

	<p style="text-align: center;">American Bar Association CPR Policy Implementation Committee</p> <p style="text-align: center;">Variations of the ABA Model Rules of Professional Conduct</p> <p style="text-align: center;">Rule 1.4: Communications</p> <p>(a) A lawyer shall:</p> <ul style="list-style-type: none">(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;(3) keep the client reasonably informed about the status of the matter;(4) promptly comply with reasonable requests for information; and(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law. <p>(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding 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 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) Shortens to: <i>A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.</i>

<p>AK Effective 4/15/09</p>	<p>(a) Similar to MR (a)(3) but with different wording and more details: <i>A lawyer shall keep a client reasonably informed about the status of a matter undertaken on the client's behalf and promptly comply with reasonable requests for information. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.</i></p> <p>(b) Similar to MR (a)(1) but with different wording and more details: <i>A lawyer shall promptly inform the client of any decision or circumstance that requires the client's informed consent, unless the client has already made an informed decision on the matter in previous discussions. Until the client has given the required informed consent, a lawyer shall refrain from taking binding action on the matter.</i></p> <p>Adds (c): <i>A lawyer shall inform an existing client in writing if the lawyer does not have malpractice insurance of at least \$100,000 per claim and \$300,000 annual aggregate and shall inform the client in writing at any time the lawyer's malpractice insurance drops below these amounts or the lawyer's malpractice insurance is terminated. A lawyer shall maintain a record of these disclosures for six years from the termination of the client's representation. This paragraph does not apply to lawyers employed by the government as salaried employees or to lawyers employed as inhouse counsel.</i></p> <p>Does not adopt MR (a)(2), (4), or (5); does not adopt MR (b).</p>
<p>AZ Effective 12/1/03</p>	<p>Added (c): "In a criminal case, a lawyer shall promptly inform a client of all proffered plea agreements."</p>
<p>AR Effective 5/1/05</p>	<p>(a)(5), deletes: with the client about any relevant limitation on the lawyer's conduct.</p> <p>Adds (c): A lawyer shall promptly notify a client in writing of the actual or constructive receipt by the attorney of a check or other payment received from an insurance company, an opposing party, or from any other source which constitutes the payment of a settlement, judgment, or other monies to which the client is entitled.</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>Same as MR</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>

Last updated: October 21, 2010

District of Columbia Effective 2/1/07	(a): same as former MR Adds (c) A lawyer who receives an offer of settlement in a civil case or proffered plea bargain in a criminal case shall inform the client promptly of the substance of the communication.
FL Effective 5/22/06	(a): adds to beginning "Informing Client of Status of Representation." (a)(5): changes standard to "knows or reasonably should know" (b): adds to beginning "Duty to Explain Matters to Client."
GA* Effective 1/1/01	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> First part is the same as MR (b), second clause is MR (a)(3), last clause is MR (4). Adds to end: "The maximum penalty for a violation of this Rule is a public reprimand."
HI* Effective 1/1/94	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) First sentence is the same as MR (a)(3) and (4); Adds to end: "A lawyer who receives a written offer of settlement in a civil controversy or a proffered plea bargain in a criminal case shall promptly inform the client of its substance unless prior discussions with the client have left it clear that the proposal will be unacceptable."
ID Effective 7/1/04	Adds to (a)(4): "including a request for an accounting as required by Rule 1.5(f)"
IL Effective 1/1/2010	Same as MR
IN Effective 1/1/05	(a)(5): adds at the end: "or assistance limited under Rule 1.2(c)."
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	(a) Combines MR (a)(1) and (4) but with different wording: <i>(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.</i>
KY Effective 7/15/09	Same as MR
LA Effective 3/1/04	(b) reads differently from the MR: "The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued." Adds (c): A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such

	financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).
ME Effective 8/1/09	(a)(5) Changes “limitation to the lawyer’s conduct” to “limitations set forth in the Maine Rules of Professional Conduct, or other law with respect to lawyers’ conduct;” adds “Maine” before “Rules.”
MD Effective 7/1/05	Does not include MR (a)(2)
MA Rules effective 9/1/08	Replaces MR (a) with: <i>(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.</i>
MI* Rules effective 10/1/88 New Proposed 11/24/09	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) First sentence is the same as MR (a)(3) and (4); Adds to end: “A lawyer who receives a written offer of settlement in a civil controversy or a proffered plea bargain in a criminal case shall promptly inform the client of its substance unless prior discussions with the client have left it clear that the proposal will be unacceptable.” Same as 1988 Rule.
MN Effective 10/1/05	Same as MR
MS Effective 11/3/05	(a): retains former MR
MO Effective 7/1/07	Does not adopt MR (1) through (4); Adds: <i>(1) keep the client <u>reasonably</u> informed about the status of the matter;</i> <i>(2) promptly comply with <u>reasonable</u> requests for information; and</i> (4) is the same as MR (5).
MT Effective 4/1/04	Same as MR
NE Effective 9/1/05	Same as MR
NV Effective	Adds (c) Lawyer’s Biographical Data Form. Each lawyer or law firm shall have available in written form to be provided upon request of the State Bar

<p>5/1/06</p>	<p>or a client or prospective client a factual statement detailing the background, training and experience of each lawyer or law firm. (1) The form shall be known as the “Lawyer’s Biographical Data form” and shall contain the following fields of information: (i) Full name and business address of the lawyer. (ii) Date and jurisdiction of initial admission to practice. (iii) Date and jurisdiction of each subsequent admission to practice. (iv) Name of law school and year of graduation. (v) The areas of specialization in which the lawyer is entitled to hold himself or herself out as a specialist under the provisions of Rule 7.4. (2) Upon request, each lawyer or law firm shall provide the following additional information detailing the background, training and experience of each lawyer or law firm, including but not limited to: (i) Names and dates of any legal articles or treatises published by the lawyer, and the name of the publication in which they were published. (ii) A good faith estimate of the number of jury trials tried to a verdict by the lawyer to the present date, identifying the court or courts. (iii) A good faith estimate of the number of court (bench) trials tried to a judgment by the lawyer to the present date, identifying the court or courts. (iv) A good faith estimate of the number of administrative hearings tried to a conclusion by the lawyer, identifying the administrative agency or agencies. (v) A good faith estimate of the number of appellate cases argued to a court of appeals or a supreme court, in which the lawyer was responsible for writing the brief or orally arguing the case, identifying the court or courts. (vi) The professional activities of the lawyer consisting of teaching or lecturing. (vii) The names of the volunteer or charitable organizations to which the lawyer belongs, which the lawyer desires to publish. (viii) A description of bar activities such as elective or assigned committee positions in a recognized bar organization. (3) A lawyer or law firm that advertises or promotes services by written communication not involving solicitation as prohibited by Rule 7.3 shall enclose with each such written communication the information described in paragraph (c)(1) of this Rule. (4) A copy of all information provided pursuant to the Rule shall be retained by the lawyer or law firm for a period of 3 years after last regular use of the information.</p>
<p>NH Effective 1/1/08</p>	<p>(a)(1) Deletes clause, “as required by Rule 1.0(e);” (b) Changes “a matter” to “the legal and practical aspects of a matter;” adds “and alternative courses of action” after “matter;” adds “the such explanation is” before “reasonably necessary.”</p>
<p>NJ Effective 1/1/04</p>	<p>the proposed rule has 4 paragraphs. The first paragraph in unlike the MR and states: “A lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer and where the client files are kept.”</p>

