

	<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 3.5: Impartiality and Decorum of the Tribunal</p> <p>A lawyer shall not:</p> <p>(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;</p> <p>(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;</p> <p>(c) communicate with a juror or prospective juror after discharge of the jury if:</p> <p style="padding-left: 40px;">(1) the communication is prohibited by law or court order;</p> <p style="padding-left: 40px;">(2) the juror has made known to the lawyer a desire not to communicate; or</p> <p style="padding-left: 40px;">(3) the communication involves misrepresentation, coercion, duress or harassment; or</p> <p>(d) engage in conduct intended to disrupt a tribunal.</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>
<p>AL Effective 2/19/09</p>	<p>(b) Replaces everything after “ex parte” with: with such a person except as permitted by law; or;”</p> <p>(c) is identical to MR (d);</p> <p>Does not adopt MR (c).</p>
<p>AK Effective 4/15/09</p>	<p>Deletes “A lawyer shall not:” before (a) and inserts this language at the beginning in sections (a), (b), and (d).</p> <p>(b) Replaces “such a person” with “judge, juror, or prospective juror, or any other official;” deletes clause “during the proceeding;” adds “or paragraph (c) of this rule” to end.</p> <p>(c) Adds clause “After a jury is discharged, a lawyer may” before “communicate;” adds “or a former” before “prospective;” deletes “juror” after prospective, adds “or an alternate juror” to end; deletes “after...jury if”</p> <p>(c)(1) Replaces “has made known to” with “has notified;” replaces wording after “lawyer” with the clause “or the lawyer’s agent that the juror does not desire to communicate.”</p>

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	Adds (4): <i>the communication is calculated to improperly influence the juror's action in future jury service.</i>
AZ Effective 12/1/03	Same as MR
AR Effective 5/1/05	Same as MR
CA Current Rule	[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]
CO Effective 1/1/08	Adds (4): <i>the communication is intended to or is reasonably likely to demean, embarrass, or criticize the jurors or their verdicts; or</i>
CT Effective 1/1/07	Title: deletes "of the Tribunal" (1) – (3): same as MR (a) – (c) (4): same as MR (d) but adds "or ancillary proceedings such as depositions and mediations" to end
DE Effective 7/1/03	(b): adds after "communicate," "or cause another to communicate"; adds after "person," "or members of such person's family" (c): replaces "if" and the three subparts with: "unless the communication is permitted by court rule" (d): adds at the end: "or engage in undignified or discourteous conduct that is degrading to a tribunal."
District of Columbia Effective 2/1/07	(c): adds after "communicate" "either ex parte or with opposing counsel" (d): adds "any proceeding of" after "disrupt" and "including a deposition" to end
FL Effective 5/22/06	(a) Influencing Decision Maker. A lawyer shall not seek to influence a judge, juror, prospective juror, or other decision maker except as permitted by law or the rules of court. (b) Communication with Judge or Official. In an adversary proceeding a lawyer shall not communicate or cause another to communicate as to the merits of the cause with a judge or an official before whom the proceeding is pending except: (1) in the course of the official proceeding in the cause; (2) in writing if the lawyer promptly delivers a copy of the writing to the opposing counsel or to the adverse party if not represented by a lawyer; (3) orally upon notice to opposing counsel or to the adverse party if not represented by a lawyer; or (4) as otherwise authorized by law. (c): same as MR (d) but adds "Disruption of Tribunal. A lawyer shall not" to beginning (d): compare to MR (c), Communication With Jurors. A lawyer shall not: (1) before the trial of a case with which the lawyer is connected, communicate or cause another to communicate with anyone the lawyer

