

**American Bar Association  
CPR Policy Implementation Committee**

**Variations of the ABA Model Rules of Professional Conduct**

**PREAMBLE: A LAWYER'S RESPONSIBILITIES**

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are Rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in

	<p>the legal system.</p> <p>[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.</p> <p>[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.</p> <p>[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.</p> <p>[13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.</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> <p>† Four (4) jurisdictions have not amended this Rule since the most recent amendments to the ABA Model Rules: GA, HI, TX, WV.</p> <p>‡ One (1) jurisdiction has proposed new Rules: MI.</p>
<p>AL Effective 2/19/09</p>	<p>[1] Alabama Code deletes clause, “as a member of the legal profession;”</p> <p>[2] Adds, after “honest dealings with others:” <i>As intermediary between clients, a lawyer seeks to reconcile these divergent interests as an advisor to and, to a limited</i></p>

	<p><i>extent, as a spokesperson for each client;</i> changes order of phrases, “aw an evaluator” and “a lawyer acts;”                  Does not adopt MR [3]                  MR [4] is the same as Alabama [3]                  MR [5] Same as AL [4]                  MR [6] Similar to AL [5] but deletes “access to the legal system;” deletes sentence starting with “In addition, a lawyer should further” and ending with “maintain their authority;” shortens sentence, “Therefore...secure adequate legal counsel,” and adds to previous sentence.                  MR [7] Same as AL [6]                  MR [8] Same as AL [7]                  MR [9] is similar to AL [8], but deletes “although” from sentence beginning with “Within the framework of these rules;” deletes “these principles...the legal system” at end of paragraph.</p>
AK Effective 4/15/09	[4] Replaces “in confidence...representation” with “the confidences and secrets.”
AZ Effective 12/1/03	Deleted the word "zealous" or "zealously" in Preamble [2], [8] and [9]
AR Effective 5/1/05	[5], adds to end: A lawyer should avoid even the appearance of impropriety.  Adds [13A]: A lawyer owes a solemn duty to uphold the integrity and honor of the profession; to encourage respect for the law and for the courts; to act as a member of a learned profession; to conduct affairs so as to reflect credit on the legal profession; and to inspire the confidence, respect and trust of clients and the public. To accomplish those objectives, the lawyer must strive to avoid not only professional impropriety, but also the appearance of impropriety. The duty to avoid the appearance of impropriety is not a mere phrase. It is part of the foundation upon which are built the rules that guide lawyers in their moral and ethical conduct. This obligation should be considered in any instance where a violation of the rules of professional conduct are at issue. The principle pervades these Rules and embodies their spirit.
CA Effective 9/1/09	[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	[9] Replaces language after “the bounds of the law” with: “Zealousness does not, under any circumstances, justify conduct that is unprofessional, discourteous or uncivil toward any person involved in the legal system.”
CT Effective 1/1/07	Does not number paragraphs Second paragraph: same as MR [2] but in last sentence deletes “an” before “evaluator,” replaces “acts by examining” with “examines” and “reporting” with “reports” and adds “on the client’s behalf” to end Sixth paragraph: same as MR [6] but does not have third and fourth sentences and replaces “Therefore, all lawyers should devote professional time and resources and use civic influence” with “All lawyers should work”

DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	Does not adopt
FL Effective 5/22/06	<p>Does not number paragraphs</p> <p>Fourth paragraph: same as MR [4] but replaces “other” with “by” in last sentence</p> <p>Seventh paragraph: same as MR [7] but replaces “as well as” with “and in”</p> <p>Eighth paragraph: same as MR [8] but changes second sentence “Zealous advocacy is not inconsistent with justice.”</p> <p>Changes language of third sentence before “preserving” to “Moreover, unless violations of law or injury to another or another’s property is involved ...”</p> <p>Ninth paragraph: same as MR [9] but changes first two sentences “In the practice of law conflicting responsibilities are often encountered. Difficult ethical problems may arise from a conflict between a lawyer’s responsibility to a client and the lawyer’s own sense of personal honor, including obligations to society and the legal profession.”</p> <p>Last sentence: deletes “zealously”</p> <p>Tenth paragraph (compare to MR [10] and [11]): Lawyers are officers of the court and they are responsible to the judiciary for the propriety of their professional activities. Within that context, the legal profession has been granted powers of self-government. Self-regulation helps maintain the legal profession’s independence from undue government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on the executive and legislative branches of government for the right to practice. Supervision by an independent judiciary, and conformity with the rules the judiciary adopts for the profession, assures both independence and responsibility.</p> <p>Eleventh paragraph: same as MR [12] but changes first sentence “Thus, every lawyer is responsible for observance of the Rules of Professional Conduct.”</p> <p>Does not have MR [13]</p>
GA* Effective 1/1/01	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>[1] Deletes clause, “as a member...profession;”</p> <p>[2] Adds sentence, “As intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client,” after “dealing with others” and replaces “As an evaluator...acts by” with “A lawyer acts as evaluator by;”</p> <p>Does not adopt MR [3]</p> <p>[3] is the same as MR [4] but replaces “the Rules of Professional Conduct” with “these Rules;”</p> <p>Adds [4]:</p> <p><i>[4] A lawyer should use the law's procedures only for legitimate purposes</i></p>

	<p><i>and not to harass or intimidate others. A lawyer should demonstrate respect for the law, the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process;</i></p> <p>[5] is similar to MR [6] but deletes sentence beginning with “In addition;” Combines sentence beginning with “Therefore” with previous sentence, changing “Therefore, all lawyers should devote” to “and should therefore devote;” replaces language following “time” with “and civic influence on their behalf;”</p> <p>[6] is similar to MR [7] but changes “Many of a lawyer’s” to “A lawyer’s;”</p> <p>Does not adopt MR [8];</p> <p>[8] is similar to MR [9] but replaces language after “remaining” with “an upright person;” In sentence beginning with “The Rules,” deletes “often;” deletes language after “underlying the Rules;”</p> <p>[9] is similar to MR [10] but replaces “courts” with “Supreme Court of Georgia;”</p> <p>[10] is similar to MR [11];</p> <p>[11] is similar to MR [12];</p> <p>[12] is similar to MR [13] but deletes the first sentence, and replaces “of this role” with “of a lawyer’s professional responsibility role.”</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>[1] Deletes clause, “as a member...profession;”</p> <p>[2] Adds sentence, “As intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client,” after “dealing with others” and replaces “As an evaluator...acts by” with “A lawyer acts as evaluator by;”</p> <p>Does not adopt MR [3]</p> <p>[3] is the same as MR [4] but replaces “the Rules of Professional Conduct” with “these Rules;”</p> <p>[4] is the same as MR [5];</p> <p>[5] is similar to MR [6] but deletes clause, “acces to the legal system;” deletes sentence beginning with “In addition;” Combines sentence beginning with “Therefore” with previous sentence, changing “Therefore, all lawyers should devote” to “and should therefore devote;” replaces language following “time” with “and civic influence on their behalf;”</p> <p>[6] and [7] are the same as MR [7] and [8];</p> <p>[8] is similar to MR [9] but deletes “often” and deletes language after “underlying these rules;”</p> <p>[9] through [12] are the same as MR [10] through [13].</p>
<p>ID Effective 7/1/04</p>	<p>Changed last sentence of [9]: These principles include the lawyer’s obligations, <u>as an advocate</u>, to zealously protect and pursue a clients legitimate interests within the bounds of the law <u>and, as an officer of the court, to preserve the integrity of the legal system’s search for the truth</u> while maintaining a professional, courteous and civil attitude toward all persons involved in the <u>legal system</u>.</p>
<p>IL Effective</p>	<p>[6] Does not add: from “a lawyer should be mindful” to “in the public interest;”</p> <p>[6A] Adds: “It is also the responsibility of those licensed as officers of the court to</p>

