

	<p style="text-align: center;"><b>American Bar Association CPR Policy Implementation Committee</b></p> <p style="text-align: center;"><b>Variations of the ABA Model Rules of Professional Conduct</b></p> <p style="text-align: center;"><b>Rule 3.3(a)(3)</b></p> <p>(a)(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.</p> <p>Variations from ABA model rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see <a href="http://www.abanet.org/cpr/jclr/home.html">http://www.abanet.org/cpr/jclr/home.html</a>.</p> <p>Does not include Comments.</p>
<a href="#">AL</a> Effective 2/19/09	Same as former MR
<a href="#">AK</a> Effective 4/15/09	Adds "and timely" after "reasonable"
<a href="#">AZ</a> Effective 12/1/03	Same as MR
<a href="#">AR</a> Effective 5/1/05	Same as MR
<a href="#">CA</a> Effective 9/1/09	<b><i>Rule 5-220 Suppression of Evidence</i></b> <i>A member shall not suppress any evidence that the member or the member's client has a legal obligation to reveal or to produce.</i>
<a href="#">CO</a> Effective 1/1/08	Same as MR
<a href="#">CT</a> Effective 1/1/07	Does not have last sentence
<a href="#">DE</a> Effective 7/1/03	Same as MR
<a href="#">District of Columbia</a>	(a)(4): Offer evidence that the lawyer knows to be false, except as provided in paragraph (b). A lawyer may refuse to offer evidence, other than the testimony of a

As of October 21, 2010

Effective 2/1/07	defendant in a criminal matter, that the lawyer reasonably believes is false.
<a href="#">FL</a> Effective 5/22/06	(a)(4), which is MR (a)(3): adds after first phrase: A lawyer may not offer testimony that the lawyer knows to be false in the form of a narrative unless so ordered by the tribunal; does not include in the last sentence, “other than the testimony of a defendant in a criminal matter”
<a href="#">ID</a> Effective 7/1/04	Same as MR
<a href="#">IL</a> Effective 1/1/2010	Same as MR
<a href="#">IN</a> Effective 1/1/05	Same as MR
<a href="#">IA</a> Effective 7/1/05	Same as MR
<a href="#">KS</a> Effective 7/1/07	Same as MR
<a href="#">KY</a> Effective 7/15/09	Replaces with: <i>(3) fail evidence that the lawyer <a href="#">knows</a> to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take <a href="#">reasonable</a> remedial measures.</i>
<a href="#">LA</a> Effective 3/1/04	Same as MR
<a href="#">ME</a> Effective 8/1/09	Same as MR
<a href="#">MD</a> Effective 7/1/05	Same as former MR (a)(4)
<a href="#">MI</a> (as proposed July 2004)	Same as MR
<a href="#">MN</a> Effective 10/1/05	Same as MR
<a href="#">MS</a> Effective 11/3/05	Same as former MR (a)(4)
<a href="#">MO</a> Effective 7/1/07	Same as MR

As of October 21, 2010

<a href="#">MT</a> Effective 4/1/04	Same as MR
<a href="#">NE</a> Effective 9/1/05	Same as MR
<a href="#">NV</a> Effective 5/1/06	Same as MR
<a href="#">NH</a> Effective 1/1/08	Same as MR
<a href="#">NJ</a> Effective 1/1/04	Same as former MR (a)(4)
<a href="#">NM</a> Effective 11/2/09	Same as MR
<a href="#">NY</a> Effective 4/1/09	Same as MR
<a href="#">NC</a> Effective 3/1/03	Same as MR
<a href="#">ND</a> Effective 8/1/06	Adds after “disclosure to the tribunal:” <i>unless the evidence was contained in testimony of the lawyer's client. If the evidence was contained in testimony of the lawyer's client, the lawyer shall make reasonable efforts to convince the client to consent to disclosure. If the client refuses to consent to disclosure, the lawyer shall seek to withdraw from the representation without disclosure. If withdrawal is not permitted, the lawyer may continue the representation and such continuation alone is not a violation of these rules. The lawyer may not use or argue the client's false testimony.</i> <i>Does not have last sentence.</i>
<a href="#">OH</a> Effective 2/1/07	Changes second sentence: “If a lawyer, the lawyer’s client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable <del>remedial</del> measures <u>to remedy the situation</u> , including, if necessary disclosure to the tribunal.”
<a href="#">OK</a> Effective 1/1/08	Deletes “other than the testimony of a defendant in a criminal matter”
<a href="#">OR</a> Effective 12/1/06	Same as MR
<a href="#">PA</a> Effective 7/1/06	Moves phrase from Comment [1] into the text: “... material evidence <u>before a tribunal or in an ancillary proceeding conducted pursuant to a tribunal’s adjudicative authority, such as a deposition,.....</u> ”

As of October 21, 2010

<a href="#">RI</a> Effective 4/15/07	Same as MR
<a href="#">SC</a> Effective 10/1/05	Same as MR
<a href="#">SD</a> Effective 1/1/04	Adds “timely” before “take reasonable remedial measures”  Adds at end: “However, in a criminal matter, the lawyer shall not participate with the client in the presentation of the client’s testimony which the lawyer knows to be false.”
<a href="#">TN</a> Effective 1/1/2011	Replaces with: <i>In an ex parte proceeding, fail to inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.</i>
<a href="#">UT</a> Effective 11/1/05	Same as MR
<a href="#">VT</a> Effective 9/1/09	CT Rules (a)(4) is the same as former MR (a)(4)
<a href="#">VA</a> Effective 1/1/04	Same as former MR (a)(4)
<a href="#">WA</a> Effective 9/1/06	(a)(4): offer evidence that the lawyer knows to be false
<a href="#">WI</a> Effective 7/1/07	Same as MR
<a href="#">WY</a> Effective 7/1/06	Same as MR

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