

	<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 8.5 Disciplinary Authority; Choice Of Law</b></p> <p>(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.</p> <p>(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:</p> <p style="padding-left: 40px;">(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and</p> <p style="padding-left: 40px;">(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.</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>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: <a href="http://www.abanet.org/cpr/links.html">http://www.abanet.org/cpr/links.html</a>*</p>
AL Effective 2/19/09	Does not adopt
AK Effective 4/15/09	(a) Changes "in this jurisdiction" to "Alaska" or "this State" throughout.
AZ Effective	Title is "Jurisdiction"

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12/1/03	
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 : <a href="http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf">http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf</a> ]
CO Effective 1/1/08	(a) and (b) delete subtitle.
CT Effective 1/1/07	Same as MR
DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	Has former MR (b)(1): replaces "proceeding in a court before which a lawyer has been admitted to practice (either generally or for purposes of that proceeding)" with "matter pending before a tribunal" and both instances of "court" in the remainder of the paragraph with "tribunal"
FL Effective 5/22/06	Jurisdiction A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.
GA* Effective 1/1/01	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i>  (a) Deletes second sentence and adds instead : "A Domestic or Foreign Lawyer is also subject to the disciplinary authority of this jurisdiction if the Domestic or Foreign Lawyer provides or offers to provide any legal services in this jurisdiction;" In last sentence, adds "or Domestic or Foreign Lawyer" before "may be subject to;" (b)(2) Adds "or Domestic or Foreign Lawyer's" after "lawyer" throughout.
HI* Effective 1/1/94	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i>  <i>A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.</i>
ID Effective 7/1/04	Has Rule as proposed by Ethics 2000 in 8/01
IL Effective 1/1/2010	Same as MR
IN Effective 1/1/05	does not include the last sentence of (b)(2)
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	Does not adopt MR; has instead: <b><i>8.5 Maintaining the Integrity of the Profession: Jurisdiction</i></b>

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	<i>A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.</i>
KY Effective 7/15/09	Same as MR
LA Effective 3/1/04	Same as MR
ME Effective 8/1/09	Same as MR
MD Effective 7/1/05	<p>(a) Disciplinary Authority.</p> <p>(1) A lawyer admitted <u>by the Court of Appeals</u> to practice in this <del>jurisdiction</del> <u>State</u> is subject to the disciplinary authority of this <del>jurisdiction</del> <u>State</u>, regardless of where the lawyer's conduct occurs.</p> <p>(2) A lawyer not admitted <u>to practice</u> in this <del>jurisdiction</del> <u>State</u> is also subject to the disciplinary authority of this <del>jurisdiction</del> <u>State</u> if the lawyer</p> <p style="padding-left: 40px;">(i) provides or offers to provide any legal services in this <del>jurisdiction</del> <u>State</u>,</p> <p style="padding-left: 40px;">(ii) <u>holds himself or herself out as practicing law in this State, or</u></p> <p style="padding-left: 40px;">(iii) <u>has an obligation to supervise or control another lawyer practicing law in this State whose conduct constitutes a violation of these Rules.</u></p> <p>(3) A lawyer may be subject to the disciplinary authority of both this <del>jurisdiction</del> <u>State</u> and another jurisdiction for the same conduct.</p> <p>(b) Choice of Law. In any exercise of the disciplinary authority of this State, the rule of professional conduct to be applied shall be as follows:</p> <p style="padding-left: 40px;">(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and</p> <p style="padding-left: 40px;">(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.</p>
MA Rules effective 9/1/08	<p>(b)(1) adds "government" before "tribunal;"</p> <p>(b)(2) Replaces "the lawyer's...conduct" with "the lawyer's principal office is located shall be applied, unless the predominant effect of the conduct is in a different jurisdiction, in which case the rules of that jurisdiction shall be applied;"</p>
MI Rules effective 10/1/88	<p>(b)(2) Deletes "lawyer's" in the beginning before "conduct occurred."</p>

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Amendments effective 1/1/2011	
MN Effective 10/1/05	Same as MR
MS Effective 11/3/05	<p>Jurisdiction</p> <p>A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer advertises, provides or offers to provide any legal services to be performed in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.</p>
MO Effective 7/1/07	<p>Deletes subtitles;</p> <p>(b)(2) Deletes language starting with “shall be applied;”</p> <p>Adds to end of (b):</p> <p><i>A lawyer shall not be subject to discipline if the lawyer’s conduct conforms to the rules of a jurisdiction in which the lawyer <u>reasonably believes</u> the predominant effect of the lawyer’s conduct will occur.</i></p>
<p>MT Effective 4/1/04</p> <p>Changes effective 7/21/10</p>	<p>A lawyer who is not an active member in good standing of the State Bar of Montana and who seeks to practice in any state or federal court located in this State <i>pro hac vice</i>, by motion, or before being otherwise admitted to the practice of law in this State, shall, prior to engaging in the practice of law in this State, certify in writing and under oath to this Court that, except as to Rules 6.1 through 6.4, he or she will be bound by these Rules of Professional Conduct in his or her practice of law in this State and will be subject to the disciplinary authority of this State. A copy of said certification shall be mailed, contemporaneously, to the business offices of the State Bar of Montana in Helena, Montana.</p> <p>A lawyer not admitted to practice in this State is subject to the disciplinary authority of this State for conduct that constitutes a violation of these Rules and that:</p> <p>(1) involves the practice of law in this State by that lawyer;  or</p> <p>(2) involves that lawyer holding himself or herself out as practicing law in this State; or</p> <p>(3) <u>advertises, solicits, or offers legal services in this State; or</u></p> <p>(4) involves the practice of law in this State by another lawyer over whom <del>this</del> <u>that</u> lawyer has the obligation of supervision or control.</p> <p><u>A lawyer shall not be subject to discipline if the lawyer’s conduct conforms to the rules of a jurisdiction on which the lawyer reasonably believes that predominant effect of the lawyer’s conduct will occur.</u></p>
NE Effective 9/1/05	Same as MR
NV Effective	<p>Jurisdiction.</p> <p>A lawyer admitted to practice in this jurisdiction is subject to the disciplinary</p>

