

**American Bar Association
CPR Policy Implementation Committee**

**Variations of the ABA Model Rules of Professional Conduct
Rule 1.6**

August 2003

RULE 1.6: CONFIDENTIALITY OF INFORMATION
(2003 Task Force on Corporate Responsibility changes in bold)

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;

(3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;

~~(2)~~**(4)** to secure legal advice about the lawyer's compliance with these Rules;

~~(3)~~**(5)** to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or

~~(4)~~**(6)** to comply with other law or a court order.

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>.

Comments not included.

- **Sixteen (16) states have adopted 2003 Task Force on Corporate Responsibility changes as is:** AK, DE, IN, IA, LA, ME, MD, MS, NM, ND, OH, OK, SC, UT, VT, WI
- Twelve (12) states and the District of Columbia have adopted *modified* 2003

	<p>Task Force changes: AZ, AR, CO, CT, ID, IL, MA, MN, NV, NJ, PA, WA</p> <ul style="list-style-type: none"> • Two (2) states have adopted <i>only part of</i> the 2003 Task Force changes: FL, NY • Thirteen (13) states <i>have not</i> adopted 2003 Task Force changes: AL, CA, KS, KY, MO, MT, NE, NH, OR, RI, SD, VA, WY <p>(Seven (7) states have not made changes to Rule 1.6 of Professional Conduct since 2003 Task Force: GA, HI, MI, NC, TN, TX, WV)</p>
<p>AL Rules effective 2/19/09</p>	<p>(a) Replaces “gives informed consent” with “consents after consultation;” changes “the disclosure is” to “except for disclosures that are;” changes “or the disclosure is permitted” to “and except as states in paragraph (b)”</p> <p>(b) Deletes “relating to the representation of a client”</p> <p>Replaces (b)(1) with: “to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm; or”</p> <p>(b)(2) is identical to MR (b)(5)</p> <p>Does not adopt (b)(2), (3), (4), and (6);</p> <p>Does not adopt 2003 Task Force changes</p>
<p>AK Rules effective 4/15/09</p>	<p>First part of AK Rules (a) is similar to first part of MR (a), but changes wording to: “A lawyer shall not reveal a client’s confidence or secret unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation and disclosures permitted by paragraph (b) below or Rule 3.3(a)(2);”</p> <p>Adds to end of paragraph (a): For purposes of this rule, "confidence" means information protected by the attorney-client privilege under applicable law, and "secret" means other information gained in the professional relationship if the client has requested it be held confidential or if it is reasonably foreseeable that disclosure of the information would be embarrassing or detrimental to the client. In determining whether information is protected from disclosure under this rule, the lawyer shall resolve any uncertainty in favor of the duty of confidentiality.</p> <p>(b) A lawyer may reveal a client’s confidence or secret to the extent the lawyer reasonably believes necessary:</p> <p>(b)(1): Moves “death” to subparagraph (b)(1)(A) and “substantial bodily harm” to (b)(1)(B);</p> <p>Adds subparagraph (b)(1)(C): “wrongful execution or incarceration of another”</p> <p>Adds (c): “A lawyer must act competently to safeguard a client’s confidences and secrets against inadvertent or unauthorized disclosure by the lawyer, by other persons who are participating in the representation of the client, or by any other persons who are subject to the lawyer’s supervision. See Rules 1.1, 5.1, and 5.3. When transmitting a communication that includes a client’s confidence or secret, the lawyer must take reasonable precautions to prevent this information from coming into the hands of unintended recipients.”</p> <p>Adopts 2003 Task Force changes</p>
<p>AZ</p>	<p>(a): adds at the end reference to “paragraphs (c) or (d), or ER 3.3(a)(3).”</p>

<p>Rules effective 12/1/04</p>	<p>add (b) and (c): (b) A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in death or substantial bodily harm. (c) A lawyer may reveal the intention of his client to commit a crime and the information necessary to prevent the crime. (d)(1): same as MR (b)(2) (d)(2): same as MR (b)(3) except does not include prevent (d)(3): same as MR (b)(4) (d)(4): same as MR (b)(5) (d)(5): to comply with other law or a final order of a court or tribunal of competent jurisdiction directing the lawyer to disclose such information. Adopts modified 2003 Task Force changes</p>
<p>AR Rules effective 5/1/05</p>	<p>(b)(1): to prevent the commission of a criminal act. (b)(2): does not include “crime” or “substantial” (b)(3): does not include “substantial” adds as (c): Neither this Rule nor Rule 1.8(b), nor Rule 1.16(d) prevents the lawyer from giving notice of the fact of withdrawal, and the lawyer may also withdraw or disaffirm any opinion, document, affirmation or the like. Adopts modified 2003 Task Force changes</p>
<p>CA Rules effective 9/1/09</p>	<p><i>Rule 3-100 Confidential Information of a Client</i> <i>(A) A member shall not reveal information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1) without the informed consent of the client, or as provided in paragraph (B) of this rule.</i> <i>(B) A member may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the member reasonably believes the disclosure is necessary to prevent a criminal act that the member reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.</i> <i>(C) Before revealing confidential information to prevent a criminal act as provided in paragraph (B), a member shall, if reasonable under the circumstances:</i> <i>(1) make a good faith effort to persuade the client: (i) not to commit or to continue the criminal act or (ii) to pursue a course of conduct that will prevent the threatened death or substantial bodily harm; or do both (i) and (ii); and</i> <i>(2) inform the client, at an appropriate time, of the member’s ability or decision to reveal information as provided in paragraph (B).</i> Does not adopt 2003 Task Force changes</p>
<p>CO Rules effective 1/1/08</p>	<p>(b)(2) to reveal the client’s intention to commit a crime and the information necessary to prevent the crime; (b)(3): same as MR (b)(2) but deletes “crime or” (b)(4): same as MR (b)(3) (b)(5): same as MR (b)(4) but adds “other law or a court order” to end (b)(6) and (7): same as MR (b)(5) and (6) Adopts modified 2003 Task Force changes</p>
<p>CT Rules</p>	<p>(a): adds “(c) or (d)” to end (b) A lawyer shall reveal such information to the extent the lawyer reasonably</p>

