**Comparison of Newly Adopted Indiana Rules of Professional Conduct**

*with ABA Model Rules*

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<tr>
<th>Section</th>
<th>INDIANA</th>
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<td>Rules as adopted by Indiana Supreme Court to be effective 1/1/05.</td>
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<td>Variations from ABA Model Rules are noted. Rules only; comment comparison not included.</td>
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<tr>
<td>Preamble</td>
<td>[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”</td>
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<tr>
<td>Scope</td>
<td>[20]: changes the 4th sentence to: They are not designed to be a basis for civil liability, but these Rules may be used as non-conclusive evidence that a lawyer has breached a duty owed to a client.</td>
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<td>Rule 1.0</td>
<td>(b): adds as the second sentence: See paragraph (n) for the definition of “writing.” (m): changes the definition of tribunal to: “Tribunal” denotes a court, an arbitrator, or any other neutral body or neutral individual making a decision, based on evidence presented and the law applicable to that evidence, which decision is binding on the parties involved.</td>
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<tr>
<td>Rule 1.1</td>
<td>Identical</td>
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<td>Rule 1.2</td>
<td>(c): adds after “scope”: “and objectives”</td>
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<td>Rule 1.3</td>
<td>Identical</td>
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<td>Rule 1.4</td>
<td>(a)(5): adds at the end: “or assistance limited under Rule 1.2(c).”</td>
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<td>Rule 1.5</td>
<td>(d)(1): adds: “or obtaining the custody of a child” adds at the end of d: This provision does not preclude a contract for a contingent fee for legal representation in a domestic relations post-judgment collection action, provided the attorney clearly advises his or her client in writing of the alternative measures available for the collection of such debt and, in all other particulars, complies with Prof.Cond.R. 1.5(c).</td>
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<td>Rule 1.6</td>
<td>(b)(2): changes the beginning to: “to prevent the client from committing a crime or from committing fraud that is reasonably certain to result in...” adds as (c): In the event of a lawyer’s physical or mental disability or the appointment of a guardian or conservator of an attorney's client files, disclosure of a client’s name and files is authorized to the extent necessary to carry out the duties of the person managing the lawyer’s files.</td>
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<tr>
<td>Rule 1.7</td>
<td>Identical</td>
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<td>Rule 1.8</td>
<td>(k): adds reference to (l) adds as (l): A part-time prosecutor or deputy prosecutor authorized by statute to otherwise engage in the practice of law shall refrain from representing a private client in any matter wherein exists an issue upon which said prosecutor has statutory prosecutorial authority or responsibilities. This restriction is not intended to prohibit representation in tort cases in which investigation and any prosecution...</td>
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As of May 24, 2016

| Rule 1.9 | Identical |
| Rule 1.10 | (a): adds reference to Rule 2.2  
adds as (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:  
(1) the personally disqualified lawyer did not have primary responsibility for the matter that causes the disqualification under Rule 1.9;  
(2) the personally disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and  
(3) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this rule. |
| Rule 1.11 | Identical |
| Rule 1.12 | (a): changes the wording to: “...a judge or other adjudicative officer, arbitrator, mediator or other third-party neutral, or law clerk to such a person, ...”  
(b): changes the wording to: “...A lawyer serving as a law clerk to any such person may...” and “...but only after the lawyer has notified the law clerk’s employer.” |
| Rule 1.13 | Identical |
| Rule 1.14 | adds as (d): This Rule is not violated if the lawyer acts in good faith to comply with the Rule. |
| Rule 1.15 | (a) Identical  
(b) A lawyer may deposit his or her own funds reasonably sufficient to maintain a nominal balance in a client trust account.  
(c) Identical  
(d) – (e) Identical  
(f) Except as provided in paragraph (g) of this rule, a lawyer or law firm shall create and maintain an interest-bearing trust account for clients' funds which are nominal in amount or to be held for a short period of time so that they could not earn income for the client in excess of the costs incurred to secure such income (hereinafter sometimes referred to as an "IOLTA account") in compliance with the following provisions:  
(1) Client funds shall be deposited in a lawyer’s or law firm’s IOLTA account unless the funds can earn income for the client in excess of the costs incurred to secure such income. A lawyer or law firm shall establish a separate interest-bearing trust account for clients' funds which are neither nominal in amount nor to be held for a short period of time and which could earn income for the client in excess of costs for a particular client or client's matter. All of the interest on such account, net of any transaction costs, shall be paid to the client, and no earnings from such account
shall be made available to a lawyer or law firm.

