

	<p style="text-align: center;"><b>American Bar Association CPR Policy Implementation Committee</b></p> <p style="text-align: center;"><b>Variations of the ABA Model Rules of Professional Conduct</b></p> <p style="text-align: center;"><b>RULE 1.1: COMPETENCE</b></p> <p><b>A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</b></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>
AL	Same as MR but adds sentence: “A lawyer and client may agree, pursuant to <u>Rule 1.2(c)</u> , to limit the scope of the representation with respect to a matter. In such circumstances, competence means the knowledge, skill, thoroughness, and preparation reasonably necessary for such limited representation.”
AK	<p>(a): same as MR</p> <p>Adds (b): In an emergency, a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required or in which referral to or consultation or association with another lawyer would be impractical; provided, however, that the assistance shall be limited to that reasonably necessary in the circumstances and the client shall be advised of the lawyer’s limited knowledge in the legal field in which the advice is sought.</p>
AZ	Same as MR
AR	Same as MR
CA	<p>(a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.</p> <p>(b) For purposes of this rule, “competence” in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably* necessary for the performance of such service.</p> <p>(c) If a lawyer does not have sufficient learning and skill when the legal services are undertaken, the lawyer nonetheless may provide competent representation by (i) associating with or, where appropriate, professionally consulting another lawyer whom the lawyer reasonably believes* to be competent, (ii) acquiring</p>

	<p>sufficient learning and skill before performance is required, or (iii) referring the matter to another lawyer whom the lawyer reasonably believes* to be competent.</p> <p>(d) In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required if referral to, or association or consultation with, another lawyer would be impractical. Assistance in an emergency must be limited to that reasonably* necessary in the circumstances.</p>
CO	Same as MR
CT	Same as MR
DE	Same as MR
District of Columbia	<p>(a) same as MR</p> <p>Adds (b) A lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.</p>
FL	Same as MR
GA	<p>A lawyer shall provide competent representation to a client. Competent representation as used in this Rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question. Competence requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p> <p>The maximum penalty for a violation of this Rule is disbarment.</p>
HI	Same as MR
ID	Same as MR
IL	Same as MR
IN	Same as MR
IA	Same as MR
KS	Same as MR
KY	Same as MR
LA	Adds (b): A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.
ME	Same as MR

MD	Same as MR
MA	Same as MR
MI	<p>A lawyer shall provide competent representation to a client. A lawyer shall not:</p> <p>(a) handle a legal matter which the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it;</p> <p>(b) handle a legal matter without preparation adequate in the circumstances; or</p> <p>(c) neglect a legal matter entrusted to the lawyer.</p>
MN	Same as MR
MS	Same as MR
MO	Same as MR
MT	Same as MR
NE	A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, preparation and judgment reasonably necessary for the representation.
NV	Same as MR
NH	<p>(a) A lawyer shall provide competent representation to a client.</p> <p>(b) Legal competence requires at a minimum:</p> <ol style="list-style-type: none"> <li>(1) specific knowledge about the fields of law in which the lawyer practices;</li> <li>(2) performance of the techniques of practice with skill;</li> <li>(3) identification of areas beyond the lawyer's competence and bringing those areas to the client's attention;</li> <li>(4) proper preparation; and</li> <li>(5) attention to details and schedules necessary to assure that the matter undertaken is completed with no avoidable harm to the client's interest.</li> </ol> <p>(c) In the performance of client service, a lawyer shall at a minimum:</p> <ol style="list-style-type: none"> <li>(1) gather sufficient facts regarding the client's problem from the client, and from other relevant sources;</li> <li>(2) formulate the material issues raised, determine applicable law and identify alternative legal responses;</li> <li>(3) develop a strategy, in consultation with the client, for solving the legal problems of the client; and</li> <li>(4) undertake actions on the client's behalf in a timely and effective manner including, where appropriate, associating with another lawyer who possesses the skill and knowledge required to assure competent representation.</li> </ol>

NJ	A lawyer shall not: (a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence. (b) Exhibit a pattern of negligence or neglect in the lawyer's handling of legal matters generally.
NM	Same as MR
NY	(a) same as MR  (b) A lawyer shall not handle a legal matter that the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it.  (c) A lawyer shall not intentionally: (1) fail to seek the objectives of the client through reasonably available means permitted by law and these Rules; or (2) prejudice or damage the client during the course of the representation except as permitted or required by these Rules.
NC	Same as MR  Adds sentence: A lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle without associating with a lawyer who is competent to handle the matter.
ND	Same as MR
OH	Same as MR
OK	Same as MR
OR	Same as MR
PA	Same as MR
RI	Same as MR  Adds: A lawyer and client may agree, pursuant to Rule 1.2, to limit the scope of the representation with respect to a matter. In such circumstances, competence means the knowledge, skill, thoroughness, and preparation reasonably necessary for the limited scope representation.
SC	Same as MR
SD	Same as MR
TN	Same as MR
TX	(a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence, unless:

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	<p>(1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter; or</p> <p>(2) the advice or assistance of the lawyer is reasonably required in an emergency and the lawyer limits the advice and assistance to that which is reasonably necessary in the circumstances.</p> <p>(b) In representing a client, a lawyer shall not:</p> <p>(1) neglect a legal matter entrusted to the lawyer; or</p> <p>(2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.</p> <p>(c) As used in this Rule, “neglect” signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.</p>
UT	A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, and, for licensed paralegal practitioners, a determination of whether a matter should be referred to a lawyer licensed to provide legal services without restrictions or limitations.
VT	Same as MR
VA	Same as MR
WA	Same as MR
WV	Same as MR
WI	Same as MR
WY	Same as MR

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