

**Comparison of Newly Adopted Mississippi Rules of Professional Conduct
with ABA Model Rules**

	MISSISSIPPI
	<p>Rules as adopted by Mississippi Supreme Court to be effective 11/3/05. Variations from the Model Rules are noted. Rules only; comment comparison not included.</p>
Preamble	<p>Does not number paragraphs First and second paragraphs: same as former MR [1] and [2] Third – eighth paragraphs: same as MR [3] – [8] Ninth paragraph: same as MR [9] but did not replace “upright” with “ethical” in second sentence, add “often” in third sentence or “however” in fourth sentence 10th – 13th paragraphs – same as MR [10] – [13]</p>
Scope	<p>Does not number paragraphs First paragraph – same as former Model Rule [13] Second paragraph – same as former Model Rule [14] but adds new third sentence from end of MR [15] Third paragraph: same as former Model Rule [15] Fourth paragraph: same as MR [18] but deletes “in circumstances” in fourth sentence Fifth paragraph: same as MR [19] Sixth – ninth paragraphs: same as former MR [18] – [21]</p>
Terminology	<p>Did not adopt MR 1.0 Retains former MR definition of “consult” “Firm”: adds “professional association, professional limited liability company” after “professional corporation,” “governmental agency” after “proprietorship” and “whose members” after “other association” “Fraud”: retains former MR definition “Informed consent” denotes voluntary acceptance and agreement by a person of a proposed course of conduct after adequate information has been imparted to the person that allows the person to arrive at a decision. “Partner”: adds “professional association” after “corporation” and replaces “an association” with “a professional limited liability company or an entity whose members are” Did not adopt “tribunal”</p>
Rule 1.1	Identical
Rule 1.2	<p>Title: same as former MR (a): same as former MR (c): same as former MR but replaces “consents after consultation” with “gives informed consent” (e): retains former MR (e)</p>
Rule 1.3	Identical
Rule 1.4	(a): retains former MR

Rule 1.5	Retains former MR
Rule 1.6	<p>(b): retains former MR</p> <p>(b)(1) – (6): same as current MR</p> <p>Adds (c): A lawyer who participates in an intervention on a lawyer, judge or law student by the Lawyers and Judges Assistance Committee shall not reveal any information learned through the intervention from or relating to the lawyer, judge or law student on whom the intervention is conducted except as may be permitted by the Rules of Discipline of the Mississippi Bar or required by law or court order.</p> <p>Adds (d): A lawyer shall reveal information to the Lawyers and Judges Assistance Committee in accordance with approved monitoring procedures of the Lawyers and Judges Assistance Committee relating to the status of compliance of a lawyer, judge or law student with the terms and conditions imposed upon the lawyer, judge or law student by the Lawyers and Judges Assistance Committee.</p> <p>Adds (e): A lawyer may reveal such information to the extent required by law or court order.</p>
Rule 1.7	<p>Title: retains former MR</p> <p>(a): retains former MR but adds “the lawyer reasonably believes” to end</p> <p>(a)(1): retains former MR but deletes “the lawyer reasonably believes”</p> <p>(a)(2): retains former MR but replaces “consents after consultation” with “has given knowing and informed consent after consultation. The consultation shall include explanation of the implications of the adverse representation and the advantages and risks involved”</p> <p>(b): retains former MR but adds “the lawyer reasonably believes” to end</p> <p>(b)(1): retains former MR but deletes “the lawyer reasonably believes”</p> <p>(b)(2): retains former MR but replaces “consents after consultation” with “has given knowing and informed consent after consultation” and deletes “When representation of multiple clients in a single manner is undertaken” and “common”</p>
Rule 1.8	<p>Title: retains former MR</p> <p>(a): deletes “other”</p> <p>(a)(1) – (3): retains former MR</p> <p>(b) A lawyer shall not use information relating to representation of a client</p> <p>(1) to the disadvantage of the client, or</p> <p>(2) to the advantage of himself or a third person, unless the client consents after consultation.</p> <p>(c): retains former MR</p> <p>(e): adds “or administrative proceedings” after “litigation”</p> <p>(e)(1): adds “including but not limited to reasonable medical expenses necessary to the preparation of the litigation for hearing or trial” after “litigation”</p> <p>(e)(2): A lawyer representing a client may, in addition to the above, advance the following costs and expenses on behalf of the client, which shall be repaid upon successful conclusion of the matter.</p> <p>a. Reasonable and necessary medical expenses associated with treatment for</p>