(2) No earnings from such an IOLTA account shall be made available to a lawyer or law firm.

(3) The IOLTA account shall include all clients' funds which are nominal in amount or to be held for a short period of time.

(4) An IOLTA account may be established with any financial institution (i) authorized by federal or state law to do business in Indiana, (ii) insured by the Federal Deposit Insurance Corporation or its equivalent, and (iii) approved as a depository for trust accounts pursuant to Indiana Admission and Discipline Rules, Rule 23, Section 29. Funds in each IOLTA account shall be subject to withdrawal upon request and without delay and without risk to principal by reason of said withdrawal.

(5) Participating financial institutions shall maintain IOLTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOLTA account customers when IOLTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any. In determining the highest interest rate or dividend generally available from the institution to its non-IOLTA accounts, eligible institutions may consider factors, in addition to the IOLTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that such factors do not discriminate between IOLTA accounts and accounts of non-IOLTA customers, and that these factors do not include that the account is an IOLTA account. All interest earned net of fees or charges shall be remitted to the Indiana Bar Foundation (the "Foundation"), which is designated in paragraph (i) of this rule to organize and administer the IOLTA program, and the depository institution submits reports thereon as set forth below.

(6) Lawyers or law firms depositing client funds in an IOLTA account established pursuant to this rule shall, on forms approved by the Foundation, direct the depository institution:

(A) to remit all interest or dividends, net of reasonable service charges or fees, if any, on the average monthly balance in the account, or as otherwise computed in accordance with the institution's standard accounting practice, at least quarterly, solely to the Foundation. The depository institution may remit the interest or dividends on all of its IOLTA accounts in a lump sum; however, the
depository institution must provide, for each individual IOLTA account, the information to the lawyer or law firm and to the Foundation required by subparagraphs (f)(6)(B) and (f)(6)(C) of this rule;

(B) to transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and such other information as is reasonably required by the Foundation;

(C) to transmit to the depositing lawyer or law firm a periodic account statement for the IOLTA account reflecting the amount of interest paid to the Foundation, the rate of interest applied, the average account balance for the period for which the interest was earned, and such other information as is reasonably required by the Foundation; and

(D) to waive any reasonable service charge that exceeds the interest earned on any IOLTA account during a reporting period ("excess charge"), or bill the excess charge to the Foundation.

(7) Any IOLTA account which has or may have the net effect of costing the IOLTA program more in fees than earned in interest over a period of time may, at the discretion of the Foundation, be exempted from and removed from the IOLTA program. Exemption of an IOLTA account from the IOLTA program revokes the permission to use the Foundation's tax identification number for that account. Exemption of such account from the IOLTA program shall not relieve the lawyer and/or law firm from the obligation to maintain the property of clients and third persons separately, as required above, in a non-interest bearing account.

(8) The IOLTA program will issue refunds when interest has been remitted in error, whether the error is the bank’s or the lawyer’s. Requests for refunds must be submitted in writing by the bank, the lawyer, or the law firm on a timely basis, accompanied by documentation that confirms the amount of interest paid to the IOLTA program. As needed for auditing purposes, the IOLTA program may request additional documentation to support the request. The refund will be remitted to the appropriate financial institution for transmittal at the lawyer’s direction after appropriate accounting and reporting. In no event will the refund exceed the amount of interest actually received by the IOLTA program.
(9) All interest transmitted to the Foundation shall be held, invested and distributed periodically in accordance with a plan of distribution which shall be prepared by the Foundation and approved at least annually by the Supreme Court of Indiana, for the following purposes:

A) to pay or provide for all costs, expenses and fees associated with the administration of the IOLTA program;
B) to establish appropriate reserves;
C) to assist or establish approved pro bono programs as provided in Rule 6.5;
D) for such other programs for the benefit of the public as are specifically approved by the Supreme Court from time to time.

(10) The information contained in the statements forwarded to the Foundation under subparagraph (f)(6) of this rule shall remain confidential and the provisions of Rule 1.6 (Confidentiality of Information), are not hereby abrogated; therefore, the Foundation shall not release any information contained in any such statement other than as a compilation of data from such statements, except as directed in writing by the Supreme Court.

(11) The Foundation shall have full authority to and shall, from time to time, prepare and submit to the Supreme Court for approval, forms, procedures, instructions and guidelines necessary and appropriate to implement the provisions set forth in this rule and, after approval thereof by the Court, shall promulgate same.

