American Bar Association  
CPR Policy Implementation Committee  

Variations of the ABA Model Rules of Professional Conduct  

**RULE 8.4: MISCONDUCT**  

**Rule 8.4: Misconduct**  

It is professional misconduct for a lawyer to:  
(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;  
(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;  
(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;  
(d) engage in conduct that is prejudicial to the administration of justice;  
(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or  
(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or  
(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.  

Variations from ABA Model Rule are noted.  
Comments not included.  
*Current links to state Rules of Professional conduct can be found on the ABA website: [http://www.abanet.org/cpr/links.html](http://www.abanet.org/cpr/links.html)*  

| ALABAMA  | (a) Same as MR  
|          | (b) Same as MR  
<p>|          | (c) Same as MR |</p>
<table>
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<tr>
<th>State</th>
<th>Notes</th>
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</table>
| ALASKA     | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Alaska’s (d) similar to MR (e) but changes “to influence improperly” to “either to influence;”  
(e) Same as MR (f).  
Has not adopted MR (g). Comments do not address manifesting bias or prejudice.  
Last accessed on 10/25/19 |
| ARIZONA    | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR.  
(e) Same as MR  
(f) Language change to note Code of Judicial Conduct  
(g) “file a notice of change of judge under Rule 10.2, Arizona Rules of Criminal Procedure, for an improper purpose, such as obtaining a trial delay or other circumstances enumerated in Rule 10.2(b).”  
Has not adopted MR (g). Arizona’s Comment [3] addresses manifesting bias or prejudice.  
Last accessed on 10/25/19 |
| ARKANSAS   | (a) Same as MR  
(b) Same as MR  
(d) Same as MR.  
(e) Deletes everything after “agency or official”  
(f) Language change to note Code of Judicial Conduct  
(g) “engage in any other conduct that adversely reflects on his fitness to practice law.”  
Has not adopted MR (g). Comments do not address manifesting bias or prejudice.  
Last accessed on 10/25/19 |
<table>
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<th>State</th>
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<th>Notes</th>
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<tr>
<td>California</td>
<td>(a) violate these rules or the State Bar Act, knowingly assist, solicit, or induce another to do so, or do so through the acts of another;</td>
<td>(b) Same as MR (c) adds “intentional” before “misrepresentation” (d) Same as MR (e) adds “the State Bar Act” (f) knowingly assist, solicit, or induce a judge or judicial officer in conduct that is a violation of an applicable code of judicial ethics or code of judicial conduct, or other law. For purposes of this rule, “judge” and “judicial officer” have the same meaning as in rule 3.5(c).</td>
<td>10/25/19</td>
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<tr>
<td>Colorado</td>
<td>(a) Same as MR (b) Same as MR (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation, except that a lawyer may advise, direct, or supervise others, including clients, law enforcement officers, and investigators, who participate in lawful investigative activities (d) Same as MR. Colorado Comment [3] manifesting bias or prejudice. (e) Same as MR. (f) Same as MR</td>
<td>Has not adopted MR (g). Colorado addresses discrimination and harassment in their (g), (h) and (i)</td>
<td>10/25/19</td>
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|  | (g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;  
|  | (h) engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on a lawyer's fitness to practice law; or  
|  | (i) engage in conduct the lawyer knows or reasonably should know constitutes sexual harassment where the conduct occurs in connection with the lawyer’s professional activities.  
| CONNECTICUT | (1) Same as MR (a)  
|  | (2) Same as MR (b)  
|  | (3) Same as MR (c)  
|  | (4) Same as MR (d)  
|  | (5) Same as MR (e)  
|  | (6) Same as MR (f)  
|  | Has not adopted MR (g). Connecticut addresses bias and prejudice in its Comment.  
| DELAWARE | (a) Same as MR  
|  | (b) Same as MR  
|  | (c) Same as MR  
|  | (d) Same as MR.  
|  | (e) Same as MR  
|  | (f) Same as MR  
|  | Has not adopted MR (g). Delaware addresses bias and prejudice in its Comment [3].  
| DISTRICT OF COLUMBIA | (a) Same as MR  
|  | (b) Same as MR  
|  | (c) Same as MR  
|  | (d) replaces “is prejudicial to” with “seriously interferes with”.  
|  | (e) “State or imply an ability to influence improperly a government agency or official”  

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| FLORIDA | (a) Same as MR  
|         | (b) Same as MR  
|         | (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule;  
|         | (d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;  
|         | (e) Same as MR  
|         | (f) Same as MR  
|         | (g) fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made:  
|         | (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors;  
|         | (2) within 10 days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors;  
|         | (3) within the time stated in any subpoena issued under these Rules Regulating The Florida Bar (without additional time allowed for mailing);  

(f) Same as MR

(g) “Seek or threaten to seek criminal charges or disciplinary charges solely to obtain an advantage in a civil matter.”