	<p>Paragraphs b, c, and d are equivalent to MRs (a)(3) through (a)(5) and (b). There is no equivalent to MRs (a)(1) and (a)(2).</p>
<p>NM Effective 11/2/09</p>	<p>Changed to Rule 16-104; (a) Renamed “A. Status of matters;” (1) “Rule 1.0(e)” is replaced with “Paragraph E of Terminology of the Rules of Professional Conduct;” “Rules” becomes lowercase. (b) Renamed “B. Client’s informed decision-making.”</p>
<p>NY Effective 4/1/09</p>	<p>(a)(1) and (a)(1)(i) are the same as MR (a)(1); Adds (1)(ii) and (iii): <i>(ii) any information required by court rule or other law to be communicated to a client; and</i> <i>(iii) material developments in the matter including settlement or plea offers.</i> (a)(4) Adds “a client’s” before “reasonable;” (a)(5) Changes “the Rules of Professional Conduct” to “these Rules.”</p>
<p>NC Effective 3/1/03</p>	<p>Same as MR</p>
<p>ND Effective 8/1/06</p>	<p>(a)(1): doesn’t include “informed” or definition language (a)(3): adds to beginning “make reasonable efforts to” (a)(4): adds “the client’s” before “reasonable” (a)(5): replaces “limitation” with “information”</p>
<p>OH Effective 2/1/07</p>	<p>(a): adds to end “do all of the following” (a)(1): deletes “as defined in Rule 1.0(e)” (a)(4): deletes “promptly”, adds “as soon as practicable” after “comply” and “from the client” to the end Adds (c) A lawyer shall inform a client at the time of the client’s engagement of the lawyer or at any time subsequent to the engagement if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer’s professional liability insurance is terminated. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client. (1) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client. (2) A lawyer who is involved in the division of fees pursuant to Rule 1.5(e) shall inform the client as required by division (c) of this rule before the client is asked to agree to the division of fees. (3) The notice required by division (c) of this rule shall not apply to either of the following: (i) A lawyer who is employed by a governmental entity and renders services pursuant to that employment; (ii) A lawyer who renders legal services to an entity that employs the lawyer as in-house counsel. NOTICE TO CLIENT Pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.</p>

	<p>Attorney's Signature CLIENT ACKNOWLEDGEMENT I acknowledge receipt of the notice required by Rule 1.4 of the Ohio Rules of Professional Conduct that [insert attorney's name] does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.</p> <p>_____</p> <p>Client's Signature</p> <p>_____</p> <p>Date</p>
<p>OK Effective 1/1/08</p>	<p>Same as MR</p>
<p>OR Effective 12/1/06</p>	<p>Adopted previous MR.</p>
<p>PA Effective 7/1/06</p>	<p>Same as MR</p>
<p>RI Effective 4/15/07</p>	<p>Adds (c): <i>(c) When a lawyer has not regularly represented a client and has reason to believe that the client does not fully understand the nature of the attorney-client relationship and the expectations and obligations arising out of that relationship, the lawyer shall take reasonable steps to inform the client of the nature of the attorney-client relationship before the representation is undertaken. Such disclosure should include what the lawyer expects of the client and what the client can expect from the lawyer. A lawyer may make such disclosure by providing the client with a copy of the statement of client's rights and responsibilities contained in Appendix 2 to these rules, or in any other manner sufficient to provide the client with a clear understanding of what services will be rendered by the lawyer and what the client's responsibilities are in order that the services can be performed effectively.</i></p>
<p>SC Effective 10/1/05</p>	<p>Same as MR</p>
<p>SD Effective 1/1/04</p>	<p>add as (c): If a lawyer does not have professional liability insurance with limits of at least \$100,000, or if during the course of representation, the insurance policy lapses or is terminated, a lawyer shall promptly disclose to a client by including as a component of the lawyer's letterhead, using the following specific language, either that: (1) "This lawyer is not covered by professional liability insurance;" or (2) "This firm is not covered by professional liability insurance." adds as (d): The required disclosure in 1.4(c) shall be included in every written communication with a client.</p>

Last updated: October 21, 2010

	add as (e): This disclosure requirement does not apply to lawyers who are members of the following classes: § 16-18-20.2(1),(3),(4) and full-time, in-house counsel or government lawyers, who do not represent clients outside their official capacity or in-house employment.
TN Effective 1/1/2010	Same as MR
TX* Effective 3/1/05	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> Rule 1.03 is equivalent to MR 1.4; (a) Same as MR (a)(3) and (4) combined.
UT Effective 11/1/05	Same as MR
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	Same as former MR Adds (c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.
WA Effective 9/1/06	Same as MR
WV* Effective 1/1/89	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) Combines (a)(3) and (4), does not adopt (1), (2), or (5).
WI Effective 7/1/07	(a)(4): adds “by the client” after “requests”
WY Effective 7/1/06	(a)(1): uses “informed decision,” cross-reference is to 1.0(f) (b): adds to end “except that a lawyer appointed to act as a guardian ad litem shall be ultimately responsible for making decisions in the best interests of the individual”

Copyright © 2010 American Bar Association. All rights reserved. Nothing contained in these charts is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. Information regarding variations from the ABA Model Rules should not be construed as representing policy of the American Bar Association. The charts are current as of the date shown on each. A jurisdiction may have amended its rules or proposals since the time its chart was created. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, jholtaway@staff.abanet.org.