	<p>the injury giving rise to the litigation or administrative proceeding for which the client seeks legal representation; and</p> <p>b. Reasonable and necessary living expenses incurred.</p> <p>The expenses enumerated in paragraph 2 above can only be advanced to a client under dire and necessitous circumstances, and shall be limited to minimal living expenses of minor sums such as those necessary to prevent foreclosure or repossession or for necessary medical treatment. There can be no payment of expenses under paragraph 2 until the expiration of 60 days after the client has signed a contract of employment with counsel. Such payments under paragraph 2 cannot include a promise of future payments, and counsel cannot promise any such payments in any type of communication to the public, and such funds may only be advanced after due diligence and inquiry into the circumstances of the client.</p> <p>Payments under paragraph 2 shall be limited to \$1,500 to any one party by any lawyer or group or succession of lawyers during the continuation of any litigation unless, upon ex parte application, such further payment has been approved by the Standing Committee on Ethics of the Mississippi Bar. An attorney contemplating such payment must exercise due diligence to determine whether such party has received any such payments from another attorney during the continuation of the same litigation, and, if so, the total of such payments, without approval of the Standing Committee on Ethics shall not in the aggregate exceed \$1,500. Upon denial of such application, the decision thereon shall be subject to review by the Mississippi Supreme Court on petition of the attorney seeking leave to make further payments. Payments under paragraph 2 aggregating \$1,500 or less shall be reported by the lawyer making the payment to the Standing Committee on Ethics within seven (7) days following the making of each such payment. Applications for approval by the Standing Committee on Ethics as required hereunder and notices to the Standing Committee on Ethics of payments aggregating \$1,500 or less, shall be confidential.</p> <p>(f)(1): retains former MR (g) – (i): retains former MR (j): same as MR (i) (j)(1): retains former MR (j)(2): same as MR (i)(2) Did not adopt MR (j) and (k)</p>
<p>Rule 1.9</p>	<p>Title: retains former MR</p> <p>A lawyer who has formerly represented a client in a matter shall not thereafter:</p> <p>(a) represent another in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation; or</p> <p>(b) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.</p>
<p>Rule 1.10</p>	<p>Title: retains former MR</p> <p>(a): retains former MR but changes reference to 2.2 to 2.4</p>

	<p>(b) When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(b) that is material to the matter.</p> <p>(c): same as MR (b) but deletes “and not currently represented by the firm”</p> <p>(c)(1) and (2): same as MR (b)(1) and (2)</p> <p>(d): same as MR (c)</p> <p>Did not adopt MR (d)</p>
Rule 1.11	<p>Title, (a), (b), (c) and (c)(1): retains former MR</p> <p>(c)(2): retains former MR but deletes all language after “substantially”</p> <p>(d) and (e): retains former MR</p>
Rule 1.12	<p>(b): adds “or as a law clear to such a person” after “adjudicative officer,” ends paragraph after “third-party neutral”</p> <p>(c)(1) and (2): retains former MR</p>
Rule 1.13	Retains former MR
Rule 1.14	<p>Title: retains former MR</p> <p>(a) and (b): retains former MR</p> <p>(c): replaces “client with diminished capacity” with “client who may be impaired,” deletes “reasonably”</p>
Rule 1.15	<p>(a): replaces “[five]” with “seven”</p> <p>(b) and (c): retains former MR</p> <p>Adds (d): Nothing in these Rules shall prohibit a lawyer or law firm from placing clients’ funds which are nominal in amount or to be held for a short period of time in one or more interest-bearing accounts for the benefit of the charitable purposes of a court-approved Interest on Lawyer Trust Accounts (IOLTA) program.</p> <p>Adds (e): Unless an election not to do so is submitted in accordance with the procedures set forth in subsection (g) of this Rule, a lawyer or law firm with which the lawyer is associated who receives client funds shall maintain a pooled interest-bearing depository account for the deposit of client funds that are nominal in amount or expected to be held for a short period of time. Such an account shall comply with the following provisions:</p> <p>(1) No earnings from such an account shall be made available to a lawyer or firm.</p> <p>(2) The account shall include all clients' funds which are nominal in amount or to be held for a short period of time.</p> <p>(3) An interest-bearing trust account may be established with any bank or savings and loan association authorized by federal or state law to do business in Mississippi and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or any successor thereof. Funds in each interest-bearing trust account shall be subject to withdrawal upon request and without delay.</p> <p>(4) The rate of interest payable on any interest-bearing trust account shall not be less than the rate paid by the depository institution to regular, nonlawyer</p>

depositors. Higher rates offered by the institution to customers whose deposits exceed certain time or quantity minima, such as those offered in the form of certificates of deposit, may be obtained by the lawyer or law firm on some or all of deposit funds so long as there is no impairment of the right to withdraw or transfer principal immediately.