	<p>knows to be a member of the venire from which the jury will be selected;</p> <p>(2) during the trial of a case with which the lawyer is connected, communicate or cause another to communicate with any member of the jury;</p> <p>(3) during the trial of a case with which the lawyer is not connected, communicate or cause another to communicate with a juror concerning the case;</p> <p>(4) after dismissal of the jury in a case with which the lawyer is connected, initiate communication with or cause another to initiate communication with any juror regarding the trial except to determine whether the verdict may be subject to legal challenge; provided, a lawyer may not interview jurors for this purpose unless the lawyer has reason to believe that grounds for such challenge may exist; and provided further, before conducting any such interview the lawyer must file in the cause a notice of intention to interview setting forth the name of the juror or jurors to be interviewed. A copy of the notice must be delivered to the trial judge and opposing counsel a reasonable time before such interview. The provisions of this rule do not prohibit a lawyer from communicating with members of the venire or jurors in the course of official proceedings or as authorized by court rule or written order of the court.</p>
<p>GA* Effective 1/1/01</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Text: Adds clause to end: “without regard to whether the lawyer represents a client in the matter;”</p> <p>(b) Replaces language after “person” with ‘except as permitted by law; or;’</p> <p>Does not have MR (c);</p> <p>(c) is MR (d);</p> <p>Adds to end: “The maximum penalty for a violation of part (a) of this Rule is disbarment. The maximum penalty for a violation of part (b) or part (c) of this Rule is a public reprimand.”</p>
<p>HI* Effective 1/1/94</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(a) title: “Influencing Decision Maker;” changes “or other official” to “discharged juror, or other decision maker;”</p> <p>(b) Harassing or Embarrassing Decision Maker. <i>A lawyer shall not harass a judge, juror, prospective juror, discharged juror, or other decision maker or embarrass such person in such capacity.</i></p> <p>(c) is similar to MR (d) but adds title, “Disruption of Tribunal” and adds “or reasonably likely” after “intended;”</p> <p>Does not have MR (b) or (c);</p> <p>Adds:</p> <p>(d) Communication with a Judge or Official. <i>In an adversary proceeding, a lawyer shall not communicate as to the merits of the cause with a judge or an official before whom the proceeding is</i></p>

	<p><i>pending except:</i></p> <p>(1) <i>in the course of the official proceeding in the cause;</i></p> <p>(2) <i>in writing if the lawyer promptly delivers a copy of the writing to the opposing counsel or to the adverse party if not represented by a lawyer; or</i></p> <p>(3) <i>orally upon notice to opposing counsel or to the adverse party if not represented by a lawyer.</i></p> <p>(e) Communication with Jurors. <i>A lawyer shall not:</i></p> <p>(1) <i>before the trial of a case with which the lawyer is connected, communicate with anyone the lawyer knows to be a member of the venire from which the jury will be selected, with respect to the case or with the intent or reasonable likelihood of influencing the member with respect to the case;</i></p> <p>(2) <i>during the trial of a case with which the lawyer is connected, communicate with a juror except in the course of the proceedings, with the judge and opposing counsel present;</i></p> <p>(3) <i>during the trial of a case with which the lawyer is not connected, communicate with a juror concerning the case;</i></p> <p>(4) <i>after dismissal of the jury in a case with which the lawyer is connected, communicate with a juror regarding the trial except that:</i></p> <p>(i) <i>upon leave of the court, which leave shall be freely granted, a lawyer may ask questions of, or respond to questions from, jurors about the trial, provided that the lawyer does so in a manner that is not calculated to harass or embarrass any juror and does not seek to influence the juror's actions in future jury service in any particular case; and</i></p> <p>(ii) <i>upon leave of the court for good cause shown, a lawyer who believes there are grounds for legal challenge to a verdict may conduct an in-court examination of jurors or former jurors to determine whether the verdict is subject to challenge. A motion for in-court examination of discharged jurors under this subsection (e)(4)(ii) shall be served no later than ten (10) days after the judgment has been entered unless good cause is shown for the failure to serve the motion within that time. If the examination is permitted, the court shall prescribe, the time, manner, place, and scope of the examination.</i></p>
<p>ID Effective 7/1/04</p>	<p>Same as MR</p>
<p>IL Effective 1/1/2010</p>	<p>Same as MR</p>
<p>IN Effective</p>	<p>Same as MR</p>