(g) Every lawyer admitted to practice in this State shall annually certify to this Court, pursuant to Ind.Admis.Disc.R. 23(21), that all client funds which are nominal in amount or to be held for a short period of time by the lawyer or the lawyer's law firm so that they could not earn income for the client in excess of the costs incurred to secure such income are held in an IOLTA account, or that the lawyer is exempt because:

1. the lawyer or law firm's client trust account has been exempted and removed from the IOLTA program by the Foundation pursuant to subparagraph (f)(7) of this rule; or
2. the lawyer:
   A. is not engaged in the private practice of law;
   B. does not have an office within the State of Indiana;
   C. is a judge, attorney general, public defender, U.S. attorney, district attorney, on duty with the armed services or employed by a local, state or federal government, and is not otherwise engaged in the private practice of law;
   D. is a corporate counsel or teacher of law and is not
otherwise engaged in the private practice of law;
(E) has been exempted by an order of general or special application of this Court which is cited in the certification; or
(F) compliance with paragraph (f) would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographic distance between the lawyer’s principal office and the closest depository institution which is participating in the IOLTA program, or on other compelling and necessitous factors.

(h) In the exercise of a lawyer's good faith judgment in determining whether funds of a client can earn income in excess of costs a lawyer shall take into consideration the following factors:

(1) the amount of interest which the funds would earn during the period they are expected to be deposited;
(2) the cost of establishing and administering the account, including the cost of the lawyer's services, accounting fees, and tax reporting costs and procedures;
(3) the capability of a financial institution, a lawyer or a law firm to calculate and pay income to individual clients;
(4) any other circumstances that affect the ability of the client’s funds to earn a net return for the client; and
(3) the nature of the transaction(s) involved.

The determination of whether a client's funds are nominal or short-term so that they could not earn income in excess of costs shall rest in the sound judgment of the lawyer or law firm. No lawyer shall be charged with an ethical impropriety or other breach of professional conduct based on the good faith exercise of such judgment.

(i) The Foundation is hereby designated as the entity to organize and administer the IOLTA program established by paragraph (f) of this rule in accordance with the following provisions:

(1) The Board of Directors of the Foundation (the "Board") shall have general supervisory authority over the administration of the IOLTA program, subject to the continuing jurisdiction of the Supreme Court.
(2) The Board shall receive the net earnings from IOLTA accounts established in accordance with paragraph (f) of this rule and shall make appropriate temporary investments of IOLTA program funds pending disbursement of such funds.
(3) The Board shall, by grants, appropriations and other appropriate measures, make disbursements from the IOLTA program funds, including current and accumulated net earnings, in accordance with the plan of distribution approved by the Supreme Court from time to time.
(4) The Board shall maintain proper records of all IOLTA program receipts and disbursements, which records shall be audited or reviewed annually by a certified public accountant selected by the Board. The Board shall annually cause to be presented to the Supreme Court a reviewed or audited financial statement of its IOLTA program receipts and expenditures for the prior year. The report shall not identify any clients of lawyers or law firms or reveal confidential information. The statement shall be filed with the Clerk of the Supreme Court and a summary thereof shall be published in the next available issue of one or more state-wide publications for attorneys, such as Res Gestae and The Indiana Lawyer.

(5) The president and other members of the Board shall administer the IOLTA program without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties, and shall be indemnified by the Foundation against any liability or expense arising directly or indirectly out of the good faith performance of their duties.

(6) The Board shall monitor attorney compliance with the provisions of this rule and periodically report to the Supreme Court those attorneys not in compliance with the provisions of Rule 1.15.

(7) In the event the IOLTA program or its administration by the Foundation is terminated, all assets of the IOLTA program, including any program funds then on hand, shall be transferred in accordance with the Order of the Supreme Court terminating the IOLTA program or its administration by the Foundation; provided, such transfer shall be to an entity which will not violate the requirements the Foundation must observe regarding transfer of its assets in order to retain its tax-exempt status under the Internal Revenue Code of 1986, as amended, or similar future provisions of law.