Has not adopted MR (g). DC addresses offensive, abusive, or harassing conduct that seriously interferes with the administration of justice in its Comment.

DC rules address discrimination and harassment in DC Rule 9.1.

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(4) as provided in the Florida Rules of Civil Procedure or order of the referee in matters assigned to a referee; and
(5) as provided in the Florida Rules of Appellate Procedure or order of the Supreme Court of Florida for matters pending action by that court.
Except as stated otherwise herein or in the applicable rules, all times for response shall be calculated as provided elsewhere in these Rules Regulating The Florida Bar and may be extended or shortened by the bar counsel or the disciplinary agency making the official inquiry upon good cause shown;

Failure to respond to an official inquiry with no good cause shown may be a matter of contempt and processed in accordance with rule 3-7.11(f) of these Rules Regulating The Florida Bar.

(h) willfully refuse, as determined by a court of competent jurisdiction, to timely pay a child support obligation; or

(i) engage in sexual conduct with a client or a representative of a client that exploits or adversely affects the interests of the client or the lawyer-client relationship.

If the sexual conduct commenced after the lawyer-client relationship was formed it shall be presumed that the sexual conduct exploits or adversely affects the interests of the client or the lawyer-client relationship. A lawyer may rebut this presumption by proving by a preponderance of the evidence that the sexual conduct did not exploit or adversely affect the interests of the client or the lawyer-client relationship.

The prohibition and presumption stated in this rule do not apply to a lawyer in the same firm as another lawyer representing the client if the lawyer involved in the sexual conduct does not personally provide legal services to the client and is screened from access to the file concerning the legal representation.

Has not adopted MR (g) addresses discrimination in Florida (d).

Last accessed on 10/25/19

GEORGIA

(a) It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to:
(1) violate or attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
(2) be convicted of a felony;
(3) be convicted of a misdemeanor involving moral turpitude where the underlying conduct relates to the lawyer's fitness to practice law;
(4) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;
(5) fail to pay any final judgment or rule absolute rendered against such lawyer for money collected by him or her as a lawyer within ten days after the time appointed in the order or judgment;
(6) (i) state an ability to influence improperly a government agency or official by means that violate the Georgia Rules of Professional Conduct or other law; (ii) state an ability to achieve results by means that violate the Georgia Rules of Professional Conduct or other law; (iii) achieve results by means that violate the Georgia Rules of Professional Conduct or other law;
(7) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
(8) commit a criminal act that relates to the lawyer's fitness to practice law or reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer, where the lawyer has admitted in judicio, the commission of such act.

(b) (1) For purposes of this Rule, conviction shall include any of the following accepted by a court, whether or not a sentence has been imposed: (i) a guilty plea; (ii) a plea of nolo contendere; (iii) a verdict of guilty; or (iv) a verdict of guilty but mentally ill.

(2) The record of a conviction or disposition in any jurisdiction based upon a guilty plea, a plea of nolo contendere, a verdict of guilty or a verdict of guilty but mentally ill, or upon the imposition of first offender probation shall be conclusive evidence of such conviction or disposition and shall be admissible in proceedings under these disciplinary rules.

(c) This Rule shall not be construed to cause any infringement of the existing inherent right of Georgia Superior Courts to suspend and disbar lawyers from practice based upon a conviction of a crime as specified in paragraphs (a) (1), (a) (2) and (a) (3) above.

(d) Rule 8.4 (a) (1) does not apply to any of the Georgia Rules of Professional Conduct for which there is no disciplinary penalty.

The maximum penalty for a violation of Rule 8.4 (a) (1) is the maximum penalty for the specific Rule violated. The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.