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1/1/05	
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	<p>Changes title to: “Advocate: Impartiality and Decorum of the Tribunal”</p> <p><i>A lawyer shall not:</i></p> <p><i>(a) give or lend anything of value to a judge, official, or employee of a tribunal except as permitted by Section D(5) of Canon 4 of the Code of Judicial Conduct as it may, from time to time be adopted in Kansas, nor may a lawyer attempt to improperly influence a judge, official or employee of a tribunal, but a lawyer may make a contribution to the campaign fund of a candidate for judicial office in conformity with Section C(2) and (4) of Canon 5 of the Code of Judicial Conduct;</i></p> <p><i>(b) communicate or cause another to communicate with a member of a jury or the venire from which the jury will be selected about the matters under consideration other than in the course of official proceedings until after the discharge of the jury from further consideration of the case;</i></p> <p><i>(c) communicate or cause another to communicate as to the merits of a cause with a judge or official before whom an adversary proceeding is pending except:</i></p> <p><i>(1) in the course of official proceedings in the cause;</i></p> <p><i>(2) in writing, if the lawyer promptly delivers a copy of the writing to opposing counsel or to the adverse party if unrepresented;</i></p> <p><i>(3) orally upon adequate notice to opposing counsel or the adverse party if unrepresented;</i></p> <p><i>(4) as otherwise authorized by law or court rule;</i></p> <p><i>(d) engage in undignified or discourteous conduct degrading to a tribunal.</i></p>
KY Effective 7/15/09	<p>DCR 3.130 (3.5) Impartiality and Decorum of the Tribunal</p> <p>Adds heading: “SCR 3.130(3.5) shall read:”</p> <p>(b) replaces “during the proceeding unless authorized to do so” with “as to the merits of the cause except as permitted”</p> <p>(c)(1) adds “local rule” after “law”</p>
LA Effective 3/1/04	Same as MR
ME Effective 8/1/09	<p>Deletes “A lawyer shall not:” before (a) and inserts this language at the beginning in sections (a), (b), and (d).</p> <p>(b) Replaces “such a person” with “judge, juror, or prospective juror, or any other official;” deletes clause “during the proceeding;” adds “or paragraph (c) of this rule” to end.</p> <p>(c) Adds clause “After a jury is discharged, a lawyer may” before “communicate;” adds “or a former” before “prospective;” deletes “juror” after prospective, adds “or an alternate juror” to end; deletes “after...jury if”</p> <p>(c)(1) Replaces “has made known to” with “has notified;” replaces wording</p>

	<p>after “lawyer” with the clause “or the lawyer’s agent that the juror does not desire to communicate.” <i>Adds (4): the communication is calculated to improperly influence the juror’s action in future jury service.</i></p>
<p>MD Effective 7/1/05</p>	<p>Rule is significantly different from MR: (a) A lawyer shall not: (1) seek to influence a judge, juror, prospective juror, or other official by means prohibited by law; (2) before the trial of a case with which the lawyer is connected, communicate outside the course of official proceedings with anyone known to the lawyer to be on the list from which the jurors will be selected for the trial of the case; (3) during the trial of a case with which the lawyer is connected, communicate outside the course of official proceedings with any member of the jury; (4) during the trial of a case with which the lawyer is not connected, communicate outside the course of official proceedings with any member of the jury about the case; (5) after discharge of a jury from further consideration of a case with which the lawyer is connected, ask questions of or make comments to a member of that jury that are calculated to harass or embarrass the juror or to influence the juror's actions in future jury service; (6) conduct a vexatious or harassing investigation of any juror or prospective juror; (7) communicate ex parte about an adversary proceeding with the judge or other official before whom the proceeding is pending, except as permitted by law; or (8) discuss with a judge potential employment of the judge if the lawyer or a firm with which the lawyer is associated has a matter that is pending before the judge; or (9) engage in conduct intended to disrupt a tribunal. (b) A lawyer who has knowledge of any violation of section (a) of this Rule, any improper conduct by a juror or prospective juror, or any improper conduct by another towards a juror or prospective juror, shall report it promptly to the court or other appropriate authority.</p>
<p>MA Rules effective 9/1/08</p>	<p>(b) Replaces language after “such a person” with “except as permitted by law;” (c) is the same as MR (d); Does not adopt MR (c); Adds: <i>(d) after discharge of the jury from further consideration of a case with which the lawyer was connected, initiate any communication with a member of the jury without leave of court granted for good cause shown. If a juror initiates a communication with such a lawyer, directly or indirectly, the lawyer may respond provided that the lawyer shall not ask questions of or make comments to a</i></p>