<p>effective 1/1/07</p>	<p>believes necessary to prevent the client from committing a criminal or fraudulent act that the lawyer believes is likely to result in death or substantial bodily harm. (c): same as MR (b) but adds “such” before “information” and deletes “relating to the representation of a client” (1) similar to MR (b)(2): “Prevent the client from committing a criminal or fraudulent act that the lawyer believes is likely to result in substantial injury to the financial interest or property of another;” (2) similar to MR (b)(3): “Prevent, mitigate or rectify the consequence of a client’s criminal or fraudulent act in the commission of which the lawyer’s services had been used” (c)(3): same as MR (b)(4) (c)(4): same as MR (b)(6) (d): same as MR (b)(5) but adds “A lawyer may reveal such information” to beginning Adopts modified 2003 Task Force changes</p>
<p>DE Rules effective 10/16/07</p>	<p>Same as MR Adopts 2003 Task Force changes</p>
<p>District of Columbia Rules effective 2/1/07</p>	<p>(a) “<i>Except when permitted under paragraph (c), (d), or (e), a lawyer shall not knowingly:</i> (1) <i>reveal a confidence or secret of the lawyer’s client;</i> (2) <i>use a confidence or secret of the lawyer’s client to the disadvantage of the client;</i> (3) <i>use a confidence or secret of the lawyer’s client for the advantage of the lawyer or of a third person.</i>” (b) “<i>“Confidence” refers to information protected by the attorney-client privilege under applicable law, and “secret” refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client.</i>” (c) Similar to MR (b): “<i>A lawyer may reveal client confidences and secrets, to the extent reasonably necessary:</i>” (1) Similar to MR (b)(1): “<i>to prevent a criminal act that the lawyer reasonably believes is likely to result in death or substantial bodily harm absent disclosure of the client’s secrets or confidences by the lawyer; or</i> (2) <i>to prevent the bribery or intimidation of witnesses, jurors, court officials, or other persons who are involved in proceedings before a tribunal if the lawyer reasonably believes that such acts are likely to result absent disclosure of the client’s confidences or secrets by the lawyer.</i>” (d) Similar to MR (b): “<i>When a client has used or is using a lawyer’s services to further a crime or fraud, the lawyer may reveal client secrets, to the extent reasonably necessary:</i>” (1) Similar to MR (b)(2), but changes “that is reasonably” to “if it is reasonably;” deletes “and in furtherance...lawyer’s services” and adds “or” to end of subparagraph</p>

	<p>(2) Similar to MR (b)(3), but deletes “in furtherance...lawyer’s services”</p> <p>(e) A lawyer may use or reveal client confidences or secrets:</p> <p>(1) with the informed consent of the client;</p> <p>(2)(A) when permitted by these rules or required by law or court order; and</p> <p>(B) if a government lawyer, when permitted or authorized by law;</p> <p>(3) to the extent reasonably necessary to establish a defense to a criminal charge, disciplinary charge, or civil claim, formally instituted against the lawyer, based upon conduct in which the client was involved, or to the extent reasonably necessary to respond to specific allegations by the client concerning the lawyer’s representation of the client;</p> <p>(4) when the lawyer has reasonable grounds for believing that a client has impliedly authorized disclosure of a confidence or secret in order to carry out the representation;</p> <p>(5) to the minimum extent necessary in an action instituted by the lawyer to establish or collect the lawyer’s fee; or</p> <p>(6) to the extent reasonably necessary to secure legal advice about the lawyer’s compliance with law, including these rules.</p> <p>(f) A lawyer shall exercise reasonable care to prevent the lawyer’s employees, associates, and others whose services are utilized by the lawyer from disclosing or using confidences or secrets of a client, except that such persons may reveal information permitted to be disclosed by paragraphs (c), (d), or (e).</p> <p>(g) The lawyer’s obligation to preserve the client’s confidences and secrets continues after termination of the lawyer’s employment.</p> <p>(h) The obligation of a lawyer under paragraph (a) also applies to confidences and secrets learned prior to becoming a lawyer in the course of providing assistance to another lawyer.</p> <p>(i) For purposes of this rule, a lawyer who serves as a member of the D.C. Bar Lawyer Counseling Committee, or as a trained intervener for that committee, shall be deemed to have a lawyer-client relationship with respect to any lawyer-counselee being counseled under programs conducted by or on behalf of the committee. Information obtained from another lawyer being counseled under the auspices of the committee, or in the course of and associated with such counseling, shall be treated as a confidence or secret within the terms of paragraph (b). Such information may be disclosed only to the extent permitted by this rule.</p> <p>(j) For purposes of this rule, a lawyer who serves as a member of the D.C. Bar Practice Management Service Committee, formerly known as the Lawyer Practice Assistance Committee, or a staff assistant, mentor, monitor or other consultant for that committee, shall be deemed to have a lawyer-client relationship with respect to any lawyer-counselee being counseled under programs conducted by or on behalf of the committee. Communications between the counselor and the lawyer being counseled under the auspices of the committee, or made in the course of and associated with such counseling, shall be treated as a confidence or secret within the terms of paragraph (b). Such information may be disclosed only to the extent permitted by this rule. However, during the period in which the lawyer-counselee is subject to a probationary or monitoring order of the Court of Appeals or the Board on Professional Responsibility in a disciplinary case instituted pursuant to</p>
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	<p><i>Rule XI of the Rules of the Court of Appeals Governing the Bar, such information shall be subject to disclosure in accordance with the order.</i></p> <p><i>(k) The client of the government lawyer is the agency that employs the lawyer unless expressly provided to the contrary by appropriate law, regulation, or order.</i></p> <p>Adopts modified 2003 Task Force changes</p>
<p>FL Rules effective 5/22/06</p>	<p><i>(a) Consent Required to Reveal Information. A lawyer shall not reveal information relating to representation of a client except as stated in subdivisions (b), (c) and (d), unless the client gives informed consent.</i></p> <p><i>(b) Similar to MR (b): When Lawyer Must Reveal Information. A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary:</i></p> <p style="padding-left: 40px;"><i>(1) Similar to first part of MR (b)(2) but deletes everything after “committing a crime”</i></p> <p style="padding-left: 40px;"><i>(2) Similar to MR (b)(1) but deletes “reasonably certain” before “death” and adds “to another” after “bodily harm”</i></p> <p><i>(c) When Lawyer May Reveal Information. A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:</i></p> <p style="padding-left: 40px;"><i>(1) to serve the client's interest unless it is information the client specifically requires not to be disclosed;</i></p> <p style="padding-left: 40px;"><i>(2) Identical to first clause of MR (b)(5), “to establish...client”</i></p> <p style="padding-left: 40px;"><i>(3) Identical to second clause of MR (b)(5), “to establish ... client was involved;”</i></p> <p style="padding-left: 40px;"><i>(4) Identical to last clause of MR (b)(5), “to respond...representation of the client,” adds “or” to end of subparagraph</i></p> <p style="padding-left: 40px;"><i>(5) Similar to MR (b)(6) but replaces “other law or a court order” with “the Rules of Professional Conduct.”</i></p> <p><i>(d) Exhaustion of Appellate Remedies. When required by a tribunal to reveal such information, a lawyer may first exhaust all appellate remedies.</i></p> <p><i>(e) Limitation on Amount of Disclosure. When disclosure is mandated or permitted, the lawyer shall disclose no more information than is required to meet the requirements or accomplish the purposes of this rule.</i></p> <p>Adopts only part of 2003 Task Force changes.</p>
<p>GA Rules effective 1/1/01</p>	<p><i>(a) Deleted, replaced with:</i></p> <p style="padding-left: 40px;"><i>“(a) A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these rules or other law, or by order of the Court.”</i></p> <p><i>(b)(1) is identical to MR (b)</i></p> <p><i>(b)(1)(i) is similar to MR (b)(2), but with changes in wording:</i></p> <p style="padding-left: 40px;"><i>(i) to avoid or prevent harm or substantial financial loss to another as a result of client criminal conduct or third party criminal conduct clearly in violation of the law;</i></p> <p><i>(b)(1)(ii) is similar to MR (b)(1), but with changes in wording:</i></p> <p style="padding-left: 40px;"><i>(ii) to prevent serious injury or death not otherwise covered by</i></p>