Has not adopted MR(d), does not address discrimination or harassment in the Comments.

Has not adopted MR (g).

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<table>
<thead>
<tr>
<th>State</th>
<th>(a) attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</th>
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<tbody>
<tr>
<td></td>
<td>(b) Same as MR</td>
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<td>(c) Same as MR</td>
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<td>(d) Reserved.</td>
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<td>(e) “state or imply an ability to influence improperly a government agency or official”</td>
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<td></td>
<td>(f) Same as MR</td>
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<td>(g) “fail to cooperate during the course of an ethics investigation or disciplinary proceeding.”</td>
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<td>Hawaii</td>
<td>Has not adopted MR (g). Has not adopted MR 8.4(d). Does not have a Comment addressing discrimination or harassment.</td>
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<td>Last accessed on 10/25/19</td>
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<tr>
<td>Idaho</td>
<td>(a) Same as MR</td>
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<td></td>
<td>(b) Same as MR</td>
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<td></td>
<td>(c) Same as MR</td>
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<td>(d) Same as MR</td>
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<td>(e) Same as MR</td>
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<td>(f) Same as MR</td>
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<td></td>
<td>Has not adopted MR (g). Has adopted Comment [3] addressing bias or prejudice.</td>
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<td>Idaho Rule 4.4(a)(1) addresses conduct intended to appeal to or engender bias against a person.</td>
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<td>Last accessed on 10/25/19</td>
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<td>Illinois</td>
<td>(a) Same as MR</td>
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<td>(b) Same as MR</td>
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<td>(c) Same as MR</td>
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<td>(d) Same as MR</td>
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<td></td>
<td>(e) Same as MR</td>
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<td>(f) Same as MR and adds, at end of paragraph: “Nor shall a lawyer give or lend anything of value to a judge, official, or employee of a tribunal, except those gifts or loans that a judge or a member of the judge’s family may receive under Rule 65(C)(4) of the Illinois Code of Judicial Conduct. Permissible campaign contributions to a judge or candidate for judicial office may be made only by check, draft, or other instrument payable to or</td>
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to the order of an entity that the lawyer reasonably believes to be a political committee supporting such judge or candidate. Provision of volunteer services by a lawyer to a political committee shall not be deemed to violate this paragraph.”

(g) “present, participate in presenting, or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter;”

(h) “enter into an agreement with a client or former client limiting or purporting to limit the right of the client or former client to file or pursue any complaint before the Illinois Attorney Registration and Disciplinary Commission;”

(i) “avoid in bad faith the repayment of an education loan guaranteed by the Illinois Student Assistance Commission or other governmental entity. The lawful discharge of an education loan in a bankruptcy proceeding shall not constitute bad faith under this paragraph, but the discharge shall not preclude a review of the lawyer’s conduct to determine if it constitutes bad faith;”

(j) “violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer’s fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer’s professional activities. No charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.

(k): “if the lawyer holds public office:
   (1) use that office to obtain, or attempt to obtain, a special advantage in a legislative matter for a client under circumstances where the lawyer knows or reasonably should know that such action is not in the public interest;
   (2) use that office to influence, or attempt to influence, a tribunal to act in favor of a client; or
   (3) represent any client, including a municipal corporation or other public
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<td>body, in the promotion or defeat of legislative or other proposals pending before the public body of which such lawyer is a member or by which such lawyer is employed.”</td>
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</table>
| INDIANA | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR  
(g) engage in conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors. Legitimate advocacy respecting the foregoing factors does not violate this subsection. A trial judge’s finding that preemption challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule. |
| Last accessed 11/01/19 |
| IOWA | (a) violate or attempt to violate the Iowa Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law  
(f) Same as MR  
(g) “engage in sexual harassment or other unlawful discrimination in the practice of law or knowingly permit staff or agents subject to the lawyer’s direction and control to do so.” |
| Last accessed 10/25/19 |
| KANSAS | (a) Same as MR  
(b) Same as MR |
| | (c) Same as MR  
| | (d) Same as MR  
| | (e) state or imply an ability to influence improperly a government agency or official;  
| | (f) Same as MR  
| | (g) engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.  
| | Has not adopted MR (g). Has not adopted a Comment address bias or prejudice.  
| | Last accessed 10/25/19  
| KENTUCKY | (a) Same as MR  
| | (b) Same as MR  
| | (c) Same as MR  
| | (d) Same as MR (e)  
| | (e) Same as MR (f)  
| | Has not adopted MR (d) or MR (g). Does not have a Comment addressing bias or prejudice.  
| | Last accessed on 10/25/19  
| LOUISIANA | (a) Same as MR  
| | (b) Commit a criminal act especially one that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;  
| | (c) Same as MR  
| | (d) Same as MR  
| | (e) State or imply an ability to influence improperly a judge, judicial officer, governmental agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;  
| | (f) Same as MR  
| | (g) Threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.  
| | Has not adopted MR (g). Does not have Comments.  