Adds (f): Lawyers or law firms depositing clients' funds which are nominal in amount or to be held for a short period of time in an interest-bearing depository account under subsection (e) of this Rule shall direct that a depository institution:

(1) To remit interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the Mississippi Bar Foundation, Inc.;

(2) To transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent and the rate of interest applied; and

(3) To transmit to the depositing lawyer or law firm at the same time a report showing the amount paid to the Foundation, the rate of interest applied, and the average account balance of the period for which the report is made.

Adds (g): A lawyer or law firm that elects not to maintain the account described by subsection (e) of this Rule shall, on or before November 1, 1993, make such election on a Notice of Election form provided by the Mississippi Bar. A lawyer admitted to the Mississippi Bar after August 1, 1993, who elects not to maintain such an account shall submit an appropriate Notice of Election within ninety (90) days after admission to the Bar.

(1) If a Notice of Election is not submitted within the applicable time, the lawyer or law firm shall be required to maintain the account described in subsection (e) of this Rule.

(2) Any lawyer or law firm may withdraw from participation in the program effective August 1 of any year by submitting an appropriate Notice of Election during the preceding month of July. A lawyer who wishes to change a previous election not to participate may do so at any time by notifying the Executive Director of the Mississippi State Bar.

(3) Notwithstanding any provisions to the contrary herein, the Mississippi Bar may for good cause permit withdrawal from participation in the program at any time.

Adds (h): A lawyer generally may not use, endanger, or encumber money held in trust for a client or third person without the permission of the owner given after full disclosure of the circumstances. Except for disbursements based upon any of the four categories of limited-risk uncollected deposits enumerated in paragraph A below, a lawyer may not disburse funds held in trust unless the funds are collected funds. For purposes of this provision, "collected funds" means funds deposited, finally settled, and credited to the lawyer's trust account.

(1) Certain categories of trust account deposits are considered to carry a limited and acceptable risk of failure so that disbursements of trust account

	<p>funds may be made in reliance on such deposits without disclosure to and permission of clients and third persons owning trust account funds that may be affected by such disbursements. Provided the lawyer has other sources of funds available at the time of disbursement (other than client or third party funds) sufficient to replace any uncollected funds, notwithstanding that a deposit made to the lawyer's trust account has not been finally settled and credited to the account, the lawyer may disburse funds from the trust account in reliance on such deposit under any of the following circumstances:</p> <ul style="list-style-type: none"> (i) when the deposit is made by certified check or cashier's check; (ii) when the deposit is made by a bank check, official check, treasurer's check, money order, or other such instrument where the payor is a bank, savings and loan association, or credit union; (iii) when the deposit is made by a check issued by the United States, the State of Mississippi, or any agency or political subdivision of the State of Mississippi; or (iv) when the deposit is made by a check or draft issued by an insurance company, title insurance company, or a licensed title insurance agency authorized to do business in the State of Mississippi. <p>In any of the above circumstances, a lawyer's disbursement of funds from a trust account in reliance on deposits that are not yet collected funds is at the risk of the lawyer making the disbursement. If any of the deposits fail, for any reason, the lawyer, upon obtaining knowledge of the failure, must immediately act to protect the property of the lawyer's clients and third persons. If the lawyer accepting any such check personally pays the amount of any failed deposit within three business days of receipt of notice that the deposit has failed, the lawyer will not be considered guilty of professional misconduct based upon the disbursement of uncollected funds.</p> <p>(2) A lawyer's disbursement of funds from a trust account in reliance on deposits that are not yet collected funds in any circumstances other than those four categories set forth above, when it results in funds of clients or third persons being used, endangered, or encumbered, will be grounds for a finding of professional misconduct.</p>
<p>Rule 1.16</p>	<p>(b) and (c): retains former MR (d): deletes "of fee or expense" after "payment" and "or incurred" after "earned"</p>
<p>Rule 1.17</p>	<p>First paragraph: retains former MR, replaces "following conditions" with "conditions set forth in Rule 1.17," adds "The estate of a deceased, disabled or disappeared lawyer may be a seller." to end (a): retains former MR, replaces "seller" with "selling lawyer or law firm" and "in which" with "wherein" (b): retains former MR (c): retains former MR (c)(1) and (2): same as current MR (c)(3): same as former MR (c)(4) Paragraph after (c)(3): same as MR but replaces "a court having jurisdiction" with "any court having jurisdiction"</p>