	<p>subparagraph (i) above; (b)(1)(iii) is identical to MR (b)(5) Adds as (b)(2) and (3): (2) In a situation described in Subsection (1), if the client has acted at the time the lawyer learns of the threat of harm or loss to a victim, use or disclosure is permissible only if the harm or loss has not yet occurred. (3) Before using or disclosing information pursuant to Subsection (1), if feasible, the lawyer must make a good faith effort to persuade the client either not to act or, if the client has already acted, to warn the victim. Adds as (c), (d), and (e): (c) The lawyer may, where the law does not otherwise require, reveal information to which the duty of confidentiality does not apply under paragraph (b) without being subjected to disciplinary proceedings. (d) The lawyer shall reveal information under paragraph (b) as the applicable law requires. (e) The duty of confidentiality shall continue after the client-lawyer relationship has terminated. Adds to end of Rule: "The maximum penalty for a violation of this Rule is disbarment." Does not adopt (a), (b)(3), (b)(4), (b)(6) Has not made changes to Rule since 2003 Task Force</p>
<p>HI Rules effective 1/1/94</p>	<p>(a) Replaces "gives informed consent" with "consents after consultation;" changes "the disclosure is" to "except for disclosures that are;" changes "or the disclosure is permitted" to "and except as states in paragraphs (b) and (c)" Rewords and shortens (b) to read: "(b) A lawyer shall reveal information which clearly establishes a criminal or fraudulent act of the client in the furtherance of which the lawyer's services had been used, to the extent reasonably necessary to rectify the consequences of such act, where the act has resulted in substantial injury to the financial interests or property of another." (c) is identical to MR (b) (c)(1) combines MR (b)(1) and (b)(2): "to prevent the client from committing a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another;" Adds as (c)(2): "to rectify the consequences of a client's act which the lawyer reasonably believes to have been criminal or fraudulent and in the furtherance of which the lawyer's services had been used;" (c)(3) Similar to MR (b)(5) but adds "or disciplinary complaint" after "civil claim" Adds as (c)(4) and (c)(5): (4) to prevent a public official or public agency from committing a criminal illegal act that a government lawyer reasonably believes is likely to result harm to the public good; (5) to rectify the consequences of a public official's or a public agency's</p>

	<p>which the government lawyer reasonably believes to have been criminal illegal and harmful to the public good; or (c)(6) is identical to MR (b)(6) Has not made changes to Rule since 2003 Task Force</p>
<p>ID Rules effective 7/1/04</p>	<p>(b)(1): Comparable to MR (b)(2) but replaces everything after “committing a crime” with: “including disclosure of the intention to commit a crime” (b)(2): same as MR (b)(1) (b)(3): same as MR but does not include fraud Adopts modified 2003 Task Force changes</p>
<p>IL Rules effective 1/1/10</p>	<p>(a) adds “or required by paragraph (c)” to the end (b)(1): to prevent the client from committing a crime in circumstances other than those specified in paragraph (c) (b)(2): deletes “crime” Adds (c) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm. Adds (d) Information received by a lawyer participating in a meeting or proceeding with a trained intervener or panel of trained interveners of an approved lawyers assistance program shall be considered information relating to the representation of a client for purposes of these Rules. Adopts modified 2003 Task Force changes</p>
<p>IN Rules effective 1/1/05</p>	<p>Adds (c) In the event of a lawyer’s physical or mental disability or the appointment of a guardian or conservator of an attorney’s client files, disclosure of a client’s name and files is authorized to the extent necessary to carry out the duties of the person managing the lawyer’s files. Adopts 2003 Task Force changes</p>
<p>IA Rules effective 7/1/05</p>	<p>Adds to end of (a): or required by paragraph (c). Adds (c) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer believes necessary to prevent imminent death or substantial bodily harm. Adopts 2003 Task Force changes</p>
<p>KS Rules effective 7/1/07</p>	<p>Adds as (b)(1): (1) To prevent the client from committing a crime; or (b)(2) is similar to MR (b)(6) but with different wording: (2) to comply with requirements of law or orders of any tribunal; or (b)(3) is identical to MR (b)(5) Does not adopt (b)(1) through (b)(4) Does not adopt 2003 Task Force changes</p>
<p>KY Rules effective 7/15/09</p>	<p>(b)(3) is almost identical to MR (b)(5), but KY adds “including a disciplinary proceeding” after “proceeding” (b)(4) is identical to MR (b)(6) Deletes (b)(2) and (b)(3). Does not adopt 2003 Task Force changes</p>
<p>LA Rules effective</p>	<p>Same as MR Adopts 2003 Task Force changes</p>

