

**Comparison of Newly Adopted Rhode Island Rules of Professional Conduct
with ABA Model Rules**

	RHODE ISLAND
	New rules as adopted by Rhode Island Supreme Court to be effective 4/15/07. Variations from the Model Rules are noted. Rules only; comment comparison not included.
Preamble	Same as MR
Scope	Same as MR
Rule 1.0	Same as MR
Rule 1.1	Same as MR
Rule 1.2	Same as MR
Rule 1.3	Same as MR
Rule 1.4	Adds (c): <i>(c) When a lawyer has not regularly represented a client and has reason to believe that the client does not fully understand the nature of the attorney-client relationship and the expectations and obligations arising out of that relationship, the lawyer shall take reasonable steps to inform the client of the nature of the attorney-client relationship before the representation is undertaken. Such disclosure should include what the lawyer expects of the client and what the client can expect from the lawyer. A lawyer may make such disclosure by providing the client with a copy of the statement of client's rights and responsibilities contained in Appendix 2 to these rules, or in any other manner sufficient to provide the client with a clear understanding of what services will be rendered by the lawyer and what the client's responsibilities are in order that the services can be performed effectively.</i>
Rule 1.5	Same as MR
Rule 1.6	(a): replaces “the disclosure is” with “except for disclosures that are” and “or the disclosure is permitted by” with “and except as stated in” (b) and (b)(1): same as former MR Does not have MR (b)(2) and (3) (b)(2): same as MR (b)(5) (b)(3): same as MR (b)(4) (b)(4): same as MR (b)(6) Does not adopt 2003 Task Force changes
Rule 1.7	Same as MR
Rule 1.8	Same as MR
Rule 1.9	Same as MR
Rule 1.10	Combines (a) and (a)(1), and deletes (a)(2), and paragraphs (i), (ii), and (iii). Adds as (c): <i>(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:</i>

	<p>(1) the personally disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(2) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this Rule.</p> <p>RI Rules (d) and (e) are identical to MR (c) and (d).</p> <p>Comments:</p> <p>Adds as [6]:</p> <p style="padding-left: 40px;">Where the conditions of paragraph (c) are met, imputation is removed, and consent to the new representation is not required. Lawyers should be aware, however, that courts may impose more stringent obligations in ruling upon motions to disqualify a lawyer from pending litigation.</p> <p>Adds as [7]:</p> <p style="padding-left: 40px;">Requirements for screening procedures are stated in Rule 1.0(k). Paragraph (c)(2) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.</p> <p>Adds as [8]:</p> <p style="padding-left: 40px;">Notice, including a description of the screened lawyer’s prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.</p> <p>[9] is identical to MR [6]</p> <p>[10] and [11] are identical to MR [11] and [12], respectively.</p> <p>Does not adopt [7] through [10]</p>
Rule 1.11	Same as MR
Rule 1.12	Same as MR
Rule 1.13	Same as MR Adopts 2003 Task Force changes
Rule 1.14	Same as MR
Rule 1.15	Same as MR
Rule 1.16	Same as MR
Rule 1.17	<p>(a) Deletes “in the geographic area” clause, deletes parentheses: “(a jurisdiction...version);”</p> <p>(c) is equivalent to MR (c) but changes language to: <i>(c) Actual written notice and a written request for consent to transfer the client’s representation is given to each of the seller’s clients regarding:</i></p> <p>(c)(1), (2), (3), and the last paragraph of (c) are the same as MR; (d) is the same as MR.</p>
Rule 1.18	Same as MR
Rule 2.1	Same as MR

Rule 2.2	[N/A]
Rule 2.3	Same as MR
Rule 2.4	Same as MR
Rule 3.1	Same as MR
Rule 3.2	Same as MR
Rule 3.3	Same as MR
Rule 3.4	Same as MR
Rule 3.5	Same as MR
Rule 3.6	Same as MR
Rule 3.7	Same as MR
Rule 3.8	Does not adopt MR (e); (e) is the same as MR (f); Does not adopt (g) or (h); Adds: <i>(f) not, without prior judicial approval, subpoena a lawyer for the purpose of compelling the lawyer to provide evidence concerning a person who is or was represented by the lawyer when such evidence was obtained as a result of the attorney-client relationship.</i>
Rule 3.9	Same as MR
Rule 4.1	Same as MR
Rule 4.2	Same as MR Changed “party” to “person”
Rule 4.3	Same as MR
Rule 4.4	Same as MR
Rule 5.1	Same as MR
Rule 5.2	Same as MR
Rule 5.3	Same as MR
Rule 5.4	Does not adopt (a)(4), but adds in its place: <i>(4) a lawyer or law firm may agree to share a statutory or tribunal-approved fee award, or a settlement in a matter eligible for such an award, with an organization that referred the matter to the lawyer or law firm if: (i) the organization is one that is not for profit; (ii) the organization is tax-exempt under federal law; (iii) the fee award or settlement is made in connection with a proceeding to advance one or more of the purposes by virtue of which the organization is tax-exempt; and (iv) the tribunal approves the fee-sharing arrangement.</i>
Rule 5.5	Same as MR
Rule 5.6	Same as MR
Rule 5.7	Same as MR
Rule 6.1	Same as MR
Rule 6.2	Same as MR