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<th>Rule</th>
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<td>Rule 1.16</td>
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<td>Rule 1.17</td>
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<td>Rule 1.18</td>
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<td>Rule 2.1</td>
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<td>Rule 2.2</td>
<td>retained Rule 2.2</td>
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<td>Rule 2.3</td>
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<td>Rule 2.4</td>
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<td>Rule 3.1</td>
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Rule 3.6 adds as (d): A statement referred to in paragraph (a) will be rebuttably presumed to have a substantial likelihood of materially prejudicing an adjudicative proceeding when it refers to that proceeding and the statement is related to:

1. the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;
2. in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;
3. the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
4. any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;
5. information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial; or
6. the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.
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<th>Rule 5.7</th>
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<td>Rule 6.1</td>
<td>A lawyer should render public interest legal service. 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, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.</td>
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<td>Rule 6.2</td>
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<td>Rule 6.3</td>
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<td>Rule 6.4</td>
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<td>Rule 6.5</td>
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<td>Rule 6.6 Amendment Effective May 17, 2016</td>
<td>Adds as Rule 6.6: The Coalition for Court Access</td>
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<td>(a) There is hereby created an organization to be known as the Coalition for Court Access (“Coalition”). The purpose of the Coalition is to act as a legal aid organization that develops and implements a statewide plan to improve the availability and quality of access to civil legal services for persons of limited means. The Coalition has the following goals:</td>
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<td>(1) Improvement of the access to and delivery of civil legal services to persons of limited means and low to moderate income.</td>
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<td>(2) Integration and coordination availability and provision of services by pro bono organizations and other legal assistance organizations.</td>
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<td>(3) Enhancement of the availability of volunteer legal services for persons of limited means, including without limitation incentivizing greater lawyer pro bono services; assessing, utilizing, and making recommendations to the Court to improve the Volunteer Attorney Pro Bono Plan established in Professional Conduct Rule 6.6; and working closely with the Indiana State Bar Association, Indiana Bar Foundation (“Bar Foundation”), and other bar associations to foster the growth of pro bono public service and a public service culture within the Indiana bar.</td>
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<td>(4) Consideration and utilization of a wide variety of programs and policies to increase the access to courts, such as strategic use of technology, community education, public libraries and other similar resources.</td>
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<td>(5) Expansion and promotion of opportunities for lawyers to volunteer their time and services for pro bono work in litigation, mediation, and other dispute resolution programs serving persons of limited means.</td>
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<td>(6) As may be deemed helpful in the pursuit of the above goals, identification of the current and future needs, outcomes, and trends regarding access to civil legal services by persons of limited means and promotion of ongoing development of financial and other resources for civil legal aid organizations in Indiana.</td>
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<td>(b) The Coalition shall be composed of seventeen (17) members appointed by the Supreme Court and the President of the Indiana Bar Foundation. In appointing members to the Coalition, the Supreme Court and the Bar Foundation should seek to ensure that members of the Coalition are representative of the different geographic regions and judicial districts of the state, and that the members possess skills and experience relevant to the needs of the Coalition. The Coalition’s membership shall be comprised as follows:</td>
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<td>(1) The Supreme Court shall appoint eleven (11) members, preferably reflective of the following balance:</td>
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<td>(A) One (1) member who will be the chair of the Coalition;</td>
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<td>(B) One (1) trial judge and one (1) appellate judge;</td>
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<td>(C) Four (4) members from different pro bono organizations or other civil legal assistance organizations</td>
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organizations; at least two (2) of these members must be from a statewide civil legal assistance organization or a civil legal assistance organization that provides services in multiple Indiana counties;
(D) Two (2) members from a local or minority bar association; and
(E) Two (2) members from the Indiana law schools accredited by the American Bar Association.
(2) The President of the Bar Foundation shall appoint six (6) members as follows:
(A) Two (2) members of the Indiana State Bar Association;
(B) Two (2) members appointed by the Bar Foundation;
(C) One (1) member of the Indiana State Bar Association Pro Bono Committee; and
(D) One (1) member from a non-governmental organization that serves the non-legal needs of low-income Hoosiers.
(3) The Indiana State Bar Association and the Bar Foundation’s immediate past presidents, during their terms as immediate past presidents, shall also serve as ex-officio non-voting members of the Coalition.
(4) The Executive Director of the Indiana State Bar and the Executive Director of the Bar Foundation shall serve as ex-officio non-voting members of the Coalition.
(5) The Coalition shall operate as a program within the Bar Foundation. Each member of the Coalition, except the immediate past presidents of the Indiana State Bar Association and Bar Foundation, shall hold office for a terms of three (3) years, except for the initial appointments, which shall be staggered as follows: three (3) members appointed by the Supreme Court shall serve one-year terms, two (2) members appointed by the Bar Foundation president shall serve one-year terms; four (4) members appointed by the Supreme Court shall serve two-year terms; and four (4) members appointed by the Supreme Court shall serve three-year terms, and two (2) members appointed by the Bar Foundation president shall serve three-year terms. A member shall not serve more than two (2) consecutive terms.
(6) Members may resign from the Coalition by delivering a written resignation to the Coalition chair. Members may be removed by the appointing authority. The appointing authority shall fill any vacancy caused by resignation, removal or otherwise, as it occurs, for the remainder of the vacated term. Any Coalition member who fills a vacancy will be eligible to serve an additional two full consecutive terms after completing the term of the previously vacant position they are filling.
(7) Each member is entitled to one (1) vote on all matters before the Coalition. There shall be no voting by proxy. No member shall vote on any issue which may directly or indirectly benefit a member, that member’s employer, or another organization affiliated with the member. No member shall participate in any meeting of the Coalition that involves any issue which may directly or indirectly benefit a member, that member’s employer, or another organization affiliated with the member. Members are entitled to vote by telephone or videoconference.