| MAINE | (a) violate or attempt to violate any provision of either the Maine Rules of Professional Conduct or the Maine Bar Rules, or knowingly assist or induce another to do so, or do so through the acts of another;  

(b) commit a criminal or unlawful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;  

(c) Same as MR  

(d) Same as MR  

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Maine Rules of Professional Conduct, the Maine Bar Rules or law;  

(f) Same as MR  

(g) engage in conduct or communication related to the practice of law that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity.  

(1) "Discrimination" on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity as used in this section means conduct or communication that a lawyer knows or reasonably should know manifests an intention: to treat a person as inferior based on one or more of the characteristics listed in this paragraph; to disregard relevant considerations of individual characteristics or merit because of one or more of the listed characteristics; or to cause or attempt to cause interference with the fair administration of justice based on one or more of the listed characteristics.  

(2) "Harassment" on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity as used in this section means derogatory or demeaning conduct or communication and includes, but is not limited to, unwelcome sexual advances, or other conduct or communication unwelcome due to its implicit or explicit sexual content.  

(3) "Related to the practice of law" as used in the section means occurring in the course of representing clients; interacting with witnesses, coworkers, court personnel, lawyers, and others while engaged in the practice of law; or operating or managing a law firm or law practice.  

(4) Declining representation, limiting one's practice to particular clients or types of clients, and advocacy of policy positions or changes in the law are not regulated by Rule 8.4(g). |
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<tr>
<td>MARYLAND</td>
<td>(a) violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) Same as MR (c) Same as MR (d) Same as MR (e) knowingly manifest by words or conduct when acting in a professional capacity bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status when such action is prejudicial to the administration of justice, provided, however, that legitimate advocacy is not a violation of this paragraph; (f) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Maryland Attorneys' Rules of Professional Conduct or other law; (g) Same as MR (f) Has not adopted MR (g). Addresses these issues in (e) and Comments [3] and [4].</td>
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<td>MASSACHUSETTS</td>
<td>(a) Same as MR (b) Same as MR (c) Same as MR (d) Same as MR (e) Same as MR (f) Same as MR (g) fail without good cause to cooperate with the Bar Counsel or the Board of Bar Overseers as provided in SJC Rule 4:01, § 3, last sentence; or (h) engage in any other conduct that adversely reflects on his or her fitness to practice law. Has not adopted MR (g). Has not adopted a Comment on manifesting bias or prejudice. Addresses similar behavior in Mass. Rule 3.4(i) which reads: A lawyer shall not: (i) in appearing in a professional capacity before a tribunal, engage in conduct manifesting bias or prejudice based on race, sex, religion, national origin, disability, age, or sexual orientation against a party, witness, counsel, or other person. This paragraph does not</td>
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<tr>
<th>State</th>
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| MICHIGAN | (a) Same as MR  
(b) engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer  
(c) Same as MR (d)  
(d) state or imply an ability to influence improperly a government agency or official  
(e) Same as MR(f)  
Has not adopted MR (g). Addresses this behavior in Michigan Rule 6.5(a) which reads: A lawyer shall treat with courtesy and respect all persons involved in the legal process. A lawyer shall take particular care to avoid treating such a person discourteously or disrespectfully because of the person's race, gender, or other protected personal characteristic. To the extent possible, a lawyer shall require subordinate lawyers and nonlawyer assistants to provide such courteous and respectful treatment. |

