

AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON INSURANCE DISCLOSURE

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (16) (AZ, CO, DE, HI, IL, KS, ME, MA, MI, MN, NE, NV, ND, RI, VA, WA and WV) | Considering Adoption (6) (NJ, NY, SC, UT and VT) | Information Made Available to Public | Other Info <i>(See also, Oregon and Idaho:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule. NC withdrew its rule.) |
|---------------------------------|---|--|---|---|---|
| AL | | | | | |
| AK | Alaska Rules of Professional Conduct, Rule 1.4 | | | N/A | |
| AZ Effective 1/1/07 | | Supreme Court Rule 32(c)(12), effective January 1, 2007. | | Yes. State Bar of Arizona website. | |
| AR | | | | | On January 21, 2006, the House of Delegates of the Arkansas Bar Association voted not to adopt a disclosure rule. |
| CA Effective 1/1/2010 | Rule 3-410. Disclosure of Professional Liability Insurance. California Rules of Professional Conduct. | | | N/A | |

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| CO Effective 1/1/09 | | Colorado Rules of Civil procedure, Rule 227 | | C.R.C.P. 227: (c) Availability of Information. The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website. | |
| CT | | | | | At its February 23, 2009 meeting, the Connecticut Superior Court Rules Committee voted unanimously to deny a proposal to adopt an insurance disclosure rule. |
| DE Beginning with 2007 Annual Registration Form. | | Annual Registration Form | | | |
| DC | | | | | |

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| FL | | | | | Declined to adopt. <i>See, In Re: Amendments to The Rules Regulating The Florida Bar (Biannual Report) Florida Supreme Court No. SC10-1967 dated April 12, 2012.</i> |
| GA | | | | | |
| HI Effective 12/1/07 | | RSCH 2.17(d) | | N/A | |
| ID | | | | Available to the public upon request. | Effective January 1, 2018, al Idaho licensed lawyers representing private clients must show proof of malpractice insurance. Idaho Bar Commission Rule 302(a)(5) |
| IL Effective 10/1/04 | | Amended Illinois Supreme Court Rule 756 | | Yes | |
| KS Effective 9/6/05 | | Supreme Court Rule 208A | | Yes, by means designated by the Court. | |
| KY | | | | | On or about November 14, 2006 the KY Sup. Ct. declined to adopt a disclosure rule. |
| LA | | | | | |

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| ME | | Maine Board of Bar Overseers Rule 4 | | | |
| MD | | | | | |
| MA Effective 9/1/06 | | Supreme Judicial Court Rule 4:02 | | Yes. | |
| MI Beginning with the notice issued for fiscal year 2003-2004 | | Administrative Order No. 2003-5, dated August 6, 2003 | | No. | |
| MN Effective 10/1/06 | | Rule 6 of the Rules of the Supreme Court on Lawyer Registration. Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006) | | Yes. Rule 7. Access to Lawyer Registration Records | |
| MO | | | | | Not currently being considered. |
| NE | | Supreme Court Rules · CHAPTER 3: ATTORNEYS AND THE PRACTICE OF | | Shall be made available to the public. | |

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| | | LAW · Article 8: State Bar Association; Creation; Control; and Regulation. § 3-803. Membership. | | | |
| NV Adopted 9/13/05 and effective 11/13/05 | | Amended Supreme Court Rule 79 (Adopted September 13, 2005 and effective November 13, 2005) | | Yes. It will be part of the lawyer's public record available by phone or email inquiry. | |
| NH Effective 3/1/03 | New Hampshire Rules of Professional Conduct, Rule 1.19. (Disclosure of Information to the Client) | | | N/A | |
| NJ | | | X | | Supreme Court Committee studying. Chair: Robert Fall |
| NM Effective 11/2/09 | Rule 16-104 Rules of Professional Conduct (Current Rule not available online) | | | | |
| NY | | | Under consideration. | | |
| NC | | | | | Effective January 1, 2010, North Carolina lawyers are no longer required to |

