

	<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 Rule 5.1</p> <p>(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.</p> <p>(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.</p> <p>(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:</p> <p style="padding-left: 40px;">(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or</p> <p style="padding-left: 40px;">(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.</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>AL Effective 2/19/09</p>	<p>(a) Deletes clause, “and a lawyer who individually...in a law firm;” deletes “or has comparable managerial authority”</p>
<p>AK Effective 4/15/09</p>	<p>(c)(2): same as MR but adds “the lawyer individually or together with other lawyers” before “has comparable”</p>
<p>AZ Effective 12/1/03</p>	<p>Same as MR</p>
<p>AR Effective 5/1/05</p>	<p>Same as MR</p>
<p>CA</p>	<p>Rule 3-110 Failing to Act Competently</p>

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<p>Effective 9/1/09</p>	<p>(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.</p> <p>(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.</p> <p>(C) If a member does not have sufficient learning and skill when the legal service is undertaken, the member may nonetheless perform such services competently by 1) associating with or, where appropriate, professionally consulting another lawyer reasonably believed to be competent, or 2) by acquiring sufficient learning and skill before performance is required.</p>
<p>CO Effective 1/1/08</p>	<p>Title: has former MR</p>
<p>CT Effective 1/1/07</p>	<p>Same as MR</p>
<p>DE Effective 7/1/03</p>	<p>Same as MR</p>
<p>District of Columbia Effective 2/1/07</p>	<p>(a): same as MR but adds "or government agency" before "shall make" and "or agency" before "conform" (c)(2): same as MR but adds "has direct supervisory authority over the other lawyer or" before "is a partner" and "or government agency" after "law firm"</p>
<p>FL Effective 5/22/06</p>	<p>(a): same as MR but adds "Duties Concerning Adherence to Rules of Professional Conduct." to beginning and replaces "all the lawyers in the firm" with "all the lawyers therein" (b): same as MR but adds "Supervisory Lawyer's Duties." to beginning (c): same as MR but adds "Responsibility for Rules Violations." to beginning (c)(1) the lawyer orders the specific conduct or, with knowledge thereof, ratifies the conduct involved; or</p>
<p>GA* Effective 1/1/01</p>	<p>Has former MR (c)(1): adds "partner or supervisory" before "lawyer"</p>
<p>HI* Effective 1/1/94</p>	<p>(a) Deletes clause, "and a lawyer who individually...in a law firm;" deletes "or has comparable managerial authority"</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	Same as MR
KY Effective 7/15/09	Same as MR
LA Effective 3/1/04	Same as MR
ME Effective 8/1/09	Title: same as MR but replaces “Supervisory Lawyers” with “Supervisors”
MD Effective 7/1/05	Same as MR
MA Effective 9/1/08	(a) Deletes “and a lawyer...in a law firm” clause;
MI Current rule	Has former MR (c)(1): adds “relevant facts and the” before “specific”
MI (as proposed July 2004)	Title: same as former MR
MN Effective 10/1/05	Title: same as former MR
MS Effective 11/3/05	(a) Deletes clause, “and a lawyer who individually...in a law firm;” deletes “or has comparable managerial authority”
MO Effective 7/1/07	Same as MR
MT Effective 4/1/04	(c): adds “within a firm” after “A lawyer” (c)(1): adds “or ignores” after “ratifies”
NE Effective 9/1/05	Same as MR
NV Effective 5/1/06	Same as MR
NH	(a): replaces “a” with “each” before first instance of “partner” and “lawyer”

<p>Effective 1/1/08</p>	<p>(b): replaces first “A” with “Each”</p>
<p>NJ Effective 1/1/04</p>	<p>Title: deletes “Managers” and adds “and Law Firms” to end (a): replaces language before “shall” with “Every law firm, government entity, and organization authorized by the Court Rules to practice law in this jurisdiction” and “the firm has in effect” with “member lawyers or lawyers otherwise participating in the organization's work undertake” (c)(1): deletes “with knowledge of the specific conduct” (c)(2): replaces “is a partner or has comparable managerial authority in the law firm in which the other lawyer practices or has” with “having” and deletes “and” before “knows”</p>
<p>NM Effective 11/2/09</p>	<p>Does not have MR (a) A: same as MR (a) but adds “Necessary measures” to beginning B: same as MR (b) but adds “Compliance with rules.” to beginning B(1): same as MR (b)(1) B(2): same as former MR (b)(2) C: Same as MR (c) but adds “Responsibility for other lawyer's violations” to beginning</p>
<p>NY Effective 4/1/09</p>	<p>Title: adds “Law Firms” before “Partners” <i>(a) A law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to these Rules.</i> <i>(b) (1) A lawyer with management responsibility in a law firm shall make reasonable efforts to ensure that other lawyers in the law firm conform to these Rules.</i> <i>(b)(2) A lawyer with direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the supervised lawyer conforms to these Rules.</i> <i>(c) A law firm shall ensure that the work of partners and associates is adequately supervised, as appropriate. A lawyer with direct supervisory authority over another lawyer shall adequately supervise the work of the other lawyer, as appropriate. In either case, the degree of supervision required is that which is reasonable under the circumstances, taking into account factors such as the experience of the person whose work is being supervised, the amount of work involved in a particular matter, and the likelihood that ethical problems might arise in the course of working on the matter.</i> <i>(d) A lawyer shall be responsible for a violation of these Rules by another lawyer if:</i> <i>(1) the lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or</i> <i>(2) the lawyer is a partner in a law firm or is a lawyer who individually or together with other lawyers possesses comparable managerial responsibility in a law firm in which the other lawyer practices or is a lawyer who has supervisory authority over the other lawyer; and</i> <i>(i) knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated but fails to take reasonable remedial action; or</i></p>

	<i>(ii) in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated.</i>
NC Effective 3/1/03	(a): deletes “in a law firm” after “authority” and adds “or the organization” after second and third uses of “firm”
ND Effective 8/1/06	(a): replaces “possesses” with “has”
OH Effective 2/1/07	Does not have MR (a) or (b) (c): adds “either of the following applies” to end (c)(2): adds “or government agency” after “firm”
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	Does not have MR (a) or (b)
PA Effective 7/1/06	Same as 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 4/6/95	A lawyer shall be subject to discipline because of another lawyers violation of these rules of professional conduct if: (a) The lawyer is a partner or supervising lawyer and orders, encourages, or knowingly permits the conduct involved; or (b) The lawyer is a partner in the law firm in which the other lawyer practices, is the general counsel of a government agency's legal department in which the other lawyer is employed, or has direct supervisory authority over the other lawyer, and with knowledge of the other lawyers violation of these rules knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the other lawyers violation.
UT	Same as MR

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Effective 11/1/05	
VT Effective 9/1/09	(a) Deletes clause, “and a lawyer who individually...in a law firm;” deletes “or has comparable managerial authority”
VA Effective 1/1/04	Title: same as former MR (a): replaces “and” before “a lawyer who” with “or,” deletes “comparable” and deletes “in a law firm” after “authority” (c)(2): deletes “comparable”
WA Effective 9/1/06	Same as MR
WV Effective 1/1/89	(a) Deletes clause, “and a lawyer who individually...in a law firm;” deletes “or has comparable managerial authority”
WI Effective 7/1/07	Same as MR
WY Effective 7/1/06	Same as MR

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