| MINNESOTA | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR  
(g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to public assistance, ethnicity, or marital status in connection with a lawyer’s professional activities;  
(h) commit a discriminatory act prohibited by federal, state, or local statute or ordinance that reflects adversely on the lawyer’s fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including:  
(1) the seriousness of the act, |
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<td>MISSISSIPPI</td>
<td>(2) whether the lawyer knew that the act was prohibited by statute or ordinance, (3) whether the act was part of a pattern of prohibited conduct, and (4) whether the act was committed in connection with the lawyer’s professional activities; or (i): refuse to honor a final and binding fee arbitration award after agreeing to arbitrate a fee dispute. Last accessed on 11/01/19</td>
</tr>
<tr>
<td>MISSOURI</td>
<td>(a) Same as MR (b) Same as MR (c) Same as MR (d) Same as MR (e) Same as MR (f) Same as MR Has not adopted MR (g). Does not address bias or prejudice in a Comment. Last accessed on 11/01/19</td>
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<td></td>
<td>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. It shall not be professional misconduct for a lawyer for a criminal law enforcement agency, regulatory agency, or state attorney general to advise others about or to supervise another in an undercover investigation if the entity is authorized by law to conduct undercover investigations, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency, regulatory agency, or state attorney general to participate in an undercover investigation, if the entity is authorized by law to conduct undercover investigations; (d) Same as MR (e) Same as MR (f) Same as MR (g) manifest by words or conduct, in representing a client, bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status. This Rule 4-8.4(g) does not preclude legitimate advocacy when race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or other similar factors, are issues. This</td>
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paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 4-1.16.

Last accessed on 11/01/19

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<th>State</th>
<th>Details</th>
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| MONTANA     | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR |

Has not adopted Model Rule 8.4 (g). Has not adopted Comments.

Last accessed on 11/01/19

| NEBRASKA    | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) engage in conduct that is prejudicial to the administration of justice. Once a lawyer is employed in a professional capacity, the lawyer shall not, in the course of such employment, engage in adverse discriminatory treatment of litigants, witnesses, lawyers, judges, judicial officers or court personnel on the basis of the person's race, national origin, gender, religion, disability, age, sexual orientation or socio-economic status. This subsection does not preclude legitimate advocacy when these factors are issues in a proceeding.  
(e) Same as MR  
(f) Same as MR  
(g) willfully refuse, as determined by a court of competent jurisdiction, to timely pay a support order, as such order is defined by Nebraska law. |

Has not adopted MR (g). Addresses the issue in (d), and Comment [3].

Last accessed on 11/01/19

| NEVADA      | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR |

Has not adopted Model Rule 8.4 (g). Has not adopted Comments.

Last accessed on 11/01/19
### NEW HAMPSHIRE

(a) Same as MR  
(b) Same as MR  
(c) Same as MR  

(d) state or imply an ability to influence improperly a government agency or official;  

(e) state or imply an ability to achieve results by means that violate the Rules of Professional Conduct or other law; or  

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or  

(g) take any action, while acting as a lawyer in any context, if the lawyer knows or it is obvious that the action has the primary purpose to embarrass, harass or burden another person, including conduct motivated by animus against the other person based upon the other person’s race, sex, religion, national origin, ethnicity, physical or mental disability, age, sexual orientation, marital status or gender identity. This paragraph shall not limit the ability of the lawyer to accept, decline, or withdraw from representation consistent with other Rules of Professional Conduct, nor does it preclude a lawyer from engaging in conduct or speech or from maintaining associations that are constitutionally protected, including advocacy on matters of public policy, the exercise of religion, or a lawyer’s right to advocate for a client.

Last accessed 11/01/19

### NEW JERSEY

(a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR  

(g) engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.

Has an official, Court-adopted Comment to this Rule.

Last accessed 11/01/19

### NEW MEXICO

(a) Same as MR  
(b) Same as MR  
(c) Same as MR
As of June 10, 2020

<table>
<thead>
<tr>
<th>NEW YORK</th>
<th>A lawyer or law firm shall not:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) Same as MR</td>
</tr>
<tr>
<td></td>
<td>(b) engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer;</td>
</tr>
<tr>
<td></td>
<td>(c) Same as MR</td>
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<tr>
<td></td>
<td>(d) Same as MR</td>
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<tr>
<td></td>
<td>(e) state or imply an ability:</td>
</tr>
<tr>
<td></td>
<td>(1) to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official; or</td>
</tr>
<tr>
<td></td>
<td>(2) to achieve results using means that violate these Rules or other law;</td>
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<tr>
<td></td>
<td>(f) Same as MR</td>
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<tr>
<td></td>
<td>(g) unlawfully discriminate in the practice of law, including in hiring, promoting or otherwise determining conditions of employment on the basis of age, race, creed, color, national origin, sex, disability, marital status or sexual orientation. Where there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding; or</td>
</tr>
</tbody>
</table>
As of June 10, 2020

