

	<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 5.3 Responsibilities Regarding Nonlawyer Assistants</p> <p>With respect to a nonlawyer employed or retained by or associated with a lawyer:</p> <p>(a) a partner, 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 the person's conduct is compatible with the professional obligations of the lawyer;</p> <p>(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and</p> <p>(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:</p> <p style="padding-left: 40px;">(1) the lawyer orders or, with the 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 person is employed, or has direct supervisory authority over the person, 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>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>(a) Deletes clause, “and a lawyer...in a law firm” and adds instead “in a law firm.”</p>
<p>AK Effective 4/15/09</p>	<p>(a) is the same as text of MR Rule (a)(1) is similar to MR (a) but adds “in a law firm” after “partner;” changes “possesses” to “has;” (a)(2) is the same as MR (b);</p>

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	<p>(a)(3) is the same as MR (c); (a)(3)(A) is the same as MR (c)(1); (a)(3)(B) is similar to MR (c)(2) but adds “the lawyer individually or together with other lawyers” before “has comparable;” Adds (b), (c), and (d): <i>(b) A lawyer shall advise a nonlawyer who ends an association with the lawyer not to disclose confidences and secrets protected by Rule 1.6 that were learned by the nonlawyer during the association.</i> <i>(c) A lawyer who employs, retains, or forms an association with a nonlawyer shall advise the nonlawyer not to disclose confidences and secrets protected by Rule 1.6 learned by the nonlawyer during an association with another lawyer. If the nonlawyer participated in a matter that would create a conflict of interest for a lawyer under Rule 1.7 or Rule 1.9, the nonlawyer shall be screened from any participation in the matter.</i> <i>(d) A lawyer who learns that any person employed by the lawyer has revealed a confidence or secret protected by these rules shall notify the person whose confidence or secret was revealed.</i></p>
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 Effective 1/1/07	Same as MR
DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	<p>(a): replaces “and” after “partner” with “or,” adds “or government agency” after “firm” (c)(2): moves “has direct supervisory authority over the person” to after “The lawyer,” replaces “has comparable” with “a lawyer who individually or together with other lawyers possess comparable,” adds “or government agency” after “firm”</p>
FL Effective 5/22/06	<p>Adds: (a) Use of Titles by Nonlawyer Assistants. A person who uses the title of paralegal, legal assistant, or other similar term when offering or providing services to the public must work for or under the direction or supervision of a lawyer or law firm. (b): same as MR intro paragraph but adds “Supervisory Responsibility.” to beginning and adds “or an authorized business entity as defined elsewhere in these Rules</p>

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	<p>Regulating The Florida Bar” to end (b)(1) – (3) and (3)(A) and (B): same as MR (a) – (c) and (c)(1) and (2) Adds: (c) Ultimate Responsibility of Lawyer. Although paralegals or legal assistants may perform the duties delegated to them by the lawyer without the presence or active involvement of the lawyer, the lawyer shall review and be responsible for the work product of the paralegals or legal assistants.</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>(a) Deletes “and a lawyer...managerial authority;” (c)(2) Adds “in the law firm in which the person is employed” after “is a partner;” changes “comparable managerial authority” to “direct supervisory authority;” Adds: <i>(d) a lawyer shall not allow any person who has been suspended or disbarred and who maintains a presence in an office where the practice of law is conducted by the lawyer, to:</i> <i>(1) represent himself or herself as a lawyer or person with similar status;</i> <i>(2) have any contact with the clients of the lawyer either in person, by telephone or in writing; or</i> <i>(3) have any contact with persons who have legal dealings with the office either in person, by telephone or in writing.</i></p> <p><i>The maximum penalty for a violation of this Rule is disbarment.</i></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) Deletes “and a lawyer...managerial authority;” (c)(2) 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 1/1/05</p>	<p>Identical [the rules append a set of guidelines for Use of Nonlawyer Assitants]</p>
<p>IA Effective 7/1/05</p>	<p>Same as MR</p>
<p>KS Effective 7/1/07</p>	<p>Same as MR</p>
<p>KY Effective 7/15/09</p>	<p>(c) Adds “only” before “if.”</p>
<p>LA</p>	<p>Same as MR</p>

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Effective 3/1/04	
ME Effective 8/1/09	Same as MR
MD Effective 7/1/05	Same as MR
MA Rules effective 9/1/08	(a) Deletes “and a lawyer...in a law firm.”
MI* Rules effective 10/1/88 New Proposed 11/24/09	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> (a) Deletes “and a lawyer...managerial authority;” (c)(2) Deletes “or has comparable managerial authority.” Same as 1988 Rule.
MN Effective 10/1/05	Same as MR
MS Effective 11/3/05	Same as MR
MO Effective 7/1/07	Same as MR
MT Effective 4/1/04	Same as MR
NE Effective 9/1/05	Same as MR
NV Effective 5/1/06	Same as MR
NH Effective 1/1/08	(a) Changes “a partner” to “each partner;” (b) Changes “a lawyer” to “each lawyer.”
NJ Effective 1/1/04	(a) “every lawyer, law firm or organization authorized by the Court Rules to practice law in this jurisdiction shall adopt and maintain reasonable efforts to ensure that the conduct of nonlawyers retained or employed by the lawyer, law firm or organization is compatible with the professional obligations of the lawyer.” (c): “a lawyer shall be responsible for conduct of such a person that would be a