	<p>(d): retains former MR</p> <p>Adds (e): For purposes of this rule, good will, as used herein, is defined as reputation, including use of the lawyer or law firm's name that will probably generate future business. However, any use of the lawyer or law firm's name, after the sale or purchase of the subject law practice has been completed, must be accompanied with a notice that the selling lawyer or law firm is no longer engaged in the active practice of law.</p> <p>Adds (f): Notwithstanding the provisions of this rule, if the selling lawyer or law firm returns to the practice of law, then use of the selling lawyer or law firm's name must be discontinued by the purchasing lawyer or law firm.</p>
Rule 1.18	Did not adopt
Rule 2.1	Identical
Rule 2.2	<p>Lawyer Serving as Intermediary between Clients</p> <p>(a) A lawyer represents clients as an intermediary when the lawyer provides impartial legal advice and assistance to two or more clients who are engaged in a candid and non-adversarial effort to accomplish a common objective with respect to the formation, conduct, modification, or termination of a consensual legal relation between them.</p> <p>(b) A lawyer shall not represent two or more clients as an intermediary in a matter unless:</p> <p>(1) as between the clients, the lawyer reasonably believes that the matter can be resolved on terms compatible with the best interests of each of the clients, that each client will be able to make adequately informed decisions in the matter, that there is little risk of material prejudice to the interest of any of the clients if the contemplated resolution is unsuccessful, and that the intermediation can be undertaken impartially;</p> <p>(2) the lawyer's representation of each of the clients, or the lawyer's relationship with each, will not be adversely affected by the lawyer's responsibilities to other clients or third persons, or by the lawyer's own interests;</p> <p>(3) the lawyer consults with each client about:</p> <p>(i) the lawyer's responsibilities as an intermediary;</p> <p>(ii) the implications of the intermediation (including the advantages and risks involved, the effect of the intermediation on the attorney-client privilege, and the effect of the intermediation on any other obligation of confidentiality the lawyer may have);</p> <p>(iii) any circumstances that will materially affect the lawyer's impartiality between the clients; and</p> <p>(iv) the lawyer's representation in another matter of a client whose interests are directly adverse to the interests of any one of the clients; and any interests of the lawyer, the lawyer's other clients, or third persons that will materially limit the lawyer's representation of one of the clients; and</p> <p>(4) each client consents in writing to the lawyer's representation and each client authorizes the lawyer to disclose to each of the other clients being represented in the matter any information relating to the representation to the</p>

	<p>extent that the lawyer reasonably believes is required to comply with Rule 1.4.</p> <p>(c) While representing clients as an intermediary, the lawyer shall:</p> <p>(1) act impartially to assist the clients in accomplishing their common objective;</p> <p>(2) as between the clients, treat information relating to the intermediation as information protected by Rule 1.6 that the lawyer has been authorized by each client to disclose to the other clients to the extent the lawyer reasonably believes necessary for the lawyer to comply with Rule 1.4; and</p> <p>(3) consult with each client concerning the decisions to be made with respect to the intermediation and the considerations relevant in making them, so that each client can make adequately informed decisions.</p> <p>(d) A lawyer shall withdraw from service as an intermediary if:</p> <p>(1) any of the clients so requests;</p> <p>(2) any of the clients revokes the lawyer's authority to disclose to the other clients any information that the lawyer would be required by Rule 1.4 to reveal to them; or</p> <p>(3) any of the other conditions stated in paragraph (b) are no longer satisfied.</p> <p>(e) If the lawyer's withdrawal is required by paragraph (d)(2) the lawyer shall so advise each client of the withdrawal, but shall do so without any further disclosure of information protected by Rule 1.6.</p>
Rule 2.3	<p>Retains former MR</p> <p>(a)(2): replaces “consents after consultation” with “gives informed consent confirmed in writing”</p>
Rule 2.4	Identical
Rule 3.1	Identical
Rule 3.2	Identical
Rule 3.3	Retains former MR
Rule 3.4	Identical
Rule 3.5	Does not have MR (c)(3)
Rule 3.6	<p>(a): retains former MR, deletes “who is participating or has participated in the investigation or litigation of a matter” and “in the matter”</p> <p>Adds: (b) A statement referred to in paragraph (a) ordinarily is likely to have such an effect when it refers to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration, and the statement relates to:</p> <p>(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;</p> <p>(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;</p> <p>(3) the performance or results of any examination or test of the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;</p>