1/1/2010	<p>use their training, experience, and skills to provide services in the public interest for which compensation may not be available. It is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service but lawyers practicing in that firm. Service in the public interest may take many forms. These include but are not limited to <i>pro bono</i> representation of persons unable to pay for legal services and assistance in the organized bar's efforts at law reform. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law, and the efforts of the bar as a whole are essential to the bar's maintenance of professionalism. To help monitor and quantify the extent of these activities, and to encourage an increase in the delivery of legal services to persons of limited means, Illinois Supreme Court Rule 756(f) requires disclosure with each lawyer's annual registration with the Illinois Attorney Registration and Disciplinary Commission of the approximate amount of his or her <i>pro bono</i> legal service and the approximate amount of qualified monetary contributions. See also Committee Comment (June 14, 2006) to Illinois Supreme Court Rules 745(f);"</p> <p>[6B] adds: The absence from the Illinois Rules of a counterpart to ABA Model Rule 6.1 regarding <i>pro bono</i> and public service should not be interpreted as limiting the responsibility of lawyers to render uncompensated service in the public interest. Rather, the rationale is that this responsibility is not appropriate for disciplinary rules because it is not possible to articulate an appropriate disciplinary standard regarding <i>pro bono</i> and public service.</p>
IN Effective 1/1/05	<p>[1]: adds at the end: Whether or not engaging in the practice of law, lawyers should conduct themselves honorably. [2]: deletes "zealously" [8]: changes "zealous" to "effective"</p>
IA Effective 7/1/05	Same as MR
KS Effective 7/1/07	[6] Adds to end: "The attributes contained in this paragraph for lawyers' conduct shall be an aspirational goal of all lawyers."
KY Effective 7/15/09	<p>Adds to beginning: <i>I. The Preamble and this note on Scope provide general orientation. The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative;</i> Changes numbering throughout to roman numerals.</p>
LA Effective 3/1/04	Does not adopt
ME Effective 8/1/09	<p><b><i>Preamble from the Maine Task Force on Ethics</i></b> [1] <i>The Maine Supreme Judicial Court adopted these rules of professional responsibility to coordinate with the American Bar Association's review of the Model Rules of Professional Conduct in 2000 and 2002. Maine's acceptance of</i></p>

*these rules maximizes conformity with those states embracing the ABA Model Rules and also preserves the integrity of the manner in which Maine lawyers practice law. The ABA Model Rules and the Maine Bar Rules involve the same core conduct. These rules follow the numbering system used in the ABA Model Rules and in states ratifying the ABA rules, and as much as possible, follow the language of the applicable ABA rules.*

*[1A] These Maine Rules of Professional Conduct are the product of Task Force study and recommendations, public comment and, as to the Rules themselves, review by the Maine Supreme Judicial Court. The Maine Supreme Judicial Court adopts these rules as edited and published here. The Preamble, Scope, Comments and Reporter's Notes have not been specifically adopted by the Maine Supreme Judicial Court. The Preamble, Scope, Comments and Reporter's Notes are published with the Rules for background information and illustration.*

*[2] In some instances language found in the former Maine Bar rules is imported into a particular provision. In other instances additional regulatory principles are introduced into a rule. Some rules do not follow the ABA rules, for example Rule 1.6 Confidentiality of Information. Therefore, it is critically important that the user of these Maine Rules of Professional Conduct understand that the Maine Rules of Professional Conduct are not identical to the ABA Model Rules.*

*[2A] The Maine Task Force was instructed to preserve the structure of the ABA Model Rules (which include Comments) when possible. If provisions of the ABA Model Rules were not incorporated into these Maine Rules of Professional Conduct, those sections appear as "[Reserved]" sections or Comments. Otherwise, topical and substantive provisions of these Maine Rules of Professional Conduct appear in the same numbered Rule and Comment as the ABA Model Rules.*

*[3] [Reserved]*

*[4] [Reserved]*

*[5] [Reserved]*

*[6] [Reserved]*

*[7] [Reserved]*

*[7A] In addition to the Maine Rules of Professional Conduct the Maine Supreme Judicial Court has promulgated two aspirational goals for lawyers. One addresses pro bono publico service. The second addresses the substance and style of lawyer advertising. These aspirational goals were found at Maine Bar Rule 2-A and 2-B, and are now found in Rule 6.1 (Pro bono service) and Rule 7.2-A (lawyer advertising) of these Rules.*

*[8] [Reserved]*

*[9] [Reserved]*

*[10] [Reserved]*

*[11] [Reserved]*

*[12] [Reserved]*

*[13] [Reserved]*

*[14A] The Maine Supreme Judicial Court has not adopted the Preamble, Comments or Reporter's Notes. The Comments and Notes are published with the rules to provide background information and illustration.*