(c) The officers of the Coalition shall consist of a chair, vice-chair, and secretary. Officers must be members of the Coalition in good standing. The Coalition chair shall be appointed by the Supreme Court and shall serve a three-year term. The chair shall preside at all meetings of the Coalition and perform such other duties as may be prescribed by the Coalition. The vice-chair and secretary shall be elected to one-year terms by the Coalition at the Coalition’s annual meeting. The Coalition may accept nominations for vice-chair and secretary from any member. A vacancy in the office of vice-chair or secretary for any reason other than expiration of term may be filled for the remaining unexpired term at any meeting of the Coalition. The vice-chair shall preside at meetings where the chair is unavailable and perform such other duties as may be prescribed by the Coalition. The secretary shall keep minutes of the Coalition meetings and perform such other duties as may be prescribed by the Coalition. The Coalition may establish other officers as it deems appropriate. Additional officers so elected shall hold office for such period and shall have such power and duties as authorized by the Coalition.

(d) The Coalition for Court Access shall have the following powers:
(1) Undertake those tasks in collaboration with the Bar Foundation which are reasonable and necessary to the fulfillment of the Coalition’s purpose;
(2) Supervise the district committees subject to the approval of the Bar Foundation;
(3) Make funding recommendations to the Bar Foundation in response to district committee plans and funding requests;
(4) Declare the office of a member of the Coalition to be vacant in the event such member shall be absent for three (3) consecutive regular meetings of the Coalition;
(5) Create and dissolve any Coalition committees necessary to assist the Coalition with the accomplishment of its mission and to appoint members to such committees which may include members and non-members of the Coalition;
(6) Make recommendations to the Bar Foundation and the Supreme Court for the disbursement of available funds to civil legal aid organizations, programs, initiatives, and projects throughout the State of Indiana;
(7) Collaborate with state and local bar associations and other organizations, their members and various sections and committees to help identify opportunities for them to help support Indiana’s civil legal aid network; and
(8) Provide an annual report of its activities to the Supreme Court by July 1 of each year.

e) The Bar Foundation’s authority and responsibility shall include making funding decisions and disbursing available funds to legal aid projects or organizations upon recommendation of the Coalition.

f) The members shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval, including via electronic mail, of a majority of the members. Any action so approved shall have the same effect as though taken at a meeting of the Coalition.

g) No member or officer shall receive compensation for any service rendered to the Coalition. Members and officers may be reimbursed for authorized expenses incurred in the performance of Coalition duties, provided that funds are available and such reimbursement is approved by the Coalition.

(h) There shall be one (1) district committee in each of the twelve (12) districts set forth below:
District A, consisting of the counties of Lake, Porter, Jasper, and Newton;
District B, consisting of the counties of LaPorte, St. Joseph, Elkhart, Marshall, Starke, and Kosciusko;
District C, consisting of the counties of LaGrange, Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, and Whitley;
District D, consisting of the counties of Clinton, Fountain, Montgomery, Tippecanoe, Warren, Benton, Carroll, Vermillion, Parke, Boone, and White;
District E, consisting of the counties of Cass, Fulton, Howard, Miami, Tipton, Pulaski, Grant, and Wabash;
District F, consisting of the counties of Blackford, Delaware, Henry, Jay, Madison, Hamilton, Hancock, and Randolph;
District G, consisting of the county of Marion;
District H, consisting of the counties of Greene, Lawrence, Monroe, Sullivan, Vigo, Putnam, Hendricks, Clay, Morgan, and Owen;
District I, consisting of the counties of Bartholomew, Brown, Decatur, Jackson, J
District J, consisting of the counties of Dearborn, Jefferson, Ohio, Ripley, Franklin, Wayne, Union, Fayette, and Switzerland;
District K, consisting of the counties of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick; and
District L, consisting of the counties of Clark, Crawford, Floyd, Harrison, Orange, Scott, and Washington.