	<p><i>member of that jury that are intended only to harass or embarrass the juror or to influence his or her actions in future jury service. In no circumstances shall such a lawyer inquire of a juror concerning the jury's deliberation processes.</i></p>
<p>MI* Rules effective 10/1/88</p> <p>New Proposed 11/24/09</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(b) Deletes “or court order;” Does not have MR (c); (c) is equivalent to MR (d) but changes language to: “(c) engage in undignified or discourteous conduct toward the tribunal.”</p> <p>(d) Changes language to: “(d) engage in undignified or discourteous conduct toward the tribunal.”</p>
<p>MN Effective 10/1/05</p>	<p>(a) Before the trial of a case, a lawyer connected therewith shall not, except in the course of official proceedings, communicate with or cause another to communicate with anyone the lawyer knows to be a member of the venire from which the jury will be selected for the trial of the case.</p> <p>(b) During the trial of the case: (1) a lawyer connected therewith shall not, except in the course of official proceedings, communicate with or cause another to communicate with any member of the jury. (2) a lawyer who is not connected therewith shall not, except in the course of official proceedings, communicate with or cause another to communicate with a juror concerning the case.</p> <p>(c) After discharge of the jury from further consideration of a case with which the lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence the juror’s actions in future jury service.</p> <p>(d) A lawyer shall not conduct or cause another, by financial support or otherwise, to conduct a vexatious or harassing investigation of a juror or prospective juror.</p> <p>(e) All restrictions imposed by this rule apply also to communications with or investigations of members of a family of a juror or prospective juror.</p> <p>(f) A lawyer shall reveal promptly to the court improper conduct by, or by another toward, a juror or prospective juror or a member of the family thereof, of which the lawyer has knowledge.</p> <p>(g) In an adversary proceeding a lawyer shall not communicate or cause another to communicate as to the merits of the case with the judge or an official before whom a proceeding is pending except: (1) in the course of official proceedings; (2) in writing, if the lawyer promptly delivers a copy of the writing to opposing counsel or to the adverse party if the party is not represented by a lawyer;</p>

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	<p>(3) orally upon adequate notice to opposing counsel or to the adverse party if the adverse party is not represented by a lawyer; or</p> <p>(4) as otherwise authorized by law.</p> <p>(h) A lawyer shall not engage in conduct intended to disrupt a tribunal.</p>
MS Effective 11/3/05	Does not have MR (c)(3)
MO Effective 7/1/07	Same as MR
MT Effective 4/1/04	kept old MR. Did not adopt E2k changes.
NE Effective 9/1/05	<p>changes the format of the rule so all of what is the ABA MR becomes paragraph (a) with subsections.</p> <p>adds as (b): A lawyer shall reveal promptly to the court improper conduct by a venireperson or a juror, or by another toward a venireperson or a juror or a member of his or her family, of which the lawyer has knowledge.</p>
NV Effective 5/1/06	<p>Changes title: Impartiality and Decorum of the Tribunal and Relations With Jury.</p> <p>(a) A lawyer shall not seek to influence a judge, juror, prospective juror or other official by means prohibited by law.</p> <p>(b) A lawyer shall not communicate ex parte with a judge, juror, prospective juror or other official except as permitted by law.</p> <p>(c) Subject to the limitations imposed by this Rule or by law, it is a lawyer's right, after the jury has been discharged, to interview the jurors to determine whether their verdict is subject to any legal challenge. A lawyer shall not communicate with a juror or prospective juror after discharge of the jury if the juror has made known to the lawyer a desire not to communicate, or the communication involves misrepresentation, coercion, duress or harassment. The scope of the interview should be restricted and caution should be used to avoid embarrassment to any juror or to influence his or her action in any subsequent jury service.</p> <p>(d) A lawyer shall not engage in conduct intended to disrupt a tribunal.</p> <p>Adds: (e) Before the jury is sworn to try the cause, a lawyer may investigate the prospective jurors to ascertain any basis for challenge, provided that a lawyer or the lawyer's employees or independent contractors may not, at any time before the commencement of the trial, conduct or authorize any investigation of the prospective jurors, through any means which are calculated or likely to lead to communication with prospective jurors of any allegations or factual circumstances relating to the case at issue. Conduct prohibited by this Rule includes, but is not limited to, any direct or indirect communication with a prospective juror, a member of the juror's family, an employer, or any other person that may lead to direct or indirect communication with a prospective juror.</p>
NH	Same as MR