<p>MD Effective 7/1/05</p>	<p>Same as MR</p>
<p>MA Rules effective 9/1/08</p>	<p>[1] Deletes clause, “as a member...profession;”                  [2] Changes last sentence to: “A lawyer acts as evaluator by examining a client's legal affairs and reporting about them to the client or to others;”                  Does not adopt [3];                  [6] Deletes sentence, “In addition...maintain their authority;” replaces language after “adequate legal assistance” with “and should therefore devote professional time and civic influence in their behalf. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest;”                  [9] Deletes language after “underlying the Rules.”</p>
<p>MI* Effective 10/1/88</p> <p>New Proposed 11/24/09</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Adds to beginning:  <i>This preamble is part of the comment to Rule 1.0, and provides a general introduction to the Rules of Professional Conduct.</i></p> <p>[1] Deletes “as a member of the legal profession;”                  [2] Adds sentence, “As intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client,” after “dealing with others” and replaces “As an evaluator...acts by” with “A lawyer acts as evaluator by;”                  Does not adopt MR [5];                  [6] Deletes “access to the legal system;” deletes sentence beginning with “In addition;”                  [6] deletes clause, “access to the legal system;” deletes sentence beginning with “In addition;” Combines sentence beginning with “Therefore” with previous sentence, changing “Therefore, all lawyers should devote” to “and should therefore devote;” replaces language following “time” with “and civic influence on their behalf;”                  [9] Deletes language after “underlying these Rules.”</p> <p>Same as 1988 Rule.</p>
<p>MN Effective 10/1/05</p>	<p>Same as MR</p>
<p>MS Effective 11/3/05</p>	<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>
<p>MO Effective 7/1/07</p>	<p>Same as MR</p>

<p>MT Effective 4/1/04</p>	<p>add as Comment [1]: “A lawyer shall always pursue the truth.” [3], MR [2]: adds as second sentence: <u>“In performance of any functions a lawyer shall behave consistently with the requirements of honest dealings with others.”</u> Does not use word zealously. Penultimate sentence adds “with requirements <u>under these rules</u>” Last sentence ends at “about them” [9], MR [8]: “... citizen are <del>usually</del> harmonious. <del>Thus, when an opposing party is well represented, a</del> A lawyer can be a <u>dedicated</u> advocate on behalf of a client, <u>even an unpopular one, but in doing so must comply with these Rules of Professional Conduct and at the same time assume that justice is being done.</u>” Does not use “zealous.” [10], MR [9]: deletes last part of 2<sup>nd</sup> sentence. Does not use “zealously.” [11], MR [10]: deletes “largely” in first and last sentences [12], MR [11]: deletes first sentence. [14], MR [13]: adds after second sentence: <u>All lawyers understand that, as officers of the court, they have a duty to be truthful, which engenders trust in both the profession and the rule of law.</u> The Rules of Professional Conduct, when properly applied, serve to define that relationship. <u>Trust in the integrity of the system and those who operate it is a basic necessity of the rule of law; accordingly truthfulness must be the hallmark of the legal profession, and the stock-in-trade of all lawyers.</u></p>
<p>NE Effective 9/1/05</p>	<p>Same as MR</p>
<p>NV Effective 5/1/06</p>	<p>Does not adopt</p>
<p>NH Effective 1/1/08</p>	<p>Does not adopt.</p> <p style="text-align: center;"><b>Statement Of Purpose</b></p> <p><i>The Rules of Professional Conduct constitute the disciplinary standard for New Hampshire lawyers. Together with law and other regulations governing lawyers, the Rules establish the boundaries of permissible and impermissible lawyer conduct. The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the context of legal representation and of law itself. Some of the Rules are imperatives, expressed by the terms "shall" or "shall not". Others, generally expressed by the term "may", are permissive and define areas in which the lawyer may exercise professional judgment.</i></p> <p><i>The Rules are not designed to be a basis for civil liability. The purpose of the Rules can be subverted when the Rules are invoked by opposing parties as procedural weapons. Violation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached. Violation of a Rule does not necessarily warrant any other nondisciplinary remedy, such as disqualification of a lawyer from a position or from pending litigation. Nevertheless, as the Rules establish a standard of conduct for lawyers, a lawyer's violation of a Rule may be evidence of breach of the applicable standard of conduct.</i></p> <p><i>The Rules of Professional Conduct are promulgated and amended by the Supreme</i></p>