The Coalition has the authority to provisionally alter the number and the composition of districts
as it deems appropriate to the Supreme Court no more than annually so the Supreme Court may reflect the alterations in subsection (h) above,

(1) Each district committee shall be composed of:
   (A) a judge from the district appointed by the Supreme Court to serve as chair of the committee;
   (B) to the extent feasible, one (1) or more representatives from each voluntary bar association in the district, one (1) representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district, and
   (C) to the extent feasible, at least two (2) community at large representatives, one of whom shall be a present or past recipient of pro bono public legal services.

(2) Governance of each district committee and terms of service of the members thereof shall be determined by each committee. Replacement and succession members shall be appointed by the judge designated by the Supreme Court.

(i) To ensure an active and effective district program, each district committee shall do the following:
   (1) after evaluating the needs of the district and the available civil legal aid services, prepare an annual written proposal to address the district’s needs;
   (2) select and employ, if feasible, a plan administrator to provide the necessary coordination and administrative support for the district committee;
   (3) implement the annual district plan and monitor its results;
   (4) submit an annual report to the Coalition; and
   (5) submit the plan and funding requests for individual civil legal aid organizations/projects to the Coalition.

(j) To encourage more lawyers to participate in pro bono activities, each district plan should endeavor to provide various support and educational services for pro bono attorneys, which, to the extent possible should include:
   (1) providing intake, screening, and referral of prospective clients;
   (2) matching cases with individual attorney expertise, including the establishment of specialized panels;
   (3) providing resources for litigation and out-of-pocket expenses for pro bono cases;
   (4) providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service;
   (5) providing the availability of consultation with attorneys who have expertise in areas of law with respect to which a volunteer lawyer is providing pro bono civil legal service;
   (6) providing malpractice insurance for volunteer pro bono lawyers with respect to their pro bono civil legal service;
   (7) establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction;
   (8) recognizing pro bono civil legal service by lawyers; and
   (9) providing other support and assistance to pro bono lawyers;

(k) The district committee plans may include opportunities such as the following:
   (1) representing persons of limited means through case referral;
   (2) representing persons of limited means through direct contact with a lawyer when the lawyer, before undertaking the representation, first determines client eligibility based on standards substantially similar to those used by legal assistance providers;
   (3) representing community groups serving persons of limited means through case referral;
   (4) interviewing and determining eligibility of prospective clients of limited means;
   (5) acting as co-counsel on cases or matters with civil legal assistance providers and other lawyers serving clients of limited means;
   (6) providing consultation services to civil legal assistance providers for case reviews and evaluations;
   (7) providing training to the staff of civil legal assistance providers and other volunteer
Rule 6.7 Pro Bono Reporting Requirement

Rule 6.7. Requirement for Reporting of Direct Pro Bono Legal Services

(a) Reporting Requirement. To assess the current and future extent of volunteer legal services provided directly to individuals of limited means and to encourage such services, an attorney must report as part of the attorney's annual registration the following information:

(1) **Pro Bono Hours** — no compensation. During the previous calendar year ending December 31, I have personally provided approximately __________ hours of legal services in Indiana or other states directly to individuals reasonably believed to be of limited means without charge and without any fee expectation when the services were rendered.

(2) **Pro Bono Hours** — substantially reduced compensation. During the previous calendar year ending December 31, I have personally provided approximately __________ hours of legal services directly to individuals reasonably believed to be of limited means at a charge of less than 50% of my normal rate and without expectation of any greater fee when the services were rendered.

(3) **Financial Contribution.** During the previous calendar year ending December 31, I have either (i) made monetary contributions of $ __________ to the Indiana Bar Foundation, to any of the local IRC 501(c)(3) pro bono districts listed at the Indiana Supreme Court website, or to a legal service organization located in Indiana that is eligible for fee waiver under I.C. 33–37–3–2(b); or (ii) made an in-kind contribution of tangible property fairly valued at $ __________ to one or more of the foregoing qualifying legal service organizations or pro bono districts.

(4) **Exempt Persons.** An attorney is exempt from reporting under this Rule who is exempt from the provision of pro bono legal services because he or she (i) is currently serving as a member of the judiciary or judicial staff, (ii) is a government lawyer prohibited by statute, rule, regulation, or agency policy from providing legal services outside his or her employment, (iii) is retired from the practice of law, or (iv) maintains inactive standing with the Clerk of the Indiana Supreme Court.
As of May 24, 2016

(b) Reporting Required. By requiring the affirmative reporting of pro bono legal services provided directly to an individual of limited means, this Rule 6.7 requires reporting only for a subset of the public interest legal service encouraged under Rule 6.1.