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| | | | | | inform the State Bar as to whether they maintain legal malpractice insurance. |
| ND Effective 8/1/09 | | Amended Rule 1.15 of the North Dakota Rules of Professional Conduct | | Yes | |
| OH Effective 7/1/01 | Ohio Rules of Professional Conduct, Rule 1.4(c) | | | N/A | Lawyers who hire themselves out to do research and writing for other lawyers need not comply. (Ohio Supreme Court Bd. of Commissioners on Grievances and Discipline, Op. 2005-1, 2/4/05). |
| OK | | | | | No action taken to adopt a rule. |
| OR | | | | | All lawyers required to maintain professional liability insurance. For information on Oregon Professional Liability Fund |
| PA Effective 7/1/06 | Pennsylvania adopted RPC 1.4(c), effective 7/1/2006. | | | N/A | As part of attorney registration, Pennsylvania attorneys must state whether they have malpractice insurance. Whether they do or not is public information that appears on the Disciplinary Board's website. |

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| RI Effective 4/15/07 | | Rule 1(b) of Article IV "Periodic Registration of Attorneys". (Effective April 15, 2007) | | | |
| SC | | | X | | 1) Beginning in 2012, each lawyer seeking license renewal or a new license will be asked to disclose voluntarily whether the lawyer maintained legal malpractice insurance coverage with a minimum amount of \$100,000, and then: 2) Based on the information gathered in 2012 showing the percentage of uninsured lawyers, either a) Presenting to the South Carolina Supreme Court a potential proposed Rule of Professional Conduct possibly modeled, in part, on the ABA Model Court Rule; b) Adopting an internal South Carolina Bar rule that authorizes disclosure to the public of each lawyer's insurance information through the |

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| | | | | | <p>Bar and on the Bar's website, or</p> <p>c) Taking no action.</p> |
| <p>SD Effective 1/1/99</p> | <p>South Dakota Model Rules of Professional Conduct, Rule 1.4 (Communication) (SDBAR links currently unavailable)</p> | <p>(SD also requires lawyers to disclose on their annual registration statements.)</p> | | <p>N/A</p> | <p>SD has 7 years of certification to the Supreme Court - 97% have at least \$100,000 in coverage, together with name and policy number of the policy. Over the past 7 years, the percentage has never dropped below 96% nor been higher than 97.5% in any given year.</p> <p>RPC 7.5 concerning letterhead requires the RPC 1.4(c) disclosure to be in black ink with type no smaller than the type used for the lawyer's names.</p> |

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| TX | | | | | By letter dated April 14, 2010 to the President of the State Bar of Texas, the Supreme Court of Texas declined to adopt an insurance disclosure rule. |
| UT | | | Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication. | | Required to disclose on registration statement but no Rule enacted. Bar will collect date on coverage for a 2-year period (2009-2011). |
| VT | | | On December 28, 2006 the Civil Rules Committee proposed that the Vermont Supreme Court consider adoption of a rule requiring insurance disclosure, not in the Vermont Rules of Professional Conduct, but as part of the Rules for Licensing of Attorneys. In adopting the rule, consideration should be given to requiring disclosure of the liability limits and deductibles of the coverage. | | |
| VA Amended effective 7/1/89; 1/1/90; 4/1/90. | | Rules of the Virginia Supreme Court, Part 6 § 4 Paragraph 18. Financial Responsibility / | | Yes, on Bar's website: (See, www.vsb.org , under the headings Public Information, Attorney Records Search, Attorneys without | |

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| | | | | Malpractice Insurance). | |
| WA Effective 7/1/07 | | Admission to Practice Rule 26 - Insurance Disclosure. (Effective July 1, 2007) | | Yes. | |
| WV Effective 5/6/05 | | State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure Form | | Yes. . . . shall be made available to the public by such means as may be designated by the West Virginia State Bar. | |
| WI | | | | | |
| WY | | | | | |

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