information relating to the representation outside the organization is governed by Rule 1.6 (b) and (c).</i>  Does not have MR (d) and (e)  (d): same as MR (f)  (e): same as MR (g) but adds “written” after “If the organization’s”  <b>Does not adopt 2003 Task Force changes</b></p>
<p>OK  Effective  1/1/08</p>	<p>Same as MR  <b>Adopts 2003 Task Force changes</b></p>
<p>OR  Effective  1/1/05  and  amended  12/1/06</p>	<p>(g): replaces “shall” with “may only”  <b>Adopts modified 2003 Task Force changes</b></p>
<p>PA  Effective  7/1/06</p>	<p>Same as former MR  <b>Does not adopt 2003 Task Force changes</b></p>

RI Effective 4/15/07	Same as MR <b>Adopts 2003 Task Force changes</b>
SC Effective 10/1/05	Same as MR <b>Adopts 2003 Task Force changes</b>
SD Effective 1/1/04	Same as former MR <b>Does not adopt 2003 Task Force changes</b>
TN Rules effective 1/1/2011	(c) Replaced by: <i>If despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and is likely to result in substantial injury to the organization, the lawyer may withdraw in accordance with RPC 1.16 and may make such disclosures of information relating to the organization's representation only to the extent permitted to do so by RPCs 1.6 and 4.1.</i> TN (d) same as MR (e) TN (e) same and MR (f) TN (f) same as MR (g) but adds references to Rule 2.2 in addition to 1.7.
TX Rules Effective 4/6/95	<b>Rule 1.13. Conflicts: Public Interests Activities</b> <i>A lawyer serving as a director, officer or member of a legal services, civic, charitable or law reform organization, apart from the law firm in which the lawyer practices, shall not knowingly participate in a decision or action of the organization:</i> <i>(a) if participating in the decision would violate the lawyer's obligations to a client under Rule 1.06; or</i> <i>(b) where the decision could have a material adverse effect on the representation of any client of the organization whose interests are adverse to a client of the lawyer.</i> <b>Has not made changes to Rule since 2003 Task Force</b>
UT Effective 11/1/05	(e): replaces "reasonably believes that he or she has been discharged" with "has been discharged and reasonably believes the discharge was" Adds (h) <i>A lawyer elected, appointed, retained or employed to represent a governmental entity shall be considered for the purpose of this rule as representing an organization. The government lawyer's client is the governmental entity except as the representation or duties are otherwise required by law. The responsibilities of the lawyer in paragraphs (b) and (c) may be modified by the duties required by law for the government lawyer.</i> <b>Adopts modified 2003 Task Force changes</b>
VT Effective 9/1/09	(a) Adds after "representation that is:" "reasonably certain to result in harm that would require a disclosure of information relating to the representation under Rule 1.6(b), or that is;" Deletes "proceed as is reasonably" through "best interest in the organization to do so;" Adds at the end of last sentence in paragraph: "unless the lawyer reasonably believes that: (1) a disclosure required by Rule 1.6(b) is necessary to prevent harm pursuant to that rule before a referral can be made or acted upon;

	<p>(2) a referral is otherwise not feasible in the circumstances, considering the best interests of the organization; or</p> <p>(3) a referral is not necessary in the best interests of the organization.”</p> <p>(c) Combines (c)(1) and (c)(2) into one paragraph (c); Adds between “or a refusal to act, that” and “that is clearly” [of ABA (c)(1)]: “is reasonably certain to result in harm that would require a disclosure of information relating to the representation under Rule 1.6(b) or;” Replaces “the lawyer reasonably believes...certain to result” with “and is likely to result;”</p> <p>Adds new paragraphs (c)(1) and (c)(2):</p> <p>“(1) the lawyer reasonably believes that the action or refusal to act is reasonably certain to result in harm that would require a disclosure under Rule 1.6(b), then the lawyer must reveal the information, but only if and to the extent the lawyer reasonably believes necessary to prevent the harm; or</p> <p>(2) the lawyer reasonably believes that the action or refusal to act is a violation of law that is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 requires or permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.”</p> <p>(d) Adds at beginning of paragraph: “Except for disclosures required by Rule 1.6(b).”</p> <p><b>Adopts modified 2003 Task Force changes</b></p>
VA Effective 1/1/04	<p>Same as former MR</p> <p><b>Does not adopt 2003 Task Force changes</b></p>
WA Effective 9/1/06	<p>Adds <i>(h) For purposes of this Rule, when a lawyer who is not a public officer or employee represents a discrete governmental agency or unit that is part of a broader governmental entity, the lawyer's client is the particular governmental agency or unit represented, and not the broader governmental entity of which the agency or unit is a part, unless:</i></p> <p><i>(1) otherwise provided in a written agreement between the lawyer and the governmental agency or unit; or</i></p> <p><i>(2) the broader governmental entity gives the lawyer timely written notice to the contrary, in which case the client shall be designated by such entity. Notice under this subsection shall be given by the person designated by law as the chief legal officer of the broader governmental entity, or in the absence of such designation, by the chief executive officer of the entity.</i></p> <p><b>Adopts 2003 Task Force changes</b></p>
WV Effective 1/1/89	<p>Same as former MR</p> <p><b>Has not made changes to Rule since 2003 Task Force</b></p>
WI Effective 7/1/07	<p>Adds <i>(h) Notwithstanding other provisions of this Rule, a lawyer shall comply with the disclosure requirements of SCR 20:1.6(b).</i></p> <p><b>Adopts 2003 Task Force changes</b></p>
WY Effective 7/1/06	<p>Same as former MR</p> <p><b>Does not adopt 2003 Task Force changes</b></p>

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