(c) Public Disclosure of Information Received. Information received pursuant to this Rule is declared confidential and shall not be publicly disclosed by the Indiana Supreme Court or any of its agencies, on an individual or firm-wide basis.

Rule 7.1 reserved

Rule 7.2 (a) Subject to the requirements of this rule, lawyers and law firms may advertise their professional services and law related services. The term “advertise” as used in these Indiana Rules of Professional Conduct refers to any manner of public communication partly or entirely intended or expected to promote the purchase or use of the professional services of a lawyer, law firm, or any employee of either involving the practice of law or law-related services.

(b)(2) deletes second sentence of MR

(c) Adds sentence to end: The lawyer or law firm responsible for the content of any communication subject to this rule shall keep a copy or recording of each such communication for six years after its dissemination.

Rule 7.3 Title is: Recommendation or Solicitation of Professional Employment

(a) A lawyer shall not seek or recommend by in-person contact (either in the physical presence of, or by telephone, or by real-time electronic contact), the employment, as a private practitioner, of the lawyer, the lawyer’s partner, associate, or the lawyer’s firm, to a nonlawyer who has not sought advice regarding the employment of a lawyer, or assist another person in so doing unless the contacted non-lawyer has a family or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a prospective client by written or recorded communication or by in-person or telephone, or by real-time electronic contact even when not otherwise prohibited by paragraph (a) if:

(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(c) Every written, recorded, or electronic communication from a lawyer soliciting professional employment from a prospective client potentially in need of legal services in a particular matter, and with whom the lawyer has no family or prior professional relationship, shall include the words "Advertising Material" conspicuously placed both on the face of any outside envelope and at the beginning of any written communication, and both at the beginning and ending of any recorded communication. A copy of each such communication shall be filed with the Indiana Supreme Court Disciplinary Commission at or prior to its dissemination to the prospective client. A filing fee in the amount of fifty dollars ($50.00) payable to the “Supreme Court Disciplinary Commission Fund” shall accompany each such filing. In the event a written, recorded or electronic
communication is distributed to multiple prospective clients, a single copy of the
mailing less information specific to the intended recipients, such as name, address
(including email address) and date of mailing, may be filed with the Commission.
Each time any such communication is changed or altered, a copy of the new or
modified communication shall be filed with the Disciplinary Commission at or
prior to the time of its mailing or distribution. The lawyer shall retain a list
containing the names and addresses, including email addresses, of all persons or
entities to whom each communication has been mailed or distributed for a period
of not less than one (1) year following the last date of mailing or distribution.
Communications filed pursuant to this subdivision shall be open to public
inspection.

(d) If success in asserting rights or defenses of his clients in litigation
in the nature of a class action is dependent upon the joinder of others, a lawyer
may accept employment from those he is permitted under applicable law to
contact for the purpose of obtaining their joinder.

(e) A lawyer shall not accept referrals from any lawyer referral service
unless such service falls within subparts 1-4 of this Rule 7.3(e). A lawyer or his
partner or associates or any other lawyer affiliated with him or his firm may be
recommended, employed or paid by, or may cooperate with, one of the following
offices or organizations that promote the use of his services or those of his partner
or associates or any other lawyer affiliated with him or his firm, if there is no
interference with the exercise of independent professional judgment on behalf of
his client:

(1) A legal office or public defender office:
  (A) operated or sponsored on a not-for-profit basis by a
      law school accredited by the American Bar
      Association Section on Legal Education and
      Admissions to the Bar;
  (B) operated or sponsored on a not-for-profit basis by a
      bona fide non-profit community organization;
  (C) operated or sponsored on a not-for-profit basis by a
      governmental agency; and
  (D) operated, sponsored, or approved in writing by the
      Indiana State Bar Association, the Indiana Trial
      Lawyers Association, the Indiana Defense Lawyers
      Association, any bona fide county or city bar
      association within the State of Indiana, or any other
      bar association whose lawyer referral service has
      been sanctioned for operation in Indiana by the
      Indiana Disciplinary Commission.