3/1/04	
ME Rules effective 8/1/09	<p>(a) Separates paragraph into several subparagraphs starting after “unless:”</p> <ul style="list-style-type: none"> (i) “the client...consent” (ii) adds “the lawyer reasonably believes that” before “disclosure is authorized in order to carry out the representation” (iii) “the disclosure...paragraph (b)” <p>(b): replaces “information relating to the representation” with “a confidence or secret”</p> <p>(b)(4): replaces “compliance with the Rules” with “professional obligations”</p> <p>Adds (c) Before revealing information under paragraph (b) (1), (2), or (3), the lawyer must, if feasible, make a good-faith effort to counsel the client to prevent the harm and advise the client of the lawyer’s ability to reveal information and the consequences thereof. Before revealing information under paragraph (b)(5) or (6), in controversies in which the client is not a complainant or a party, the lawyer must, if feasible, make a good faith effort to provide the client with reasonable notice of the intended disclosure.</p> <p>(d) As used in Rule 1.6, “confidence” refers to information protected by the attorney-client privilege under applicable law, and “secret” refers to other information relating to the representation if there is a reasonable prospect that revealing the information will adversely affect a material interest of the client or if the client has instructed the lawyer not to reveal such information.</p> <p>Adopts 2003 Task Force changes</p>
MD Rules effective 7/1/05	<p>(b)(4) adds after “these Rules” “a court order or other law”</p> <p>(b)(5) adds after “civil claim,” “or disciplinary complaint”</p> <p>(b)(6) like MR but states: to comply with these Rules, a court order or other law.</p> <p>Adopts 2003 Task Force changes</p>
MA Rules effective 9/1/08	<p>(a) Similar to MR (a), but adds “confidential” before “information,” changes “gives informed consent” to “consents after consultation,” changes “the disclosure is” to “except for disclosures that are,” changes “or the disclosure is permitted by paragraph (b)” to “and except as stated in paragraph (b).”</p> <p>(b) Similar to MR (b) but changes wording: “A lawyer may reveal, and to the extent required by Rule 3.3, Rule 4.1(b), or Rule 8.3 must reveal, such information:”</p> <ul style="list-style-type: none"> (1) Combines MR (b)(1) and (2) and changes wording: “to prevent the commission of a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another,” adds “or to prevent the wrongful execution or incarceration of another;” (2) Similar to MR (b)(5) but adds to beginning of paragraph: “to the extent the lawyer reasonably believes necessary” (3) Similar to part of MR (b)(3) referring to the rectification of substantial injury; “to the extent the lawyer reasonably believes necessary to rectify client fraud in which the lawyer's services have been used, subject to Rule 3.3 (e);” (4) Similar to MR (b)(6) but changes wording: “when permitted under these rules or required by law or court order.”

	<p>Adds as (c): <i>A lawyer participating in a lawyer assistance program, as hereinafter defined, shall treat the person so assisted as a client for the purposes of this rule. Lawyer assistance means assistance provided to a lawyer, judge, other legal professional, or law student by a lawyer participating in an organized nonprofit effort to provide assistance in the form of (a) counseling as to practice matters (which shall not include counseling a law student in a law school clinical program) or (b) education as to personal health matters, such as the treatment and rehabilitation from a mental, emotional, or psychological disorder, alcoholism, substance abuse, or other addiction, or both. A lawyer named in an order of the Supreme Judicial Court or the Board of Bar Overseers concerning the monitoring or terms of probation of another attorney shall treat that other attorney as a client for the purposes of this rule. Any lawyer participating in a lawyer assistance program may require a person acting under the lawyer's supervision or control to sign a nondisclosure form approved by the Supreme Judicial Court. Nothing in this paragraph (c) shall require a bar association-sponsored ethics advisory committee, the Office of Bar Counsel, or any other governmental agency advising on questions of professional responsibility to treat persons so assisted as clients for the purpose of this rule.</i></p> <p>Adopts modified 2003 Task Force changes</p>
<p>MI Rules effective 10/1/88</p>	<p>Adds as (a) "Confidence" refers to information protected by the client-lawyer privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.</p> <p>Adds as (b): <i>Except when permitted under paragraph (c), a lawyer shall not knowingly:</i></p> <ol style="list-style-type: none"> (1) <i>reveal a confidence or secret of a client;</i> (2) <i>use a confidence or secret of a client to the disadvantage of the client; or</i> (3) <i>use a confidence or secret of a client for the advantage of the lawyer or of a third person, unless the client consents after full disclosure.</i> <p>Adds as (c) A lawyer may reveal:</p> <ol style="list-style-type: none"> (1) <i>confidences or secrets with the consent of the client or clients affected, but only after full disclosure to them;</i> (2) <i>similar to MR (b)(6) but replaces "to comply with other law" with "confidences or secrets when permitted or required by these rules, or when required by law"</i> (3) <i>similar to MR (b)(3) but changes wording: "confidences and secrets to the extent reasonably necessary to rectify the consequences of a client's illegal or fraudulent act in the furtherance of which the lawyer's services have been used;</i> (4) <i>Similar to first part of MR (b)(2), does not address fraud: "the intention of a client to commit a crime and the information necessary to prevent the crime; and"</i> (5) <i>confidences or secrets necessary to establish or collect a fee, or to defend the lawyer or the lawyer's employees or associates against an accusation of wrongful conduct.</i> <p>Adds as (d): <i>A lawyer shall exercise reasonable care to prevent employees,</i></p>

	<p><i>associates, and others whose services are utilized by the lawyer from disclosing or using confidences or secrets of a client, except that a lawyer may reveal the information allowed by paragraph (c) through an employee.</i></p> <p>Has not made changes to Rule since 2003 Task Force</p>
<p>MN Rules effective 10/1/05</p>	<p>(a) Comparable to MR (a) but changes wording to: “Except when permitted under paragraph (b), a lawyer shall not knowingly reveal information relating to the representation of a client.”</p> <p>(b) Similar to MR (b) but deletes everything after “client” and adds “if”:</p> <ul style="list-style-type: none"> (1) <i>the client gives informed consent;</i> (2) <i>the information is not protected by the attorney-client privilege under applicable law, the client has not requested that the information be held inviolate, and the lawyer reasonably believes the disclosure would not be embarrassing or likely detrimental to the client;</i> (3) <i>the lawyer reasonably believes the disclosure is impliedly authorized in order to carry out the representation;</i> (4) Comparable to MR (b)(2) but replaces beginning of paragraph, “to prevent the client...a crime or,” with: “the lawyer reasonably believes the disclosure is necessary to prevent the commission of a,” deletes reference to crime. (5) Comparable to MR (b)(3) in that it states that the lawyer may reveal information in order to rectify the consequences of a client’s criminal behavior, but the wording is significantly altered: “<i>the lawyer reasonably believes the disclosure is necessary to rectify the consequences of a client’s criminal or fraudulent act in the furtherance of which the lawyer’s services were used;</i>” (6) Similar to MR (b)(1) but adds to beginning of paragraph: “the lawyer reasonably believes the disclosure is necessary” (7) Similar to MR (b)(4) but adds to beginning of paragraph: “the lawyer reasonably believes the disclosure is necessary” (8) Similar to MR (b)(5) but adds to beginning of paragraph: “the lawyer reasonably believes the disclosure is necessary” and changes wording: <ul style="list-style-type: none"> First clause: changes “in a controversy” to “in an actual or potential controversy” Second clause: changes “to a criminal charge or civil claim” to “in a civil, criminal, or disciplinary proceeding” Last clause is identical to last clause of MR (b)(5) (9) Similar to MR (b)(6) but adds to beginning of paragraph: “the lawyer reasonably believes the disclosure is necessary” (10) <i>the lawyer reasonably believes the disclosure is necessary to inform the Office of Lawyers Professional Responsibility of knowledge of another lawyer’s violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects. See Rule 8.3.</i> <p>Adopts modified 2003 Task Force changes</p>
<p>MS Rules</p>	<p>Same as MR</p> <p>Adopts 2003 Task Force changes</p>