	<p><i>Court of the State of New Hampshire with due input from members of the New Hampshire Bar and interested members of the public. Each Rule is published together with the applicable ABA Comment, as adopted by the American Bar Association in conjunction with its Model Rules of Professional Conduct. Preceding the ABA Comment may be found a New Hampshire Comment, which may describe distinctions between the Rule as adopted in New Hampshire and the respective ABA Model Rule. The ABA and New Hampshire Comments are intended to be interpretive, not mandatory. The New Hampshire Comments are provided by the Ethics Committee of the New Hampshire Bar Association.</i></p> <p><i>Lawyers have traditionally aspired to higher standards of professionalism than should be made mandatory in the Rules. Professionalism encompasses civility, competence, conscience, contribution to the quality of the legal system including equal access to the courts, and public service.</i></p> <p style="text-align: center;"><b><i>New Hampshire Comment</i></b></p> <p><i>The Statement of Purpose replaces the ABA Model Preamble and Scope in their entirety. The New Hampshire Supreme Court has not adopted the existing ABA Model Preamble and Scope, so that there is no base text to amend. The NHBA Ethics Committee found that, in both the existing and the proposed ABA Model Preamble and Scope, the following defects exist:</i></p> <p><i>Much of the Preamble and Scope consists of imprecise restatements or summaries of the Rules, which are generally unnecessary, potentially confusing, or both.</i></p> <p><i>It is inappropriate for the Statement of Purpose to attempt to codify when the Rules should or should not be used by disciplinary bodies, or how degrees of punishment for violations should be determined.</i></p> <p><i>Portions of the Preamble and Scope are aspirational in nature, which runs the risk of converting goals into mandates. The Rules will succeed better if the distinction between worthy aspirations and basic mandates is kept clear.</i></p> <p><i>The length and lack of clarity in the wording of the Preamble and Scope materially diminish their utility to their readers.</i></p>
<p>NJ Effective 1/1/04</p>	<p>Does not adopt</p>
<p>NM Effective 11/2/09</p>	<p>[3] First letter of “Rules” in second sentence is changed to lowercase. Changes “Rules 1.12 and 2.4” to “Rules 1.6-1.12 and 16-204 of the Rules of Professional Conduct;” Changes “See Rule 8.4” to “See Rule 16-804 of the Rules of Professional Conduct”</p> <p>[9] First letter of the word “rules,” which appears twice in the fourth sentence, are changed to lowercase;</p> <p>[12] “Which it serves” in last sentence of paragraph is changed to “that it serves.”</p>
<p>NY Effective 4/1/09</p>	<p>[1] Replaces language after “As a representative of clients” with ‘a lawyer assumes many roles, including advisor, advocate, negotiator, and evaluator. As an officer of the legal system, each lawyer has a duty to uphold the legal process; to demonstrate respect for the legal system; to seek improvement of the law; and to promote access to the legal system and the administration of justice. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because, in a constitutional democracy, legal institutions depend on popular</p>

	<p>participation and support to maintain their authority;”          Does not adopt [2] through [9];          Adds instead:</p> <p><i>[2] The touchstone of the client-lawyer relationship is the lawyer’s obligation to assert the client’s position under the rules of the adversary system, to maintain the client’s confidential information except in limited circumstances, and to act with loyalty during the period of the representation.</i></p> <p><i>[3] A lawyer’s responsibilities in fulfilling these many roles and obligations are usually harmonious. In the course of law practice, however, conflicts may arise among the lawyer’s responsibilities to clients, to the legal system and to the lawyer’s own interests. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Nevertheless, within the framework of the Rules, many difficult issues of professional discretion can arise. The lawyer must resolve such issues through the exercise of sensitive professional and moral judgment, guided by the basic principles underlying the Rules.</i></p> <p>[10] Replaces language after “self-governing” with “An independent legal profession is an important force in preserving government under law, because abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice law. To the extent that lawyers meet these professional obligations, the occasion for government regulation is obviated;”</p> <p>Does not adopt [11];          Replaces language in [12] with:</p> <p><i>The relative autonomy of the legal profession carries with it special responsibilities of self-governance. Every lawyer is responsible for observance of the Rules of Professional Conduct and also should aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest that it serves. Compliance with the Rules depends primarily upon the lawyer’s understanding of the Rules and desire to comply with the professional norms they embody for the benefit of clients and the legal system, and, secondarily, upon reinforcement by peer and public opinion. So long as its practitioners are guided by these principles, the law will continue to be a noble profession.</i></p> <p>Does not adopt [13].</p>
<p>NC          Effective          3/1/03</p>	<p>Inserted three new paragraphs between MR Comments [6] and [7]:</p> <p>[7] A lawyer should render public interest legal service and provide civic leadership. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, society, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.</p> <p>[8] The legal profession is a group of people united in a learned calling for the public good. At their best, lawyers assure the availability of legal services to all, regardless of ability to pay, and as leaders of their communities, states, and nation, lawyers use</p>