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	violation of the Rules of Professional Conduct if engaged in by a lawyer if: (1) the lawyer orders or ratifies the conduct involved; (2) the lawyer has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action; or (3) the lawyer has failed to make reasonable investigation of circumstances that would disclose past instances of conduct by the nonlawyer incompatible with the professional obligations of a lawyer, which evidence a propensity for such conduct.”
NM Effective 11/2/09	Changed to Rule 16-503; (a) through (c) are Renameds A through C.
NY Effective 4/1/09	Changes title to: <i>LAWYER’S RESPONSIBILITY FOR CONDUCT OF NONLAWYERS</i> Changes language to: <i>(a) A law firm shall ensure that the work of nonlawyers who work for the firm is adequately supervised, as appropriate. A lawyer with direct supervisory authority over a nonlawyer shall adequately supervise the work of the nonlawyer, 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>(b) A lawyer shall be responsible for conduct of a nonlawyer employed or retained by or associated with the lawyer that would be a violation of these Rules if engaged in by a 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 nonlawyer is employed or is a lawyer who has supervisory authority over the nonlawyer; 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> <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	same changes to text at 5.1.
ND Effective 8/1/06	(a): replaces “possesses” with “has,” replaces “the person’s” with “the nonlawyer’s” (b): replaces “a” at beginning with “the,” replaces “the person’s” with “the nonlawyer’s”

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	<p>(c): replaces “such a person” with “a nonlawyer,” deletes “if engaged in by a lawyer”</p> <p>(c)(2): replaces “person” with “nonlawyer” throughout rule, deletes “remedial”</p> <p>Adds: (d) In addition to paragraphs (a), (b) and (c), the following apply with respect to a legal assistant employed or retained by or associated with a lawyer:</p> <p>(1) A lawyer may delegate to a legal assistant any task normally performed by the lawyer except those tasks proscribed to one not licensed as a lawyer by statute, court rule, administrative rule or regulation, controlling authority, or these Rules.</p> <p>(2) A lawyer may not delegate to a legal assistant:</p> <p>(i) responsibility for establishing a lawyer-client relationship;</p> <p>(ii) responsibility for establishing the amount of a fee to be charged for a legal service;</p> <p>(iii) responsibility for a legal opinion rendered to a client; or</p> <p>(iv) responsibility for the work product.</p> <p>(3) The lawyer shall make reasonable efforts to ensure that clients, courts, and other lawyers are aware that a legal assistant is not licensed to practice law.</p>
OH Effective 2/1/07	<p>First paragraph: adds “all of the following apply” to end</p> <p>(a): deletes “a partner, and” and “comparable,” adds “or government agency” after “firm”</p> <p>(c): adds “either of the following applies” to end</p> <p>(c)(2): deletes “is a partner or,” adds “or government agency” after “firm”</p>
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	<p>Does not have MR (a).</p> <p>First paragraph: replaced “associated with” with “supervised or directed”</p> <p>(b) (MR c): adds “except as provided in 8.4(b)”</p>
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
<u>TN</u> Effective 1/1/11	<p>(b) Replaces “that person’s” after “authority over” with “a nonlawyer”, and also before “conduct”</p> <p>(c) Replaces “such a person that” with “a nonlawyer;”</p> <p>(c)(2) Replaces “the person” with “the nonlawyer” before “is employed,” and inserts “nonlawyer’s” before conduct;</p>
TX* Effective 3/1/05	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Changes language of Rule to:</p>

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	<p><i>With respect to a non-lawyer employed or retained by or associated with a lawyer:</i></p> <p><i>(a) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the persons conduct is compatible with the professional obligations of the lawyer; and</i></p> <p><i>(b) a lawyer shall be subject to discipline for the conduct of such a person that would be a violation of these rules if engaged in by a lawyer if:</i></p> <p style="padding-left: 40px;"><i>(1) the lawyer orders, encourages, or permits the conduct involved; or</i></p> <p style="padding-left: 40px;"><i>(2) the lawyer:</i></p> <p style="padding-left: 80px;"><i>(i) is a partner in the law firm in which the person is employed, retained by, or associated with; or is the general counsel of a government agency's legal department in which the person is employed, retained by or associated with; or has direct supervisory authority over such person; and</i></p> <p style="padding-left: 80px;"><i>(ii) with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person's misconduct.</i></p>
UT Effective 11/1/05	Same as MR
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	(a): deletes "comparable" (c)(2): deletes "comparable"
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> (a) Deletes "and a lawyer...managerial authority;" (c)(2) 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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