effective 11/3/05	
MO Rules effective 7/1/07	(b)(1):deletes “reasonably certain” and adds to end “that is reasonably certain to occur” Does not have MR (b)(2) or (3) (b)(2) – (4): same as MR (b)(4) – (6) Does not adopt 2003 Task Force changes
MT Rules effective 4/1/04	No (b)(2) or (3) Does not adopt 2003 Task Force changes
NE Rules effective 9/1/05	(b)(1) to prevent the client from committing a crime or to prevent reasonably certain death or substantial bodily harm; No (b)(2) or (3) Adds (c): The relationship between a member of the Nebraska State Bar Association Committee on the Nebraska Lawyers Assistance Program or an employee of the Nebraska Lawyers Assistance Program and a lawyer who seeks or receives assistance through that committee or that program shall be the same as that of lawyer and client for the purposes of the application of Rule 1.6. Does not adopt 2003 Task Force changes
NV Rules effective 5/1/06	End of (a): disclosure is permitted by paragraphs (b) or (c). (b)(2): Similar to MR (b)(2) but changes “crime or fraud” to “criminal or fraudulent act,” deletes “that is reasonably certain...of another and,” adds to end of paragraph: “but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take suitable action;” (b)(3): Similar to MR (b)(3) but changes “substantial injury...from the client’s” to “the consequences of a client’s criminal or fraudulent act in the,” changes “commission of a crime...lawyer’s services” to “commission of which the lawyer’s services have been or are being used,” adds to end of paragraph: “but the lawyer shall, where practicable, first make reasonable effort to persuade the client to take corrective action;” Adds as (c): A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent a criminal act that the lawyer believes is likely to result in reasonably certain death or substantial bodily harm. Adopts modified 2003 Task Force changes
NH Rules effective 1/1/08	(b): same as former MR (b)(1): adds to end “or to prevent the client from committing a criminal act that the lawyer believes is likely to result in substantial injury to the financial interest or property of another; or Does not have MR (b)(2) or (3) (b)(2) – (4): same as MR (b)(4) - (6) Does not adopt 2003 Task Force changes
NJ Rules effective	(a) Similar to MR (a) but changes “gives informed consent” to “consents after consultation,” changes “the disclosure is impliedly” to “except for disclosures that are impliedly authorized,” and adds reference to paragraphs (c) and (d).

<p>1/1/04</p>	<p>(b) Comparable to MR (b) but significantly changes wording: “A lawyer shall reveal such information to the proper authorities, as soon as, and to the extent the lawyer reasonably believes necessary, to prevent the client or another person”</p> <p>(1) Combines MR (b)(1) and (2) but changes and rearranges wording: “from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm or substantial injury to the financial interest or property of another;”</p> <p>(2) <i>from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to perpetrate a fraud upon a tribunal.</i></p> <p>Adds (c) <i>If a lawyer reveals information pursuant to RPC 1.6(b), the lawyer also may reveal the information to the person threatened to the extent the lawyer reasonably believes is necessary to protect that person from death, substantial bodily harm, substantial financial injury or substantial property loss</i></p> <p>Adds (d) <i>lawyer may reveal such information to the extent the lawyer reasonably believes necessary:</i></p> <p>(1) Similar to (b)(3) but changes wording: “to rectify the consequences of a client's criminal, illegal or fraudulent act in the furtherance of which the lawyer's services had been used;”</p> <p>(2) Identical to (b)(5)</p> <p>(3) Identical to (b)(6) but deletes “or a court order”</p> <p>Adds (e) <i>Reasonable belief for purposes of RPC 1.6 is the belief or conclusion of a reasonable lawyer that is based upon information that has some foundation in fact and constitutes prima facie evidence of the matters referred to in subsections (b), (c), or (d).</i></p> <p>Adopts modified 2003 Task Force changes</p>
<p>NM Rules effective 11/2/09</p>	<p>Changes (a) to A and adds title, “Disclosure of information generally;”</p> <p>Changes (b) to B and adds title, “Disclosure of information, specific circumstances,” changes “paragraph (b)” to “Paragraph B of this rule.”</p> <p>Adopts 2003 Task Force changes</p>
<p>NY Rules effective 4/1/09</p>	<p>(a) Similar to MR, but changes wording: “A lawyer shall not knowingly reveal confidential information, as defined by this Rule, or use such information to the disadvantage of a client or for the advantage of the lawyer or a third person, unless;” moves everything after “unless” into subparagraphs:</p> <p>(1) “the client...consent:” adds to end of subparagraph: “as defined in Rule 1.0(j)”</p> <p>(2) Deletes “authorized...carry out the representation” and replaces with: “<i>advance the best interests of the client and is either reasonable under the circumstances or customary in the professional community</i>”</p> <p>(3) Is made up of last clause of paragraph (a): “the disclosure...paragraph (b).”</p> <p>Adds to end of paragraph (a):</p> <p>“Confidential information” consists of information gained during or relating to the representation of a client, whatever its source, that is (a) protected by the attorney-client privilege, (b) likely to be embarrassing or detrimental to the client if disclosed, or (c) information that the client has requested be kept confidential. “Confidential information” does not ordinarily include (i)</p>