(2) A military legal assistance office

(3) A lawyer referral service operated, sponsored, or approved
    by any organization listed in Rule 7.3(e)(1)(D)

(4) Any other non-profit organization that recommends,
    furnishes, or pays for legal services to its members or
    beneficiaries, but only if the following conditions are met:
As of May 24, 2016

| Rule 7.4 | Amended January 1, 2011 | Substantially the same MR 7.4; Changes in (d)(1) after “as a specialist…” to “by an Independent Certifying Organization accredited by the Indiana Commission for Continuing Legal Education pursuant to Admission and Discipline Rule 30; and,” Adds: (d)(2) “The certifying organization is identified in the communication.” Adds: (e) Pursuant to rule-making powers inherent in its ability and authority to police and regulate the practice of law by attorneys admitted to practice law in the State of Indiana, the Indiana Supreme Court hereby vests exclusive authority for accreditation of Independent Certifying Organizations that certify specialists in legal practice areas and fields in the Indiana Commission for Continuing Legal Education. The Commission shall be the exclusive authority for accrediting body in Indiana, for purposes of Rule 7.4(d)(1), above; and shall promulgate rules and guidelines for accrediting Independent Certifying Organization that certify specialists in legal practice areas and fields. The rules and guidelines shall include requirements of practice experience, continuing legal education, objective examination; and, peer review and evaluation, with the purpose of providing assurance to the consumers of legal services that the attorneys attaining certification within areas of specialization have demonstrated extraordinary proficiency with those areas of specialization. The Supreme Court shall retain review oversight with respect to the Commission, its requirements, and its rules and guidelines. The Supreme Court retains the power to alter or amend such requirements, rules and guidelines; and, to review the actions of the Commission in respect to this Rule 7.4. |
| Rule 7.5 | title is: Professional Notices, Letterheads, Offices, and Law Lists | (a) A lawyer or law firm shall not use or participate in the use of professional... |
cards, professional announcement cards, office signs, letterheads, telephone
directory listings, law lists, legal directory listings, or a similar professional notice
or device if it includes a statement or claim that is false, fraudulent, misleading,
deceptive, self-laudatory or unfair within the meaning of or that violates the
regulations contained in Rule 7.1.
(b) A lawyer shall not practice under a name that is misleading as to
the identity, responsibility, or status of those practicing thereunder, or is otherwise
false, fraudulent, misleading, deceptive, self-laudatory or unfair within the
meaning of Rule 7.1, or is contrary to law. In that it is inherently misleading, a
lawyer in private practice shall not practice under a trade name. However, the
name of a professional corporation or professional association may contain "P.C."
or "P.A." or similar symbols indicating the nature of the organization, and if
otherwise lawful a firm may use as, or continue to include in, its name, the name
or names of one or more deceased or retired members of the firm or of a
predecessor firm in a continuing line of succession. A lawyer who assumes a
judicial, legislative, or public executive or administrative post or office shall not
permit his name to remain in the name of a law firm or to be used in professional
notices of or public communications by the firm during any significant period in
which he is not actively and regularly practicing law as a member of the firm and
during such period other members of the firm shall not use his name in the firm
name or in professional notices of or public communications by the firm.
(c) A lawyer shall not hold himself out as having a partnership with
one or more other lawyers unless they are in fact partners.
(d) A partnership shall not be formed or continued between or among
lawyers licensed in different jurisdictions unless all enumerations of the members
and associates of the firm on its letterhead and in other permissible listings make
clear the jurisdictional limitations on those members and associates of the firm not
licensed to practice in all listed jurisdictions; however the same firm name may be
used in each jurisdiction.

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<thead>
<tr>
<th>Rule 7.6</th>
<th>does not include this Rule</th>
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<tbody>
<tr>
<td>Rule 8.1</td>
<td>Identical</td>
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<tr>
<td>Rule 8.2</td>
<td>Identical</td>
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</table>
| Rule 8.3 | (c) This Rule does not require reporting of a violation or disclosure of
information if such action would involve disclosure of information that is
otherwise protected by Rule 1.6, or is gained by a lawyer while providing advisory
opinions or telephone advice on legal ethics issues as a member of a bar
association committee or similar entity formed for the purposes of providing such
opinions or advice and designated by the Indiana Supreme Court.
(d) The relationship between lawyers or judges acting on behalf of a judges or
lawyers assistance program approved by the Supreme Court, and lawyers or
judges who have agreed to seek assistance from and participate in any such
programs, shall be considered one of attorney and client, with its attendant duty of
confidentiality and privilege from disclosure. |
| Rule 8.4 | (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 preemptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.

Rule 8.5 does not include the last sentence of (b)(2)