	<p>their education and experience to improve society. It is the basic responsibility of each lawyer to provide community service, community leadership, and public interest legal services without fee, or at a substantially reduced fee, in such areas as poverty law, civil rights, public rights law, charitable organization representation, and the administration of justice.</p> <p>[9] The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer. Personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in, or otherwise support, the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus the profession and government instituted additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services, and other related programs were developed, and programs will be developed by the profession and the government. Every lawyer should support all proper efforts to meet this need for legal services.</p> <p>[15] (MR [12]): left out reference to self-government in the second half of the first sentence and combines first and second sentences: "The legal profession's relative autonomy carries with it a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar."</p>
<p>ND Effective 8/1/06</p>	<p>[3]: reference is to 2.3</p>
<p>OH Effective 2/1/07</p>	<p>[1] As an officer of the court, a lawyer not only represents clients but has a special responsibility for the quality of justice.</p> <p>[2]: first sentence, replaces "As a representative of clients" with "In representing clients"</p> <p>Third sentence, deletes "zealously"</p> <p>Fourth sentence, replaces "but" with "and"</p> <p>Fifth sentence, replaces "acts by examining" with "examines" and "reporting" with "reports"</p> <p>[3]: does not have second sentence</p> <p>[4]: adds "and loyal" to end of first sentence</p> <p>[5]: adds to beginning, "Lawyers play a vital role in the preservation of society." and "Adjudicatory officials, not being wholly free to defend themselves, are entitled to receive the support of the bar against unjustified criticism. Although a lawyer, as a citizen, has a right to criticize such officials, the lawyer should do so with restraint and avoid intemperate statements that tend to lessen public confidence in the legal system." before last sentence</p> <p>[6]: first sentence, deletes "As a public citizen," adds ""ensure" before "access," "advance" before "the administration" and "exemplify" before "the quality"</p> <p>[7] and [8]: did not adopt</p> <p>[9]: did not adopt first two sentences. First sentence same as MR third sentence but</p>

	<p>replaces “terms for resolving such conflicts” with “rules for a lawyer’s conduct.”                      Third sentence same as MR fifth sentence but replaces “Such” with “These.” Did not adopt last sentence                      [10]: did not adopt                      [11]: adds “The legal profession is self-governing in that the Ohio Constitution vests in the Supreme Court of Ohio the ultimate authority to regulate the profession.” to beginning                      [12] and [13]: did not adopt</p>
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	Does not adopt
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	Does not adopt
TN Effective 1/1/2011	<p>Adds [1]:  <i>A lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service and engaging in these pursuits as part of a common calling to promote justice and public good. Essential characteristics of the lawyer are knowledge of the law, skill in applying the applicable law to the factual context, thoroughness of preparation, practical and prudential wisdom, ethical conduct and integrity, and dedication to justice and the public good.</i></p> <p>TN [2-14] are equivalent to MR [1-13]</p>
TX* Current Rule	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>1. Deletes “as a member of the legal profession;” Adds: “Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct;” Adds: “As intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client;” Changes “As an evaluator, a lawyer acts by” to “A lawyer acts as evaluator;”</p>