<table>
<thead>
<tr>
<th>State</th>
<th>Paragraphs</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTHERN CAROLINA</td>
<td>(h) engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.</td>
<td>Last accessed on 11/01/19</td>
</tr>
<tr>
<td></td>
<td>(a) Same as MR</td>
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<td></td>
<td>(b) Same as MR</td>
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<td>(c) Same as MR</td>
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<td>(d) Same as MR</td>
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<td>(e) Same as MR</td>
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<td></td>
<td>(f) Same as MR</td>
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<tr>
<td></td>
<td>(g) intentionally prejudice or damage his or her client during the course of the professional relationship, except as may be required by Rule 3.3.</td>
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<td></td>
<td>Has not adopted MR (g). Addresses similar conduct in Comment [5] to Rule 8.4</td>
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<tr>
<td></td>
<td>Last accessed on 11/01/19</td>
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<tr>
<td>NORTHERN DAKOTA</td>
<td>(a) Same as MR</td>
<td></td>
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<tr>
<td></td>
<td>(b) Same as MR</td>
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<tr>
<td></td>
<td>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer</td>
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<tr>
<td></td>
<td>(d) knowingly assist a judge or judicial officer in conduct that is a violation of applicable canons of judicial conduct or other law</td>
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<td></td>
<td>(e) Same as MR</td>
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<td></td>
<td>(f) engage in conduct that is prejudicial to the administration of justice including to knowingly manifest through words or conduct in the course of representing a client, bias or prejudice based upon race, sex, religion, national origin, disability, age, or sexual orientation, against parties, witnesses, counsel, or others, except when those words or conduct are legitimate advocacy because race, sex, religion, national origin, disability, age, or sexual orientation is an issue in the proceeding; or</td>
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<td>(g) engage in other conduct that is enumerated in the North Dakota Century Code as a basis for revocation or suspension of a lawyer's certificate of admission.</td>
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<td>Last accessed on 11/01/19</td>
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<tr>
<td>OHIO</td>
<td>It is professional misconduct for a lawyer to do any of the following:</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>Rules</td>
<td></td>
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<td>-----------------------------------------------------------------------------------------</td>
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</tbody>
</table>
| Ohio        | (a) violate or attempt to violate the Ohio Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;  
(b) commit an illegal act that reflects adversely on the lawyer’s honesty or trustworthiness;  
(c) Same as MR  
(d) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Ohio Rules of Professional Conduct or other law;  
(f) knowingly assist a judge or judicial officer in conduct that is a violation of the Ohio Rules of Professional Conduct, the applicable rules of judicial conduct, or other law;  
(g) engage, in a professional capacity, in conduct involving discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability;  
(h) engage in any other conduct that adversely reflects on the lawyer’s fitness to practice law. |
| Oklahoma    | (a) Same as MR  
(b) Same as MR  
(c) Same as MR  
(d) Same as MR  
(e) Same as MR  
(f) Same as MR  
Has not adopted MR (g). Does not address bias and prejudice in a Comment to Rule 8.4. |
| Oregon      | (a) It is professional misconduct for a lawyer to:  
(1) violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;  
(2) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;  
(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice |
(4) engage in conduct that is prejudicial to the administration of justice; or

(5) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law, or

(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(7) in the course of representing a client, knowingly intimidate or harass a person because of that person’s race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.

(b) Notwithstanding paragraphs (a)(1), (3) and (4) and Rule 3.3(a)(1), it shall not be professional misconduct for a lawyer to advise clients or others about or to supervise lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights, provided the lawyer’s conduct is otherwise in compliance with these Rules of Professional Conduct. "Covert activity," as used in this rule, means an effort to obtain information on unlawful activity through the use of misrepresentations or other subterfuge. "Covert activity" may be commenced by a lawyer or involve a lawyer as an advisor or supervisor only when the lawyer in good faith believes there is a reasonable possibility that unlawful activity has taken place, is taking place or will take place in the foreseeable future.