Rule 6.3	Same as MR
Rule 6.4	Same as MR
Rule 6.5	Same as MR
Rule 7.1	<p>Text and (a) are the same as Model Rule; Adds:</p> <p><i>(b) contains any testimonial about, or endorsement of, the lawyer without identifying the fact that it is a testimonial or endorsement, and if payment for the testimonial or endorsement has been made, that fact must also be disclosed. If the testimonial or endorsement is not made by an actual client that fact must also be identified. If the testimonial or endorsement appears in a televised advertisement, the foregoing disclosures and identifications must appear continuously throughout the advertisement;</i></p> <p><i>(c) contains a dramatization or simulated description of the lawyer, partners or associates, offices or facilities, or services without identifying the fact that the description is a simulation or dramatization. If the dramatization or simulated description appears in a televised advertisement, the fact that it is a dramatization or simulated description must appear continuously throughout the advertisement.</i></p>
Rule 7.2	<p>Adds:</p> <p><i>(b) A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary Counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisement), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for three years after its last dissemination along with a record of when and where it was used.</i></p> <p>(c) is similar to MR (b), but: (c)(2) deletes language after “referral service;” (d) is the same as MR (c);</p> <p>Adds:</p> <p><i>(e) Lawyer advertising or written communications which indicate that no fee will be charged if no recovery, shall also state conspicuously if the client will be responsible for costs or expenses regardless of outcome.</i></p> <p><i>(f) Any lawyer or law firm who advertises that his or her practice includes or concentrates in particular fields of law and then refers the majority of cases in those fields of law or of that type to another lawyer, law firm or group of lawyers shall clearly state the following disclaimer:</i></p> <p><i>1. “Most cases of this type are not handled by this firm, but are</i></p>

	<p><i>referred to other attorneys.”, or if applicable:</i></p> <p>2. <i>“While this firm maintains joint responsibility, most cases of this type are referred to other attorneys for principal responsibility.”</i></p>
Rule 7.3	<p>(a) Adds: <i>(a)(3) is a business organization, a not-for-profit organization, or governmental body and the lawyer seeks to provide services related to the organization.</i></p> <p>(b) Adds: <i>(3) the communication contains a false, fraudulent, misleading or deceptive statement or claim or is improper under Rule 7.1;</i> <i>(4) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer; or</i> <i>(5) the communication concerns a specific matter and the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter.</i></p> <p>(c) Adds reference to paragraph (a)(3) to end; Adds: <i>(d) A copy of each such communication shall be sent to the Supreme Court Disciplinary Counsel and another copy shall be retained by the lawyer for three (3) years. If communications identical in content are sent to two (2) or more prospective clients, the lawyer may comply with this requirement by sending a single copy together with a list of the names and addresses of personal to whom the communication was sent to the Supreme Court Disciplinary Counsel as well as retaining the same information.</i></p> <p>(d) is the same as MR (c).</p>
Rule 7.4	<p>Adds: <i>(d)(3) the lawyer also includes, as part of the same communication, the disclaimer that:</i> <i>“The Rhode Island Supreme Court licenses all lawyers in the general practice of law. The court does not license or certify any lawyer as an expert or specialist in any particular field of practice.”</i></p>
Rule 7.5	<p>Does not adopt MR (c) but adds instead: <i>(c) The name of a lawyer holding a public office during any substantial period in which the lawyer is not actively and regularly practicing with the firm, and the name of a lawyer who is disbarred or suspended from the practice of law for a period of at least six (6) months, shall not be used in the name of a law firm or in communication on its behalf.</i></p>
Rule 7.6	Does not adopt
Rule 8.1	(b) Adds “or continuing legal education” before “authority.”
Rule 8.2	Same as MR
Rule 8.3	(c) Deletes language after “Rule 1.6;” Adds:

	<p><i>(d) This rule shall not apply to members of the Confidential Assistance Committee (“the Committee”) of the Rhode Island Bar Association (“the Association”) regarding information received in their capacity as Committee members, acting in good faith, unless it appears to the members that the attorney in question is failing to desist from the violation or is failing to cooperate with a program of assistance to which the attorney has agreed, or is engaged in the perpetration of fraud or embezzlement, or when disclosure is required to protect the public from substantial harm.</i></p> <p><i>(e) Except as provided by the preceding subsection (d), no information received, gathered or maintained by the Committee, or by an employee of the Association in connection with the work of the Committee, may be disclosed to any person or be subject to discovery or subpoena in any administrative or judicial proceeding, except upon the express written release of the subject attorney, or by order of a court of competent jurisdiction. However, the Committee may refer any attorney to a professional assistance entity, and may, in good faith, communicate information to the entity in connection with the referral. If information obtained by a member of the Committee or an employee of the Association gives rise to reasonable suspicion of a direct threat to the health or safety of the subject attorney or other person, then the obligation of confidentiality set forth in this subsection (e) shall not apply, and the Committee member or Association employee may make such communications as are necessary for the purpose of avoiding or preventing the threat.</i></p> <p><i>(f) Members of the Committee shall be immune from civil liability for actions taken in good faith in the course of performing their duties.</i></p>
Rule 8.4	<p>(d) Adds to end: “including but not limited to, harmful or discriminatory treatment of litigants, jurors, witnesses, lawyers, and others based on race, national origin, gender, religion, disability, age, sexual orientation or socioeconomic status.”</p>
Rule 8.5	Same as MR

Copyright © 2010 American Bar Association. All rights reserved. Nothing contained in these charts is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. Information regarding variations from the ABA Model Rules should not be construed as representing policy of the American Bar Association. The charts are current as of the date shown on each. A jurisdiction may have amended its rules or proposals since the time its chart was created. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, jholtaway@staff.abanet.org.