	<p>(4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;</p> <p>(5) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial; or</p> <p>(6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.</p> <p>(c): same as MR (b) but adds “and (b)(1) – (5)” after “(a),” “involved in the investigation or litigation of a matter” after “a lawyer” and “without elaboration” to end</p> <p>(c)(1): the general nature of the claim or defense;</p> <p>(c)(2): same as MR (b)(2) but adds “the” to beginning</p> <p>(c)(3): same as MR (b)(3) but adds “including the general scope of the investigation, the offense or claim or defense involved and, except when prohibited by law, the identity of the persons involved;” to end</p> <p>(c)(4) – (6): same as MR (b)(4) – (6)</p> <p>(c)(7): same as MR (b)(7) but deletes material after “case”</p> <p>(c)(7)(i) – (iv): same as MR (b)(1) – (iv)</p> <p>Does not have MR (c) or (d)</p>
Rule 3.7	Retains former MR
Rule 3.8	(e): retains former MR Does not have current MR (e)
Rule 3.9	Identical
Rule 4.1	(b): deletes material after “client”
Rule 4.2	Retains former MR, replaces “person” with “party”
Rule 4.3	Identical
Rule 4.4	Identical
Rule 5.1	Title: retains former MR
Rule 5.2	Identical
Rule 5.3	Identical
Rule 5.4	(a)(4): did not add (c)(2): retains former MR
Rule 5.5	Retains former MR
Rule 5.6	Retains former MR Adds as last sentence: “This Rule does not prohibit restrictions that may be included in the terms of the sale of a law practice pursuant to Rule 1.17.”
Rule 5.7	Did not adopt
Rule 6.1	(a) Professional Responsibility. Each member of the Mississippi Bar in good standing and not exempt hereunder, as part of the member’s professional responsibility, should (1) render pro bono legal services to the poor and (2) participate, to the extent possible, in other pro bono service activities that directly relate to the legal needs of the poor.

	<p>(b) Discharge of the Professional Responsibility to Provide Pro Bono Legal Services to the Poor. The professional responsibility to provide pro bono legal services to the poor may be discharged by:</p> <ol style="list-style-type: none">(1) annually providing at least 20 hours of pro bono legal services to the poor, or(2) annually providing at least 20 hours of pro bono legal services to charitable, religious, civic, community, governmental or educational organizations for the purpose of providing legal counsel and representation to the poor, or(3) making an annual contribution of at least \$200 to the Mississippi Bar, which will be used by the Bar to provide legal services to the poor through legal aid organizations. <p>(c) Collective Discharge of the Professional Responsibility to Provide Pro Bono Legal Service to the Poor. Each member of the bar should strive to individually satisfy the member's professional responsibility to provide pro bono legal service to the poor. Collective satisfaction of this professional responsibility is permitted by law firms only under a collective satisfaction plan that has been previously approved by The Mississippi Bar and only when providing pro bono legal services to the poor</p> <ol style="list-style-type: none">(1) in a major case or matter involving a substantial expenditure of time and resources; or(2) through a full-time community or public service staff, or(3) in any other manner that has been approved by The Mississippi Bar. <p>(d) Exemptions. Those exempt from the provisions of this rule are:</p> <ol style="list-style-type: none">(1) those lawyers who are restricted from practicing law outside their specific employment,(2) members of the judiciary and their staff,(3) other government lawyers who are prohibited from performing legal services by constitutional, statutory, rule, other regulatory prohibitions, or by employment policies,(4) attorneys employed in established Legal Services Programs, and(5) members of the bar who have acquired inactive or active exempt status or who are suspended. <p>Nevertheless, exempt attorneys are encouraged to assist in meeting the needs of the poor for legal services to the extent that they can, whether by monetary contributions or otherwise.</p> <p>(e) Reporting Requirement. Each member of the bar shall annually certify whether the member has satisfied the member's professional responsibility to provide pro bono legal services to the poor. Each member shall certify this information through a form that is made a part of the member's annual membership fees statement which shall require the member to report the following information:</p> <ol style="list-style-type: none">(1) the number of hours the attorney dedicated to pro bono legal services,(2) whether the attorney satisfied the obligation through a collective plan, the name or nature of that plan, and(3) if the attorney has satisfied the obligation by contribution, the amount of
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	<p>that contribution.</p> <p>If the attorney has not provided pro bono legal services to the poor in the current year, the form shall so state, and the reason for non-compliance shall be stated. If the attorney is exempt from the obligation to provide pro bono services to the poor, the report shall so state and indicate the nature of the exemption.</p> <p>(f) Compliance.</p> <p>The provisions of Rule 6.1(b) are aspirational goals and an affirmation of professional responsibility, but are not mandatory and do not constitute a basis for discipline under the Rules of Discipline for the Mississippi Bar.</p> <p>The reporting requirements of Rule 6.1(e) are mandatory and the failure to report this information shall be treated in the same manner as failure to pay dues or comply with mandatory Continuing Legal Education.</p> <p>The Bar shall from time to time, but at least annually, provide the Supreme Court with statistical data regarding compliance, providing such information in such form as the Chief Justice shall direct.</p> <p>(g) Credit Toward Professional Responsibility in Future Years. In the event that more than 20 hours of pro bono legal service to the poor are provided and reported in any 1 year, the hours in excess of 20 may be carried forward and reported as such for up to 2 succeeding years.</p>
Rule 6.2	Identical
Rule 6.3	Identical
Rule 6.4	Identical
Rule 6.5	Did not adopt
Rule 7.1	<p>Retains former MR</p> <p>First paragraph: adds or “permit to be made” after “shall not make” and “deceptive or unfair” after “misleading,” replaces “is false or misleading” with “violates this rule”</p> <p>(b): replaces “is likely to create” with “creates,” adds “false or misleading” after “unjustified”</p> <p>Adds (c): states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or</p> <p>(d): same as former MR (c)</p>
Rule 7.2	<p>(a) An advertisement is an active quest for clients involving a public or non-public communication. The term "advertisement" includes, but is not limited to, communication by means of telephone, television, radio, motion picture, computer-accessed communication, newspaper, sign, directory, listing or through written communication.</p> <p>(b) A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a longer period; provided that for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>(c) All advertisements and written communications provided for under these</p>