	<p>Does not have MR [3];</p> <p>3. Adds “a lawyer should zealously pursues client’s interests within the bounds of the law. In doing so” after “In all professional functions;”</p> <p>5. Deletes clause, “acces to the legal system;” deletes sentence beginning with “In addition;” Combines sentence beginning with “Therefore” with previous sentence, changing “Therefore, all lawyers should devote” to “and should therefore devote;” replaces language following “time” with “and civic influence on their behalf;”</p> <p>Adds:</p> <p><i>6. A lawyer should render public interest legal service. The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantages can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally. A lawyer may discharge this basic responsibility by providing public interest legal services without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation, the administration of justice, and by financial support for organizations that provide legal services to persons of limited means.</i></p> <p>Does not have MR [7] or [8];</p> <p>7. Deletes “however;” deletes language after “lawyer’s own interests;” replaces “The Rules of Responsibility” with “The Texas Disciplinary Rules of Professional Conduct;” replaces “resolving such conflicts” with “resolving such tension;” Adds sentence after “tensions:” “They do so by stating minimum standards of conduct below which no lawyer can fall without being subject to disciplinary action;” adds “however” after “framework of these Rules;” replaces language after “can arise” with “The Rules and their Comments constitute a body of principles upon which the lawyer can rely for guidance in resolving such issues through the exercise of sensitive professional and moral judgment. In applying these rules, lawyers may find interpretive guidance in the principles developed in the Comments;”</p> <p>Replaces MR [10] through [13] with:</p> <p><i>8. The legal profession has a responsibility to assure that its regulation is undertaken in the public interest rather than in furtherance of parochial or self-interested concerns of the bar, and to insist that every lawyer both comply with its minimum disciplinary standards and aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.</i></p> <p><i>9. Each lawyer’s own conscience is the touchstone against which to test the extent to which his actions may rise above the disciplinary standards prescribed by these rules. The desire for the respect and confidence of the members of the profession and of the society which it serves provides the lawyer the incentive to attain the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So</i></p>
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	<i>long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.</i>
UT Effective 11/1/05	[1] A lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. Every lawyer is responsible to observe the law and the Rules of Professional Conduct, shall take the Attorney's Oath upon admission to the practice of law, and shall be subject to the Rules of Lawyer Discipline and Disability. Attorney's Oath "I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of Utah; that I will discharge the duties of attorney and counselor at law as an officer of the courts of this State with honesty and fidelity; and that I will strictly observe the Rules of Professional Conduct promulgated by the Supreme Court of the State of Utah." adds at the end of [2]: . A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	Did not number paragraphs First paragraph: same as MR [1] but deletes "as a member of the legal profession" and adds "or a neutral third party" after "clients" Second paragraph: same as former MR [2] but in first sentence deletes "As a representative of clients" and replaces "performs" with "may perform;" adds new sixth sentence "As third party neutral, a lawyer represents neither party, but helps the parties arrive at their own solution" and in last sentence deletes "A lawyer acts" and replaces "by examining" with "a lawyer examines" and "reporting" with "reports" Third and fourth paragraphs: same as MR [4] and [5] Fifth paragraph: same as former MR [5] Sixth and seventh paragraphs: same as MR [7] and [8] Eighth paragraph: same as former MR [8] Ninth - 12 <sup>th</sup> paragraphs: same as MR [10] - [13]
WA Effective 9/1/06	[1]: replaces "legal system" with "court" [2]: replaces "zealously" with "conscientiously and ardently" [4]: deletes "or other law" [8]: replaces "zealous" with "conscientious and ardent" [9]: replaces "zealously" with "conscientiously and ardently"
WV* Effective 1/1/89	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> [1] Deletes clause, "as a member of;" Does not have MR [3]; In paragraph beginning with "As a public citizen," deletes sentence beginning with "In addition;" deletes sentence beginning with "Therefore" and instead adds to end of previous sentence: "and should therefore devote professional time and civic influence

	in their behalf;” In paragraph beginning with “In the nature,” deletes language after “underlying the Rules.”
WI Effective 7/1/07	Same as MR
WY Effective 7/1/06	[2], adds as second sentence: As an intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client. Adds as last sentence: As a guardian ad litem, a lawyer represents the best interests of the individual for whom the lawyer has been appointed to act, and the lawyer’s obligations pursuant to these rules shift accordingly.

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