(c) Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth therein.

<table>
<thead>
<tr>
<th>PENNSYLVANIA</th>
<th>(a) Same as MR</th>
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<td>(b) Same as MR</td>
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<td>(c) Same as MR</td>
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<td>(d) Same as MR</td>
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<td></td>
<td>(e) Same as MR</td>
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<td></td>
<td>(f) Same as MR</td>
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<tr>
<td></td>
<td>(g) in the practice of law, by words or conduct, knowingly manifest bias or prejudice, or engage in harassment or discrimination, as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or</td>
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</tbody>
</table>
socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.

Last accessed on 06/10/20

| RHODE ISLAND | (a) Same as MR  
|              | (b) Same as MR  
|              | (c) Same as MR  
|              | (d) engage in conduct that is prejudicial to the administration of justice, 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;  
|              | (e) Same as MR  
|              | (f) Same as MR  
|              | Has not adopted MR(g). Addresses similar issues in (d). |

Last accessed 11/01/19

| SOUTH CAROLINA | (a) Same as MR  
|                | (b) Same as MR  
|                | (c) commit a criminal act involving moral turpitude  
|                | (d) Same as MR (c)  
|                | (e) Same and MR (d)  
|                | (f) Same and MR (e)  
|                | (g) Same as MR (f)  
|                | Has not adopted MR (g). Addresses similar conduct in Comment [3]. |

Last accessed 11/01/19

| SOUTH DAKOTA | (a) Same as MR  
|             | (b) Same as MR  
|             | (c) Same as MR  
|             | (d) Same as MR  
|             | (e) Same as MR  
|             | (f) Same as MR  
|             | Has not adopted MR (g). Has not adopted Comments. |

Last accessed on 11/01/19
### TENNESSEE

<table>
<thead>
<tr>
<th></th>
<th>Same as MR</th>
<th>Same as MR</th>
<th>Same as MR</th>
<th>Same as MR</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(e) state or imply an ability to influence a tribunal or a governmental agency or official on grounds unrelated to the merits of, or the procedures governing, the matter under consideration;</td>
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<td></td>
<td>(f) Same as MR</td>
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<td></td>
<td>(g) knowingly fail to comply with a final court order entered in a proceeding in which the lawyer is a party, unless the lawyer is unable to comply with the order or is seeking in good faith to determine the validity, scope, meaning, or application of the law upon which the order is based.</td>
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</table>

Has not adopted MR(g). Has adopted Comment on bias and prejudice.

Last accessed 11/01/19

### TEXAS

<table>
<thead>
<tr>
<th></th>
<th>A lawyer shall not:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;</td>
</tr>
<tr>
<td></td>
<td>(2) commit a serious crime or commit any other criminal act that reflects adversely on the Lawyers honesty, trustworthiness or fitness as a lawyer in other respects;</td>
</tr>
<tr>
<td></td>
<td>(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</td>
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<td></td>
<td>(4) engage in conduct constituting obstruction of justice;</td>
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<tr>
<td></td>
<td>(5) state or imply an ability to influence improperly a government agency or official;</td>
</tr>
<tr>
<td></td>
<td>(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</td>
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<td></td>
<td>(7) violate any disciplinary or disability order or judgment;</td>
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<td></td>
<td>(8) fail to timely furnish to the Chief Disciplinary Counsels office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so;</td>
</tr>
<tr>
<td></td>
<td>(9) engage in conduct that constitutes barratry as defined by the law of this state;</td>
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<tr>
<td></td>
<td>(10) fail to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorneys cessation of practice;</td>
</tr>
<tr>
<td></td>
<td>(11) engage in the practice of law when the lawyer is on inactive status or when the lawyers right to practice has been suspended or terminated, including but not limited to situations where a lawyers right to practice has</td>
</tr>
</tbody>
</table>
been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education; or
(12) violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law.
(b) As used in subsection (a)(2) of this Rule, serious crime means barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.

Has not adopted MR (g) but addresses similar behavior in Texas Rule 5.08.