	<p>a lawyer’s legal knowledge or legal research or (ii) information that is generally known in the local community or in the trade, field or profession to which the information relates.</p> <p>(b)(2) Deletes everything after “committing a crime”</p> <p>Deletes (b)(3) and replaces with:</p> <p>“to withdraw a written or oral opinion or representation previously given by the lawyer and reasonably believed by the lawyer still to be relied upon by a third person, where the lawyer has discovered that the opinion or representation was based on materially inaccurate information or is being used to further a crime or fraud;</p> <p>(b)(4) Deletes “lawyer’s” and adds to end of paragraph: “or other law by the lawyer, another lawyer associated with the lawyer’s firm or the law firm”</p> <p>Deletes (b)(5) and (6) and replaces with:</p> <p>(5) (i) to defend the lawyer or the lawyer’s employees and associates against an accusation of wrongful conduct; or</p> <p>(ii) to establish or collect a fee; or</p> <p>(6) when permitted or required under these Rules or to comply with other law or court order.</p> <p>Adds as (c):</p> <p>“A lawyer shall exercise reasonable care to prevent the lawyer’s employees, associates, and others whose services are utilized by the lawyer from disclosing or using confidential information of a client, except that a lawyer may reveal the information permitted to be disclosed by paragraph (b) through an employee.”</p> <p>Adopts only part of 2003 Task Force changes</p>
<p>NC Rules effective 3/1/03</p>	<p>(a): in place of "information related to the representation of a client" uses "information acquired during the professional relationship with a client"</p> <p>(b): “protected from disclosure by paragraph (a)” replaces “relating to the representation of a client”</p> <p>(b)(1): similar to MR (b)(6) but reads “. . . Rules of Professional Conduct, the law or court order”</p> <p>(b)(2): to prevent the commission of a crime by the client;</p> <p>(b)(3): same as MR (b)(1) but deletes “substantial”</p> <p>(b)(4): to prevent, mitigate, or rectify the consequences of a client’s criminal or fraudulent act in the commission of which the lawyer’s services were used;</p> <p>(b)(5): same as MR (b)(4)</p> <p>(b)(6): same as MR (b)(5)</p> <p>(b)(7): "to comply with the rules of a lawyers' or judges' assistance program approved by the NCSB or the NC Supreme Court."</p> <p>Adds (c) The duty of confidentiality described in this Rule encompasses information received by a lawyer then acting as an agent of a lawyers’ or judges’ assistance program approved by the North Carolina State Bar or the North Carolina Supreme Court regarding another lawyer or judge seeking assistance or to whom assistance is being offered. For the purposes of this Rule, “client” refers to lawyers seeking assistance from lawyers’ or judges’ assistance programs approved by the North Carolina State Bar or the North Carolina Supreme Court."</p>

	Has not made changes to Rule since 2003 Task Force
<p>ND Rules effective 8/1/06</p>	<p>(a): A lawyer shall not reveal information relating to the representation of the client unless the client consents, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is required by paragraph (b) or permitted by paragraph (c). The duty of confidentiality continues after the lawyer-client relationship has terminated.</p> <p>(b): A lawyer is required to reveal information relating to the representation of a client to the extent the lawyer believes reasonably necessary to prevent reasonably certain death or substantial bodily harm.</p> <p>(c) and (c)(1) – (5) same as MR (b) and (b)(2) – (6)</p> <p>Adopts 2003 Task Force changes</p>
<p>OH Rules effective 2/1/07</p>	<p>(a) A lawyer shall not reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, unless the client gives <i>informed consent</i>, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by division (b) or required by division (c) of this rule.</p> <p>(b) A lawyer may reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, to the extent the lawyer <i>reasonably believes</i> necessary for any of the following purposes:</p> <p style="padding-left: 40px;">(2) Similar to MR (b)(2) but changes wording: “to prevent the commission of a crime by the client or other person;”</p> <p style="padding-left: 40px;">(3) Similar to MR (b)(3) but changes wording: deletes “prevent” and “or rectify,” changes “a crime or fraud” to “an illegal or fraudulent act”</p> <p style="padding-left: 40px;">(b)(4) – same as MR (b)(5) but adds “including any disciplinary matter” after “proceeding”</p> <p style="padding-left: 40px;">(b)(5): same as MR (b)(6)</p> <p>Adds (c): <i>A lawyer shall reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, to the extent the lawyer reasonably believes necessary to comply with Rule 3.3, or 4.1.</i></p> <p>Adopts 2003 Task Force changes</p>
<p>OK Rules effective 1/1/08</p>	<p>(b)(2) to prevent the client from committing:</p> <p>(i) a crime; or</p> <p>(b)(2)(ii): same as MR (b)(2) but deletes “to prevent the client from committing” and “crime or”</p> <p>(b)(3): adds to end “provided that the lawyer has first made reasonable efforts to contact the client so that the client can rectify such criminal or fraudulent act but the lawyer has been unable to do so, or the lawyer has contacted the client and called upon the client to rectify such criminal or fraudulent act and the client has refused or has been unable to do so”</p> <p>(b)(6): adds “as permitted or required” to beginning and “these Rules” before “other”</p> <p>Adopts 2003 Task Force changes</p>
<p>OR Rules</p>	<p>(a): same as MR</p> <p>Adds (b)(1) to disclose the intention of the lawyer’s client to commit a crime and</p>

<p>effective 1/1/05 and amended effective 1/20/09</p>	<p>the information necessary to prevent the crime; (b)(2): same as MR (b)(1) no MR (b)(2) or (3) (b)(3) - (5): same as MR (b)(4) – (6), adds “or as permitted by these Rules” to the end of (5) add as (b)(6): <i>“to provide the following information in discussions preliminary to the sale of a law practice under Rule 1.17 with respect to each client potentially subject to the transfer: the client's identity; the identities of any adverse parties; the nature and extent of the legal services involved; and fee and payment information. A potential purchasing lawyer shall have the same responsibilities as the selling lawyer to preserve information relating to the representation of such clients whether or not the sale of the practice closes or the client ultimately consents to representation by the purchasing lawyer.”</i> Adds as (b)(7): <i>“to comply with the terms of a diversion agreement, probation, conditional reinstatement or conditional admission pursuant to BR 2.10, BR 6.2, BR 8.7or Rule for Admission Rule 6.15. A lawyer serving as a monitor of another lawyer on diversion, probation, conditional reinstatement or conditional admission shall have the same responsibilities as the monitored lawyer to persevere information relating to the representation of the monitored lawyer's clients, except to the extent reasonably necessary to carry out the monitoring lawyer's responsibilities under the terms of the diversion, probation, conditional reinstatement or conditional admission and in any proceeding relating thereto.”</i> Does not adopt 2003 Task Force changes</p>
<p>PA Rules effective 7/1/06</p>	<p>(a) Changes everything after “consent” to: “except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).” (b) Provides that "A lawyer shall reveal such information if necessary to comply with the duties stated in Rule 3.3." (c)(1) – same as (b)(1) (c)(2) Similar to MR (b)(2) but changes “crime or fraud” to “criminal act,” replaces “is reasonably certain to result” with “the lawyer believes is likely to result” and deletes everything after “of another” (c)(3) Similar to MR (b)(3) but changes “substantial injury...of another” to “the consequences of a client’s criminal or fraudulent act,” deletes “that is reasonably certain...in furtherance,” changes “of which the client has used the lawyer’s services” to “in the commission of which the lawyer's services are being or had been used.” (c)(4) - same as MR (b)(5) (c)(5) - same as MR (b)(4) (c)(6) – Changes to: “to effectuate the sale of a law practice consistent with Rule 1.17.” (d) - The duty not to reveal information relating to representation of a client</p>

