

	<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 4.3 Dealing With Unrepresented Person</p> <p>In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer’s role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.</p> <p>Variations from ABA Model Rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see http://www.abanet.org/cpr/jclr/home.html.</p> <p>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: http://www.abanet.org/cpr/links.html*</p>
AL Effective 2/19/09	Deletes everything following “correct the misunderstanding.”
AK Effective 4/15/09	Same as MR
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	Same as MR
CT	Same as MR

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Effective 1/1/07	
DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	Title: Dealings with Unrepresented Parties (a): MR text up to “shall not” Adds (a)(1) Give advice to the unrepresented person other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of the lawyer’s client; or (a)(2): remainder of language from first MR sentence but adds “to unrepresented persons whose interests are not in conflict with the interests of the lawyer’s client” after “imply” (b): MR second sentence Does not have remainder of MR
FL Effective 5/22/06	(a): same as MR text but ends third sentence after “counsel” Adds (b): An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with Rule Regulating The Florida Bar 4-1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, the opposing lawyer is to communicate with the limited representation lawyer as to the subject matter within the limited scope of the representation.
GA* Effective 1/1/01	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) is “state or imply...misunderstanding;” Replaces everything else with: <i>(b) give advice other than the advice to secure counsel; and</i> <i>(c) initiate any contact with a potentially adverse party in a matter concerning personal injury or wrongful death or otherwise related to an accident or disaster involving the person to whom the contact is addressed or a relative of that person, unless the accident or disaster occurred more than 30 days prior to the contact.</i> <i>The maximum penalty for a violation of this Rule is disbarment.</i>
HI* Effective 1/1/94	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) is “In dealing...misunderstanding;” (b) is everything else, but adds to beginning: “During the course of [the lawyer's] representation of a client” and changes “the lawyer” to “a lawyer;” adds, in brackets, “[the lawyer’s]” before client at very end of paragraph.
ID Effective 7/1/04	Same as MR
IL Effective	Same as MR

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1/1/2010	
IN Effective 1/1/05	Same as MR
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	Deletes language after “misunderstanding.”
KY Effective 7/15/09	Deletes language after “unrepresented person” and replaces with “The lawyer may suggest that the unrepresented person secure counsel.”
LA Effective 3/1/04	Same as MR
ME Effective 8/1/09	Replaces “other than the advice to secure counsel” with “The lawyer may recommend that such unrepresented client secure counsel.”
MD Effective 7/1/05	Does not include new last sentence
MA Rules effective 9/1/08	(a) is the same as the first part of MR, through “correct the misunderstanding;” (b) is similar to last part of MR, but adds to beginning: “During the course of representation of a client;” changes “to an unrepresented person” to “a person who is not represented by a lawyer;” Adds “other than the advice to secure counsel if” before “the interests.”
MI* Rules effective 10/1/88	<i>*Made only partial amendments effective 1/1/2011 since the most recent amendments to the ABA Model Rules (amended Rules 3.1, 3.3, 3.4, 3.5, 3.6, 5.5, and 8.5 and adopted new Rules 2.4, 5.7, and 6.6.</i> Deletes language after “misunderstanding.”
MN Effective 10/1/05	separates the rules into 4 paragraphs. Includes all of the MR provisions and adds as the second sentence (paragraph): (b): a lawyer shall clearly disclose that the client’s interests are adverse to the interests of the unrepresented person, if the lawyer knows or reasonably should know that the interests are adverse;
MS Effective 11/3/05	Same as MR
MO Effective 7/1/07	Same as MR
MT Effective 10/1/2011	Adds (b): <i>An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with Rule 1.2(c) is considered to be unrepresented for purposes of this Rule unless the opposing party of lawyer</i>

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	<i>has been provided with a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.</i>
NE Effective 9/1/05	Same as MR
NV Effective 5/1/06	Same as MR
NH Effective 1/1/08	Same as MR
NJ Effective 1/1/04	Did not amend their existing RPC. Title: Dealing with Unrepresented Person; <u>Employee of Organization</u> The first two sentences are the same as the MR. It then states: "If the person is a director, officer, employee, member, shareholder or other constituent of an organization concerned with the subject of the lawyer's representation but not a person defined by RPC 1.13(a), the lawyer shall also ascertain by reasonable diligence whether the person is actually represented by the organization's attorney pursuant to RPC 1.13(e) or who has a right to such representation on request, and, if the person is not so represented or entitled to representation, the lawyer shall make known to the person that insofar as the lawyer understands, the person is not being represented by the organization's attorney."
NM Effective 11/2/09	Changed to Rule 16-403.
NY Effective 4/1/09	Replaces "dealing" with "communicating."
NC Effective 3/1/03	divides the rule into two paragraphs. The introduction is the same as the first sentence of the MR. (a) is like the last sentence of the MR but worded differently: "[The lawyer shall not...]give legal advice to the person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such person are or have a reasonable possibility of being in conflict with the interests of the client." (b) is the same as the second sentence of the MR.
ND Effective 8/1/06	Same as MR
OH Effective 2/1/07	Same as MR
OK Effective 1/1/08	Same as MR

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OR Effective 12/1/06	Title: uses "Persons" adds reference to "the lawyer's own interests" at the beginning and end.
PA Effective 7/1/06	breaks rule into 3 paragraphs. (a) is the same as the first sentence of the MR. (b) is similar to the last sentence but somewhat different: During the course of a lawyer's representation of a client, a lawyer shall not give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of the lawyer's client. (c) is the same as the second sentence of the MR.
RI Effective 4/15/07	Same as MR
SC Effective 10/1/05	Same as MR
SD Effective 1/1/04	Same as MR
TN Effective 1/1/11	Same as MR
TX* Effective 3/1/05	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> Deletes language after "misunderstanding."
UT Effective 11/1/05	adds as (b): A lawyer may consider a person, whose representation by counsel in a matter does not encompass all aspects of the matter, to be unrepresented for purposes of this Rule and Rule 4.2, unless that person's counsel has provided written notice to the lawyer of those aspects of the matter or the time limitation for which the person is represented. Only as to such aspects and time is the person considered to be represented by counsel.
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	(a): same as first two sentence of MR (b): same as last sentence of MR but changes "The lawyer" to "A lawyer," deletes "legal," changes "an unrepresented person" to "a person who is not represented by a lawyer," deletes "the lawyer knows or reasonably should know that"
WA Effective 9/1/06	Same as MR
WV* Effective 1/1/89	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> Deletes language after "misunderstanding."
WI	In first sentence, replaces language after "shall" with "inform such person of the

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Effective 7/1/07	lawyer's role in the matter”
WY Effective 7/1/06	Same as MR

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