<table>
<thead>
<tr>
<th>UTAH</th>
<th>(a) Same as MR</th>
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<tbody>
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<td></td>
<td>(b) Same as MR</td>
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<td></td>
<td>(c) Same as MR</td>
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<td>(d) Same as MR</td>
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<td></td>
<td>(e) Same as MR</td>
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<tr>
<td></td>
<td>(f) Same as MR</td>
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</tbody>
</table>


<table>
<thead>
<tr>
<th>VERMONT</th>
<th>(a) Same as MR</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(b) engage in a “serious crime,” defined as illegal conduct involving any felony or involving any lesser crime a necessary element of which involves interference with the administration of justice, false swearing, intentional misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a “serious crime”</td>
</tr>
<tr>
<td></td>
<td>(c) Same as MR</td>
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<td></td>
<td>(d) Same as MR</td>
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<td></td>
<td>(e) Same as MR</td>
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<td></td>
<td>(f) Same as MR</td>
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</tbody>
</table>

(g) engage in conduct related to the practice of law that the lawyer knows or should know is harassment or discrimination on the basis of race, color, sex, religion, national origin, ethnicity, ancestry, place of birth, disability, age, sexual orientation, gender identity marital status or socioeconomic status, or other grounds that are illegal or prohibited under federal or state law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance
with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these rules.

Last accessed 11/01/19

| VIRGINIA | (a) Same as MR  
|          | (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;  
|          | (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer’s fitness to practice law;  
|          | (d) state or imply an ability to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official  
|          | (e) Same as MR (f)  
|          | Has not adopted MR(d) or MR(g). Does not address bias or prejudice in its Comments.  
|          | Last accessed 11/01/19 |

| WASHINGTON | (a) Same as MR  
|            | (b) Same as MR  
|            | (c) Same as MR  
|            | (d) Same as MR  
|            | (e) Same as MR  
|            | (f) knowingly (1) assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law, or (2) assist or induce an LLLT in conduct that is a violation of the applicable rules of professional conduct or other law;  
|            | (g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer’s professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;  
|            | (h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, lawyers, or LLLTs, other parties, witnesses and/or their counsel, jurors, or court personnel or officers, that a |
reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments;

(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

(j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;

(k) violate his or her oath as an attorney;

(l) violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;

(m) violate the Code of Judicial Conduct; or

(n) engage in conduct demonstrating unfitness to practice law.

<table>
<thead>
<tr>
<th>WEST VIRGINIA</th>
<th>(a) Same as MR (b) Same as MR (c) Same as MR (d) Same as MR (e) Same as MR (f) Same as MR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Has not adopted Model Rule 8.4 (g). West Virginia Comment [3] addresses bias and prejudice.</td>
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<td>Last accessed 11/01/19</td>
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<table>
<thead>
<tr>
<th>WISCONSIN</th>
<th>(a) Same as MR (b) Same as MR (c) Same as MR (d) Same as MR(e) (e) Same as MR(f)</th>
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<tr>
<td></td>
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<td>Last accessed 11/01/19</td>
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</tbody>
</table>
(f) violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers;

(g) violate the attorney's oath;

(h) fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1); or

(i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).

Has not adopted MR(d) or (g). Addresses similar conduct in (i).

Last accessed 11/01/19

| WYOMING          | (a) Same as MR  
|                  | (b) Same as MR  
|                  | (c) Same as MR  
|                  | (d) Same as MR  
|                  | (e) Same as MR  
|                  | (f) Same as MR  
|                  | (g) knowingly employ or continue to employ or contract with any person in the practice of law who has been disbarred or is under suspension from the practice of law by any jurisdiction, or is on incapacitated status or disability inactive status by any jurisdiction. The prohibition of this rule extends to the employment of or contracting for the services of such disbarred or suspended person in any position or capacity (including but not limited to as an employee, independent contractor, paralegal, secretary, investigator or consultant) which is directly or indirectly related to the practice of law as defined by Rule 7(b), Rules Governing the Wyoming State Bar and the Authorized Practice of Law, whether or not compensation is paid.

Has not adopted MR(g). Bias and prejudice addressed in Comment [3].

Last accessed 11/01/19
the source of that information to Mary McDermott, (312) 988-5310, mary.mcdermott@americanbar.org.