Effective 1/1/08	
NJ Effective 1/1/04	did not make changes to their current rule which is the same as the old MR.
NM Effective 11/2/09	Changed to Rule 16-305; Subparagraphs (a) through (d) are capitalized, changed to "A" through "D;" Subparagraphs (1) through (3) are changed to (a) through (c).
NY Effective 4/1/09	<p>Does not adopt MR. Equivalent Rule:</p> <p style="text-align: center;">RULE 3.5: Maintaining and Preserving the Impartiality of Tribunals and Jurors</p> <p>(a) A lawyer shall not:</p> <p style="padding-left: 40px;">(1) seek to or cause another person to influence a judge, official or employee of a tribunal by means prohibited by law or give or lend anything of value to such judge, official, or employee of a tribunal when the recipient is prohibited from accepting the gift or loan but a lawyer may make a contribution to the campaign fund of a candidate for judicial office in conformity with Part 100 of the Rules of the Chief Administrator of the Courts;</p> <p style="padding-left: 40px;">(2) in an adversarial proceeding communicate or cause another person to do so on the lawyer's behalf, as to the merits of the matter with a judge or official of a tribunal or an employee thereof before whom the matter is pending, except:</p> <p style="padding-left: 80px;">(i) in the course of official proceedings in the matter;</p> <p style="padding-left: 120px;">(ii) in writing, if the lawyer promptly delivers a copy of the writing to counsel for other parties and to a party who is not represented by a lawyer;</p> <p style="padding-left: 120px;">(iii) orally, upon adequate notice to counsel for the other parties and to any party who is not represented by a lawyer;</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 120px;">(iv) as otherwise authorized by law, or by Part 100 of the Rules of the Chief Administrator of the Courts;</p> <p style="padding-left: 40px;">(3) seek to or cause another person to influence a juror or prospective juror by means prohibited by law;</p> <p style="padding-left: 40px;">(4) communicate or cause another to communicate with a member of the jury venire from which the jury will be selected for the trial of a case or, during the trial of a case, with any member of the jury unless authorized to do so by law or court order;</p> <p style="padding-left: 40px;">(5) communicate with a juror or prospective juror after discharge of the jury if:</p> <p style="padding-left: 80px;">(i) the communication is prohibited by law or court order;</p> <p style="padding-left: 120px;">(ii) the juror has made known to the lawyer a desire not to communicate;</p>

	<p>(iii) the communication involves misrepresentation, coercion, duress or harassment; or</p> <p>(iv) the communication is an attempt to influence the juror's actions in future jury service; or</p> <p>(6) conduct a vexatious or harassing investigation of either a member of the venire or a juror or, by financial support or otherwise, cause another to do so.</p> <p>(b) During the trial of a case a lawyer who is not connected therewith shall not communicate with or cause another to communicate with a juror concerning the case.</p> <p>(c) All restrictions imposed by this Rule also apply to communications with or investigations of members of a family of a member of the venire or a juror.</p> <p>(d) A lawyer shall reveal promptly to the court improper conduct by a member of the venire or a juror, or by another toward a member of the venire or a juror or a member of his or her family of which the lawyer has knowledge.</p>
<p>NC Effective 3/1/03</p>	<p>did not change the text of their previous rule, which is more detailed than MR, other than to add as new (a)(5), the new (c) of the MR.</p> <p>the differences in their rule are: in place of MR (b), they have (a)(2) and (3), which state: "(2) communicate ex parte with a juror or prospective juror except as permitted by law; (3) communicate with a judge or other official except: (A) in the course of official proceedings; (B) in writing, if a copy of the writing is furnished simultaneously to the opposing party; (C) orally, upon adequate notice to opposing party; or (D) as otherwise permitted by law."</p> <p>(a)(4) is similar to MR (d) and adds at the end: "including: (A) failing to comply with known local customs of courtesy or practice of the bar or a particular tribunal without giving opposing counsel timely notice of the intent not to comply; (B) engaging in undignified or discourteous conduct that is degrading to a tribunal; or (C) intentionally or habitually violating any established rule of procedure or evidence:"</p> <p>also adds these provisions:</p> <p>(b): "All restrictions imposed by this rule also apply to communications with, or investigations of, members of the family of a juror or a prospective juror."</p> <p>(c): "A lawyer shall reveal promptly to the court improper conduct by a juror or a prospective juror, or by another toward a juror, a prospective juror or a member of a juror or a prospective juror's family."</p>
<p>ND Effective 8/1/06</p>	<p>(b): replaces "such a person during a proceeding" with "a judge, impaneled juror, prospective juror or other official concerning a pending or impending proceeding"</p>
<p>OH Effective 2/1/07</p>	<p>(a): same as first paragraph of MR but adds "do any of the following" to end</p> <p>(a)(1): same as MR (a) but replaces "judge" with "judicial officer"</p> <p>Adds (a)(2) lend anything of value or give anything of more than de</p>