	<p>continues after the client-lawyer relationship has terminated. Adopts modified 2003 Task Force changes Adopts modified 2003 Task Force changes</p>
<p>RI Rules effective 4/15/07</p>	<p>(a): replaces “the disclosure is” with “except for disclosures that are” and “or the disclosure is permitted by” with “and except as stated in” (b) and (b)(1): same as former MR Does not have MR (b)(2) and (3) (b)(2): same as MR (b)(5) (b)(3): same as MR (b)(4) (b)(4): same as MR (b)(6) Does not adopt 2003 Task Force changes</p>
<p>SC Rules effective 10/1/05</p>	<p>inserts as (b)(1): to prevent the client from committing a criminal act (b)(2) through (b)(7) are identical to MR (b)(1) through (b)(6) Adopts 2003 Task Force changes</p>
<p>SD Rules effective 1/1/04</p>	<p>(a) Same as MR (b)(1) Similar to MR (b)(1) but changes wording to: “to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm” (b)(2) same as MR (b)(4) (b)(3) same as MR (b)(5) (b)(4) <i>to the extent that revelation appears to be necessary to rectify the consequences of a client’s criminal or fraudulent act in which the lawyer’s services had been used</i> (b)(5) same as MR (b)(6) Does not adopt 2003 Task Force changes</p>
<p>TN Rules effective 1/1/2011</p>	<p>(a) Adds underlined words and breaks the sentence into subparagraphs (1), (2), and (3) after “unless”: <i>(1) the client gives informed consent;</i> <i>(2) the disclosure is impliedly authorizes in order to carry out the representation;</i> <i>(3) the disclosure is permitted by paragraph (b) or required by paragraph (c).</i> (b)(1) Replaces with: “to prevent the client or another person from committing a crime, including a crime that is reasonably certain to result in substantial injury to the financial interest or property of another, unless disclosure is prohibited or restricted by RPC 3.3;” (b)(2) Deletes “crime o” before “a fraud;” Adds at the end: “unless disclosure is prohibited or restricted by RPC 3.3;” (b)(3) Deletes “a crime” after “client’s commission of”; adds at the end: “unless disclosure is prohibited or restricted by RPC 3.3;” Deletes (b)(6) Adds as (c): A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes disclosure is necessary: (1) is identical to MR (b)(1)</p>

	<p>Adds as (2): <i>to comply with an order of a tribunal requiring disclosure, but only if ordered to do so by the tribunal after the lawyer has asserted on behalf of the client all non-frivolous claims that the information sought by the tribunal is protected against disclosure by the attorney-client privilege or other applicable law; or</i></p> <p>Adds as (3): <i>to comply with RPC 3.3, 4.1, or other law.</i></p>
<p>TX Rules effective 4/6/95</p>	<p>Rule 1.05 Confidentiality of Information</p> <p><i>(a) Confidential information includes both privileged information and unprivileged client information. Privileged information refers to the information of a client protected by the lawyer-client privilege of Rule 5.03 of the Texas Rules of Evidence or of Rule 5.03 of the Texas Rules of Criminal Evidence or by the principles of attorney-client privilege governed by Rule 5.01 of the Federal Rules of Evidence for United States Courts and Magistrates. Unprivileged client information means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.</i></p> <p><i>(b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e), and (f), a lawyer shall not knowingly:</i></p> <ol style="list-style-type: none"> <i>1) Reveal confidential information of a client or a former client to: <ol style="list-style-type: none"> <i>(i) a person that the client has instructed is not to receive the information; or</i> <i>(ii) anyone else, other than the client, the client’s representatives, or the members, associates, or employees of the lawyer’s law firm.</i> </i> <i>2) Use confidential information of a client to the disadvantage of the client unless the client consents after consultations.</i> <i>(3) Use confidential information of a former client to the disadvantage of the former client after the representation is concluded unless the former client consents after consultation or the confidential information has become generally known.</i> <i>(4) Use privileged information of a client for the advantage of the lawyer or of a third person, unless the client consents after consultation.</i> <p><i>(c) Equivalent to MR (b): A lawyer may reveal confidential information:</i></p> <ol style="list-style-type: none"> <i>(1) When the lawyer has been expressly authorized to do so in order to carry out the representation.</i> <i>(2) When the client consents after consultation.</i> <i>(3) To the client, the client’s representatives, or the members, associates, and employees of the lawyers firm, except when otherwise instructed by the client.</i> <i>(4) Similar to MR (b)(6): “When the lawyer has reason to believe it is necessary to do so in order to comply with a court order, a Texas Disciplinary Rule of Professional Conduct, or other law.”</i> <i>(5) Similar to first part of MR (b)(5): “To the extent reasonably necessary to enforce a claim or establish a defense on behalf of the lawyer in a controversy between the lawyer and the client.”</i> <i>(6) Similar to second part of MR (b)(5): “To establish a defense to a</i>

	<p>criminal charge, civil claim or disciplinary complaint against the lawyer or the lawyer’s associates based upon conduct involving the client or the representation of the client.”</p> <p>(7) Similar to MR (b)(2): “When the lawyer has reason to believe it is necessary to do so in order to prevent the client from committing a criminal or fraudulent act.”</p> <p>(8) Similar to MR (b)(3): “To the extent revelation reasonably appears necessary to rectify the consequences of a client’s criminal or fraudulent act in the commission of which the lawyer’s services had been used.”</p> <p><i>(d) A lawyer also may reveal unprivileged client information.</i></p> <p><i>(1) When impliedly authorized to do so in order to carry out the representation.</i></p> <p><i>(2) When the lawyer has reason to believe it is necessary to do so in order to:</i></p> <ul style="list-style-type: none"> <i>(i) carry out the representation effectively;</i> <i>(ii) defend the lawyer or the lawyer’s employees or associates against a claim of wrongful conduct;</i> <i>(iii) respond to allegations in any proceeding concerning the lawyers representation of the client; or</i> <i>(iv) prove the services rendered to a client, or the reasonable value thereof, or both, in an action against another person or organization responsible for the payment of the fee for services rendered to the client.</i> <p><i>(e) When a lawyer has confidential information clearly establishing that a client is likely to commit a criminal or fraudulent act that is likely to result in death or substantial bodily harm to a person, the lawyer shall reveal confidential information to the extent revelation reasonably appears necessary to prevent the client from committing the criminal or fraudulent act.</i></p> <p><i>(f) A lawyer shall reveal confidential information when required to do so by Rule 3.03(a)(2), 3.03(b), or by Rule 4.01(b).</i></p> <p>Has not made changes to Rule since 2003 Task Force</p>
<p>UT Rules effective 11/1/05</p>	<p>Adds (c): For purposes of this Rule, representation of a client includes counseling a lawyer about the need for or availability of treatment for substance abuse or psychological or emotional problems by members of the Utah State Bar serving on an Utah State Bar endorsed lawyer assistance program.</p> <p>Adopts 2003 Task Force changes</p>
<p>VT Rules effective 9/1/09</p>	<p>(a): changes end to “required by paragraph (b) or permitted by paragraph (c)”</p> <p>(b): replaces “may” with “must” and adds “when required by other provisions of these rules or” before “client”</p> <p>(1) to prevent the client or another person from committing an act that is criminal or tortious, or otherwise in violation of law, and that the lawyer reasonably believes is likely to result in the death of, or substantial bodily harm to, a person other than the client or other person committing the act; or</p> <p>(b)(2) and (3): same as MR</p> <p>Adds (c) <i>A lawyer may reveal information relating to the representation of a client, though disclosure is not required by paragraph (b), when permitted under these</i></p>