rules shall disclose the geographic location by city and state of one or more offices of the lawyer or lawyers whose services are advertised or shall state that additional information about the lawyer or firm can be obtained by contacting the Mississippi Bar at a number designated by the Bar and included in the advertisement.

(d) All advertisements and written communications pursuant to these Rules shall include the name of at least one lawyer or the lawyer referral service responsible for their content. A lawyer shall not advertise services under a name that violates the provisions of Rule 7.7.

(e) No lawyer shall directly or indirectly pay all or a part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, the relationship between the advertising lawyer and the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.

(f) The following information in advertisements and written communications shall be presumed not to violate the provisions of Rule 7.1:

(1) Subject to the requirements of this Rule and Rule 7.7, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office addresses and telephone numbers, office and telephone service hours, and a designation such as "attorney" or "law firm."

(2) Date of admission to The Mississippi Bar and any other Bars and a listing of federal courts and jurisdictions other than Mississippi where the lawyer is licensed to practice.

(3) Foreign language ability.

(4) Prepaid or group legal service plans in which the lawyer participates.

(5) Acceptance of credit cards.

(6) Fee for initial consultation and fee schedule, subject to the requirements of paragraph (b) of this Rule.

(7) A listing of the name and geographic location by city and state of one or more offices of a lawyer or law firm as a sponsor of a public service announcement or charitable, civic or community program or event.

(g) Nothing in this Rule prohibits the inclusion of the name of a lawyer or law firm in law lists and law directories intended primarily for the use of the legal profession of such information as has traditionally been included in these publications.

(h) A copy or recording of an advertisement or written or recorded communication shall be submitted to the Office of General Counsel of the Mississippi Bar (hereinafter referred to as "OGCMB") in accordance with the provisions of Rule 7.5. The OGCMB shall retain a copy of such advertisement or communication for three (3) years from the date of submission. The lawyer shall retain a copy or recording for ~~five (5)~~ three (3) years after its last dissemination along with a record of when and where it was used.

(i) The lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or a written or recorded communication permitted by these Rules