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	<p>minimis value to a judicial officer, official, or employee of a tribunal;</p> <p>(a)(3) communicate ex parte with either of the following:</p> <p>(i) a judicial officer or other official as to the merits of the case during the proceeding unless authorized to do so by law or court order;</p> <p>(ii) a juror or prospective juror during the proceeding unless otherwise authorized to do so by law or court order.</p> <p>(a)(4): same as MR (c) but adds “any of the following applies” to end</p> <p>(a)(4)(i) – (iii): same as MR (c)(1) – (3)</p> <p>(a)(5): same as MR (d)</p> <p>Adds (a)(6) engage in undignified or discourteous conduct that is degrading to a tribunal.</p> <p>Adds (b) A lawyer shall reveal promptly to the tribunal improper conduct by a juror or prospective juror, or by another toward a juror, prospective juror, or family member of a juror or prospective juror, of which the lawyer has knowledge.</p>
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	<p>(b): adds “on the merits of a cause” after “ex parte”</p> <p>adds (e): fail to reveal promptly to the court improper conduct by a venireman or a juror, or by another toward a venireman or a juror or a member of their families, of which the lawyer has knowledge.</p>
PA Effective 7/1/06	Same as MR
RI Effective 4/15/07	Same as MR
SC Effective 10/1/05	<p>(a) and (c): substitutes “member of the jury venire” for “potential juror”</p> <p>adds as (e): Participate in any judicial portrait fund or memorial except on the following conditions:</p> <p>(1) The soliciting entity shall be a law school or an established state county, or local bar organization or association which was not formed for the primary purpose of soliciting judicial portrait funds or memorials;</p> <p>(2) Except for an officer of the soliciting entity, no lawyer or judge other than the intended honoree shall be identified in any communication preparatory to the creation of, or during the solicitation for, the fund or memorial; and</p> <p>(3) Anonymity of donors shall be guaranteed, and any solicitation shall so state.</p>
SD Effective 1/1/04	(b): adds after “communicate ex parte,” “on the merits”
TN Effective 1/1/2011	<p>Adds: (d) “conduct a vexatious or harassing investigation of a juror or prospective juror; or”</p> <p>(e) same as MR (d)</p>