	<p><i>rules or required by another provision of law or by court order or when the lawyer reasonably believes that disclosure is necessary:</i></p> <p><i>Adds (c)(1) prevent the client from committing a crime in circumstances other than those in which disclosure is required by paragraph (b) or from committing an act that the lawyer reasonably believes is likely to result in the death of, or substantial bodily harm to, the client or another person;</i></p> <p>(c)(2): same as MR (b)(4)</p> <p>(c)(3): same as MR (b)(5)</p> <p>Does not have MR (b)(6)</p> <p>Adopts 2003 Task Force changes</p>
<p>VA Rules effective 1/1/04</p>	<p>(a) Similar to MR but changes wording: “A lawyer shall not reveal information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).”</p> <p>(b) Similar to MR (b) but rearranges wording and deletes “relating to the representation of a client:” “To the extent a lawyer reasonably believes necessary, the lawyer may reveal:”</p> <p>(1) Similar to MR (b)(6) but adds “such information” to beginning</p> <p>(2) Similar to MR (b)(5) but adds “such information” to beginning</p> <p>Adds as (3): “such information which clearly establishes that the client has, in the course of the representation, perpetrated upon a third party a fraud related to the subject matter of the representation;”</p> <p>Adds as (4): “such information reasonably necessary to protect a client’s interests in the event of the representing lawyer’s death, disability, incapacity or incompetence;”</p> <p>Adds as (5): “such information sufficient to participate in a law office management assistance program approved by the Virginia State Bar or other similar private program;”</p> <p>Adds as (6): “information to an outside agency necessary for statistical, bookkeeping, accounting, data processing, printing, or other similar office management purposes, provided the lawyer exercises due care in the selection of the agency, advises the agency that the information must be kept confidential and reasonably believes that the information will be kept confidential.”</p> <p>Adds as (c): <i>A lawyer shall promptly reveal:</i></p> <p>(1) <i>the intention of a client, as stated by the client, to commit a crime and the information necessary to prevent the crime, but before revealing such information, the attorney shall, where feasible, advise the client of the possible legal consequences of the action, urge the client not to commit the crime, and advise the client that the attorney must reveal the client's criminal intention unless thereupon abandoned, and, if the crime involves perjury by the client, that the attorney shall seek to withdraw as counsel;</i></p> <p>(2) <i>information which clearly establishes that the client has, in the course of</i></p>

	<p><i>the representation, perpetrated a fraud related to the subject matter of the representation upon a tribunal. Before revealing such information, however, the lawyer shall request that the client advise the tribunal of the fraud. For the purposes of this paragraph and paragraph (b)(3), information is clearly established when the client acknowledges to the attorney that the client has perpetrated a fraud; or</i></p> <p><i>(3) information concerning the misconduct of another attorney to the appropriate professional authority under Rule 8.3. Where the information necessary to report the misconduct is protected under this rule, the attorney, after consultation, must obtain client consent. Consultation should include full disclosure of all reasonably foreseeable consequences of both disclosure and non-disclosure to the client.</i></p> <p>Does not adopt 2003 Task Force changes</p>
<p>WA Rules effective 9/1/06</p>	<p>(b) A lawyer to the extent the lawyer reasonably believes necessary:</p> <p>(1) Similar to MR (b)(1) but adds “shall reveal information relating to the representation of a client” to beginning</p> <p>(2) Similar to MR (b)(2) but adds “may reveal information relating to the representation of a client” to beginning and deletes everything after “committing a crime”</p> <p>(b)(3) – (6): adds “may reveal information related to the representation of a client” to beginning</p> <p>Adds: (b)(7) may reveal information relating to the representation of a client to inform a tribunal about any client’s breach of fiduciary responsibility when the client is serving as a court-appointed fiduciary such as a guardian, personal representative, or receiver.</p> <p>Adopts modified 2003 Task Force changes</p>
<p>WV Effective 1/1/89</p>	<p>Same as former MR but changes “information relating to the representation of a client” to “such information” in (b)</p> <p>Has not made changes to Rule since 2003 Task Force</p>
<p>WI Rules effective 7/1/07</p>	<p>(a) Same as MR but replaces “the disclosure” with “except for disclosures” and replaces language after “representation” with “and except as stated in pars. (b) and (c)”</p> <p>(b) Similar to MR (b) but adds combination of MR (b)(1) and (b)(2): changes “crime or fraud” [in MR (b)(2)] to “criminal or fraudulent act,” changes “is reasonably certain” [in MR (b)(2)] to “the lawyer reasonably believes is likely,” inserts clause from MR (b)(1), “death or substantial bodily harm” after “to result in,” does not include anything from MR (b)(2) after “of another.”</p> <p>(c): same as MR (b)</p> <p>(c)(1) – same as MR (b)(1) but replaces “certain” with “likely”</p> <p>(c)(2) – same as MR (b)(3)</p> <p>(c)(3) – same as MR (b)(4) but replaces “compliance with” with “conduct under”</p> <p>(c)(4) and (5) – same as MR (b)(5) and (6)</p> <p>Adopts 2003 Task Force changes</p>
<p>WY Rules</p>	<p>(a): Adds “shall not disclose <u>confidential</u> information.”</p> <p>Replaces “gives informed consent” with “makes an informed decision.”</p>

As of October 21, 2010

effective 7/1/06	(b): replaces “information relating to the representation of a client” with “such information.” (b)(1): to prevent to prevent the client from committing a criminal act. (b)(2) and (3): does not have. Adds (b)(5): to protect the best interests of an individual when the lawyer has been appointed to act as a guardian ad litem or as an attorney for the best interests of that individual. Does not adopt 2003 Task Force changes
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