	<p>and may pay the usual charges of a lawyer referral service or to other legal service organization.</p>
<p>Rule 7.3</p>	<p>(a): retains former MR but adds “or real-time electronic contact” after “telephone,” “particular” before “prospective,” and “close personal” after “family” (b): adds “particular” before “prospective” (c): adds “particular” before “prospective” and “with whom the lawyer has no family, close personal, or prior professional relationship” after “matter,” replaces “Advertising Material” with “solicitation material,” deletes “if any,” replaces “and” after “envelope” with “or” and ends paragraph after “recorded communication”</p>
<p>Adds Rule 7.4</p>	<p>See 7.6 for MS version of MR 7.4 Legal Service Information (a) Each lawyer or law firm that advertises his, her or its availability to provide legal services shall have available in written form for delivery to any potential client: (1) A factual statement detailing the background, training and experience of each lawyer or law firm. (2) If the lawyer or law firm claims special expertise in the representation of clients in special matters or publicly limits the lawyer's or law firm's practice to special types of cases or clients, the written information shall set forth the factual details of the lawyer's experience, expertise, background, and training in such matters. Further, any advertisement or written communication shall advise any potential client of the availability of the above information by prominently displaying in all such advertisements and communications the following notice: FREE BACKGROUND INFORMATION AVAILABLE UPON REQUEST. (b) Whenever a potential client shall request information regarding a lawyer or law firm for the purpose of making a decision regarding employment of the lawyer or law firm: (1) The lawyer or law firm shall promptly furnish (by mail if requested) the written information described in paragraph (a) of this Rule. (2) The lawyer or law firm may furnish such additional factual information regarding the law firm deemed valuable to assist the client. (c) A copy of all information furnished to clients by reason of this Rule shall be retained by the lawyer or law firm for a period of five years after the last regular use of the information. (d) Any factual statement contained in any advertisement or written communication or any information furnished to a prospective client under this Rule shall not: (1) Be directly or inherently false or misleading; (2) Be potentially false or misleading; (3) Fail to disclose material information necessary to prevent the information supplied from being actually or potentially false or misleading; (4) Be unsubstantiated in fact; or</p>

	<p>(5) Be unfair or deceptive.</p> <p>(e) Upon reasonable request by The Mississippi Bar, a lawyer shall promptly provide proof that any statement or claim made in any advertisement or written communication, as well as the information furnished to a prospective client as authorized or required by these Rules, is in compliance with paragraph (d) above.</p> <p>(f) A statement and any information furnished to a prospective client, as authorized by paragraph (a) of this Rule, that a lawyer or law firm will represent a client in a particular type of matter, without appropriate qualification, shall be presumed to be misleading if the lawyer reasonably believes that a lawyer or law firm not associated with the originally retained lawyer or law firm will be associated or act as primary counsel in representing the client. In determining whether the statement is misleading in this respect, the history of prior conduct by the lawyer in similar matters may be considered.</p>
<p>Adds Rule 7.5</p>	<p>See 7.7 for MS version of MR 7.5</p> <p>Submission of Advertisements</p> <p>(a) Mandatory Submission. A copy or recording of any advertisement to be published shall be submitted to the Office of the General Counsel of the Mississippi Bar (OGCMB) as set forth in paragraph(c) below prior to its first dissemination.</p> <p>(b) Exemptions. The following are exempt from this submission requirement:</p> <ol style="list-style-type: none">(1) Any advertisement that contains no illustrations and no information other than that set forth in Rules 7.2 and 7.4;(2) Any telephone directory advertisement;(3) Notices or announcements that do not solicit clients, but rather state new or changed associations or membership of firms, changed location of offices, the opening of new offices, and similar changes relating to a lawyer or law firm;(4) Professional business cards or letterhead;(5) On premises office signage;(6) Notices and paid listings in law directories addressed primarily to other members of the legal profession;(7) Advertisements in professional, trade, academic, resource or specialty publications circulated to specific subscribing audiences rather than the general public at large that announce the availability of a lawyer or law firm to practice a particular type of law in many jurisdictions and that are not for the purpose of soliciting clients to commence or join in specific litigation to be performed in Mississippi;(8) Internet Web pages viewed via a Web browser, in a search initiated by a person without solicitation.(9) Informative or scholarly writings in professional, trade or academic publications;(10) A communication mailed only to existing clients, former clients or other lawyers;(11) Any written communications requested by a prospective client;(12) Any notices or publications required by law; and