<p>TX* Effective 3/1/05</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p><i>Rule 3.05 Maintaining Impartiality of Tribunal</i> <i>A lawyer shall not:</i> <i>(a) seek to influence a tribunal concerning a pending matter by means prohibited by law or applicable rules of practice or procedure;</i> <i>(b) except as otherwise permitted by law and not prohibited by applicable rules of practice or procedure, communicate or cause another to communicate ex parte with a tribunal for the purpose of influencing that entity or person concerning a pending matter other than:</i> <i>(1) in the course of official proceedings in the cause;</i> <i>(2) in writing if he promptly delivers a copy of the writing to opposing counsel or the adverse party if he is not represented by a lawyer;</i> <i>(3) orally upon adequate notice to opposing counsel or to the adverse party if he is not represented by a lawyer.</i> <i>(c) For purposes of this rule:</i> <i>(1) Matter has the meanings ascribed by it in Rule 1.10(f) of these Rules;</i> <i>(2) A matter is pending before a particular tribunal either when that entity has been selected to determine the matter or when it is reasonably foreseeable that that entity will be so selected.</i></p>
<p>UT Effective 11/1/05</p>	<p>replaces (b) with: Communicate <i>ex parte</i> in an adversary proceeding as to the merits of the case with a judge, juror, prospective juror or court official during the proceeding, prior to full discharge of that person’s duties in the proceeding, unless authorized to do so by law, rule or court order;</p>
<p>VT Effective 9/1/09</p>	<p>(a) Deletes everything after “communicate ex parte;” Adds: (1) with a judge or other person acting in a judicial or quasi-judicial capacity in a pending or impending adversary proceeding, unless authorized to do so by the Code of Judiciary Conduct, by other law, or by court order; (2) with a juror or prospective juror before the court clerk has certified that the juror’s term of service is complete except by leave of court for good cause shown and under such terms as the court shall determine; or” (c) Replaces “after discharge of jury if” with: “after the court clerk has certified that the juror’s term of service is complete if;” (d) Replaces “conduct intended to disrupt a tribunal” with “undignified or discourteous conduct which is degrading or disrupting to a tribunal.”</p>
<p>VA Effective 1/1/04</p>	<p>(a): same as first paragraph of MR (a)(1) before or during the trial of a case, directly or indirectly, communicate with a juror or anyone the lawyer knows to be a member of the venire from which the jury will be selected for the trial of the case, except as permitted by law; (a)(2) after discharge of the jury from further consideration of a case:</p>

	<p>(i) ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence the juror's actions in future jury service;</p> <p>(ii) communicate with a member of that jury if the communication is prohibited by law or court order; or</p> <p>(a)(2)(iii): same as MR (c)(2) but adds "communicate with a member of that jury if" to the beginning</p> <p>(3) conduct or cause, by financial support or otherwise, another to conduct a vexatious or harassing investigation of either a juror or a member of a venire.</p> <p>(b) All restrictions imposed by paragraph (a) upon a lawyer also apply to communications with or investigations of members of the immediate family or household of a juror or a member of a venire.</p> <p>(c) A lawyer shall reveal promptly to the court improper conduct by a member of a venire or a juror, or by another toward a venireman or a juror or a member of the juror's family, of which the lawyer has knowledge.</p> <p>(d) A lawyer shall not give or lend anything of value to a judge, official, or employee of a tribunal under circumstances which might give the appearance that the gift or loan is made to influence official action.</p> <p>(e) In an adversary proceeding, a lawyer shall not communicate, or cause another to communicate, as to the merits of the cause with a judge or an official before whom the proceeding is pending, except:</p> <p>(1) in the course of official proceedings in the cause;</p> <p>(2) in writing if the lawyer promptly delivers a copy of the writing to opposing counsel or to the adverse party who is not represented by a lawyer;</p> <p>(3) orally upon adequate notice to opposing counsel or to the adverse party who is not represented by a lawyer; or</p> <p>(4) as otherwise authorized by law.</p> <p>(f): same as MR (d) but adds "A lawyer shall not" to beginning</p>
<p>WA Effective 9/1/06</p>	<p>Same as MR</p>
<p>WV* Effective 1/1/89</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(b) Deletes "during the proceeding;" Does not have MR (c); (c) is MR (d).</p>
<p>WI Effective 7/1/07</p>	<p>(b): adds to end "or for scheduling purposes if permitted by the court. If communication between a lawyer and judge has occurred in order to schedule the matter, the lawyer involved shall promptly notify the lawyer for the other party or the other party, if unrepresented, of such communication"</p>
<p>WY Effective</p>	<p>(b): replaces "such a person during the proceeding" with "an official acting in an adjudicative capacity concerning any substantive or procedural issue"</p>

As of October 21, 2010

7/1/06	before him, or which is likely to be before him”
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