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5/1/06	authority of this jurisdiction although engaged in practice elsewhere.
NH Effective 1/1/08	(a) Replaces “A lawyer not admitted in this jurisdiction” with “A lawyer admitted in another jurisdiction but not admitted in this jurisdiction.”
NJ Effective 1/1/04	recommends new model rule, except: (b)(2): did not include last sentence.
NM Effective 11/2/09	Changed to rule 16-805; Deletes “Disciplinary Authority;” (b) Deleted.
NY Effective 4/1/09	Replaces “this jurisdiction” with “this state” throughout; (a) Deletes second sentence, “A lawyer...jurisdiction;” Does not adopt MR subparagraphs of (b); adds instead: <i>(1) For conduct in connection with a proceeding in a court before which a lawyer has been admitted to practice (either generally or for purposes of that proceeding), the rules to be applied shall be the rules of the jurisdiction in which the court sits, unless the rules of the court provide otherwise; and</i> <i>(2) For any other conduct:</i> <i>(i) If the lawyer is licensed to practice only in this state, the rules to be applied shall be the rules of this state, and</i> <i>(ii) If the lawyer is licensed to practice in this state and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.</i>
NC Effective 3/1/03	same as new MR. Use "render" rather than "provide."
ND Effective 8/1/06	Title: Jurisdiction (a) A lawyer admitted to practice in this jurisdiction is subject to disciplinary action in this jurisdiction even though the conduct of the lawyer giving rise to the discipline may have occurred outside of this jurisdiction and even when that conduct may subject or has subjected the lawyer to discipline by another jurisdiction. (b) Persons not licensed to practice law in this jurisdiction, but eligible to practice elsewhere who actually engage in this jurisdiction in the practice of law, are subject to the disciplinary authority of this jurisdiction.
OH Effective 2/1/07	Same as MR
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	Same as MR

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PA Rule Amended Effective 7/1/06	(b)(1): Adds “shall be applied” after “tribunal” and before “unless”
RI Effective 4/15/07	Same as MR
SC Effective 10/1/05	adds as (c): A lawyer giving advice or providing services that would be considered to be the practice of law if provided while the lawyer was affiliated with a law firm is subject to the Rules of Professional Conduct with respect to the giving of such advice or the providing of such services whether or not the lawyer is actively engaged in the practice of law or affiliated with a law firm. In giving such advice and in providing such services, a lawyer shall be considered to be representing a client for the purposes of the Rules of Professional Conduct.
SD Effective 1/1/04	Same as MR
TN Effective 1/1/2011	(b)(2) Deletes the last sentence.
TX* Effective 3/1/05	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p><b>Rule 8.05 Jurisdiction</b></p> <p><i>(a) A lawyer is subject to the disciplinary authority of this state, if admitted to practice in this state or if specially admitted by a court of this state for a particular proceeding. In addition to being answerable for his or her conduct occurring in this state, any such lawyer also may be disciplined in this state for conduct occurring in another jurisdiction or resulting in lawyer discipline in another jurisdiction, if it is professional misconduct under Rule 8.04.</i></p> <p><i>(b) A lawyer admitted to practice in this state is also subject to the disciplinary authority of this state for:</i></p> <p><i>(1) an advertisement in the public media that does not comply with these rules and that is broadcast or disseminated in another jurisdiction, even if the advertisement complies with the rules governing lawyer advertisements in that jurisdiction, if the broadcast or dissemination of the advertisement is intended to be received by prospective clients in this state and is intended to secure employment to be performed in this state; and</i></p> <p><i>(2) a written solicitation communication that does not comply with these rules and that is mailed in another jurisdiction, even if the communication complies with the rules governing written solicitation communications by lawyers in that jurisdiction, if the communication is mailed to an addressee in this state or is intended to secure employment to be performed in this state.</i></p>
UT Effective 11/1/05	Same as MR
VT Effective 9/1/09	(a) Replaces “this jurisdiction” with “Vermont” in several instances.
VA	(a): same as former MR

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Effective 1/1/04	(b)(1), (2) and (2)(i) and (ii): same as former MR
WA Effective 9/1/06	Same as MR
WV* Effective 1/1/89	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p><b>Rule 8.5. Jurisdiction.</b>  <i>A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.</i></p>
WI Effective 7/1/07	<p>(a): in first sentence replaces “practice in this jurisdiction” with “the bar of this state” and second instance of “jurisdiction” with “state;” in second sentence replaces “in this jurisdiction” with “to the bar of this state” and remaining instances of “jurisdiction” with “state” and in third sentence replaces first instance of “jurisdiction” with “state”</p> <p>(b): replaces “jurisdiction” with “state”</p>
WY Effective 7/1/06	Did not make MJP changes

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