	<p>(13) Such other exemptions as may be authorized by the OGCMB.</p> <p>(c) Items to be submitted. A submission with to the OGCMB pursuant to paragraph (a) shall consist of:</p> <p>(1) A copy of the advertisement or communication in the form or forms in which it is to be disseminated (e.g., videotapes, audiotapes, print media, photographs or other accurate replicas of outdoor advertising);</p> <p>(2) A transcript, if the advertisement or communication is on videotape or audiotape;</p> <p>(3) A statement of when and where the advertisement has been, is, or will be used; and</p> <p>(4) A fee of twenty-five dollars (\$25) per submission of advertisement or communication timely filed as provided in paragraph (a), or a fee of one hundred and fifty dollars (\$150) for submissions not timely filed, made payable to The Mississippi Bar. This fee shall be used only for administration and enforcement of these Rules. A "submission of advertisement" is defined as each advertisement unless the same advertisement is to be republished in print and or electronic media utilizing the same script. An advertisement does not need to be resubmitted upon each dissemination so long as no changes to form or content are made following the previous submission.</p> <p>(d) Optional Advisory Opinion. A lawyer may request an advisory opinion concerning the compliance of a contemplated advertisement or communication with these Rules in advance of disseminating the advertisement or communication by submitting the advertisement or communication and fee specified in paragraph (1) below to the OGCMB at least forty-five days prior to such dissemination. The OGCMB shall, upon receipt of such request, evaluate all advertisements and communications submitted to it pursuant to this Rule for compliance with the applicable requirements set forth in this Rule. If an evaluation is requested, the OGCMB shall render its advisory opinion within forty-five days of receipt of a request unless the OGCMB determines that there is reasonable doubt that the advertisement or communication is in compliance with the Rules and that further examination is warranted but such evaluation cannot be completed within the forty-five day time period, and so advise the filing lawyer within the forty-five day time period. In the latter event, the OGCMB shall complete its review as promptly as the circumstances reasonably allow. If the OGCMB does not send any correspondence or notice to the lawyer within forty-five days, the advertisement or communication will be deemed approved.</p> <p>(1) Items to be submitted to obtain Advisory Opinion. A submission to OGCMB to obtain an advisory opinion pursuant to paragraph (d) shall consist of the same items as (c)(1)(2)(3) above, and an additional fee of fifty dollars (\$50) per submission of advertisement or communication made payable to The Mississippi Bar. This fee shall be used only for the purposes of evaluation and/or review of advertisements and preparing the Advisory Opinion. A "submission of advertisement" is defined as each advertisement unless the same advertisement is to be republished in print or electronic media utilizing the same script.</p>
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	<p>(2) Use of finding. A finding by the OGCMB of either compliance or noncompliance shall not be binding in disciplinary proceedings, but may be offered as evidence.</p> <p>(3) Change of circumstances. If a change of circumstances occurring subsequent to the OGCMB's evaluation of an advertisement or communication raises a substantial possibility that the advertisement or communication has become false or misleading as a result of the change in circumstances, the lawyer shall promptly resubmit the advertisement or a modified advertisement with the OGCMB along with an explanation of the change in circumstances and a fee of twenty dollars (\$20) per "submission of advertisement or communication."</p> <p>(e) Substantiation. If requested to do so by the OGCMB, the requesting lawyer shall submit information to substantiate representations made or implied in that lawyer's advertisement or communication.</p> <p>(f) Non-compliance. When the OGCMB determines that an advertisement or communication is not in compliance with the applicable Rules, the OGCMB shall advise the lawyer by certified mail that dissemination or continued dissemination of the advertisement or communication may result in professional discipline.</p> <p>(g) Policies and procedures. The Mississippi Bar shall formulate the necessary policies and procedures to implement and enforce the provisions of this Rule and submit same to the Supreme Court for approval pursuant to Rule 3 of the Mississippi Rules of Discipline.</p>
<p>Rule 7.6</p>	<p>Did not adopt MR 7.6 Compare to MR 7.4 Communication of Certification or Designation</p> <p>(a) A lawyer may communicate the fact that he or she has been certified or designated in a field of law by a named organization or authority, but only if that certification or designation is granted by an organization or authority whose specialty certification or designation program is accredited by the American Bar Association. Notwithstanding the provisions of this Rule, a lawyer may communicate the fact that he is certified or designated in a particular field of law by a named, non-American Bar Association organization or authority, but must disclose such fact and further disclose that there is no procedure in Mississippi for approving certifying or designating organizations and authorities.</p> <p>(b) Notwithstanding the provisions of Rule 7.6(a), a lawyer may state or imply as follows:</p> <ol style="list-style-type: none"> 1. A lawyer who is admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or a substantially similar designation; or 2. A lawyer engaged in admiralty practice may use the designation "admiralty," "proctor in admiralty" or a substantially similar designation.
<p>Rule 7.7</p>	<p>Compare to MR 7.5 (a): ends paragraph after first sentence Adds (b): A lawyer shall not practice under a trade or fictitious name or a</p>

	<p>name that is misleading as to the identity of the lawyer or lawyers practicing under such name. A lawyer in private practice may use the term "legal clinic" or "legal services" in conjunction with the lawyer's own name if the lawyer's practice is devoted to providing routine legal services for fees that are lower than the prevailing rate in the legal community for those services.</p> <p>(c): same as former MR (b)</p> <p>(d): same as MR (c) but adds "except as permitted by Rule 1.17" to end</p> <p>(e): same as MR (d) but adds "except as permitted by Rule 1.17" to end</p>
Rule 8.1	Identical
Rule 8.2	Identical
Rule 8.3	Retains former MR Did not adopt (c)
Rule 8.4	Identical
Rule 8.5	<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>

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