

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 7.1 (selected jurisdictions)**

| <b>JURIS</b>    | <b>RULE State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</b>  |
|-----------------|---|
| ABA Model Rules | <p>A lawyer shall not make a <b>false or misleading communication</b> about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a <b>material misrepresentation of fact or law</b>, or <b>omits a fact</b> necessary to make the statement considered as a whole not materially misleading.</p> <p>Comments [5]-[8] address firm names and letterhead within Rule 7.1 as opposed to the former Rule 7.5, which is deleted as of 2018:</p> <ul style="list-style-type: none"> <li>• Reference to deceased members is OK if there has been a succession in the firm’s identity</li> <li>• Trade name OK if not false and misleading</li> <li>• OK to use same firm name across jurisdictions</li> <li>• Cannot state or imply that lawyers are practicing together in a firm if that is false or misleading</li> <li>• A law firm name or designation is misleading if it implies a connection with a government agency, with a deceased lawyer who was not a former member of the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal services organization.</li> <li>• It is misleading to use the name of a lawyer holding a public office in firm name or lawyer advertising if lawyer is not actively and regularly practicing with the firm</li> </ul> |
| CA R. 7.1       | <p>CA R. 7.1(a) is the same as ABA R. 7.1 but then adds that Board of Trustees of the State Bar may adopt standards as to communications that are presumptively misleading or otherwise in violation of Rule 7.</p> <p>CA R. 7.5 addresses firm names and letterhead consistent with ABA Rule 7.1, comments [5]-[8].</p>  |
| DC R. 7.1       | <p>Incorporates ABA Rule 7.1(a) and adds that a communication is false and misleading if it “contains an assertion about the lawyer or the lawyer’s services that cannot be substantiated.”</p> <p>DC also incorporates in its Rule 7.1 provisions addressed in ABA Rule 7.2 &amp; 7.3, which will be addressed in comparison to those rules below.</p> <p>DC R. 7.5 addresses use of firm names and letterhead similar to ABA R. 7.1, comments [5]-[8].</p>  |

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| JURIS   | RULE <b>State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</b>  |
|---|---|
| <p>FL Rules 4-7.13, 4-7.14, 4-7.15, 4-7.16, 4-7.19, 4-7.21.</p> | <p>Includes ABA Rule 7.1 but greatly expands in detail on the prohibition against false and misleading advertising, providing that an advertisement is deceptive or inherently misleading if it: (1) contains a material statement that is factually or legally inaccurate; (2) omits information that is necessary to prevent the information supplied from being misleading; or (3) implies the existence of a material nonexistent fact.</p> <p>FL Rule 4-1.13(b) includes more specific examples of deceptive and inherently misleading advertisements, including:</p> <ul style="list-style-type: none"> <li>• Guarantees, warranties, or predictions regarding the result</li> <li>• Testimonials, endorsements without disclaimer</li> <li>• Use of voice or image to create impression that the person shown/speaking is a lawyer or firm employee without disclaimer</li> <li>• Use of actors or other dramatization without disclaimer</li> <li>• Reference to past results unless objectively verifiable</li> <li>• Comparisons of lawyers unless objectively verifiable</li> <li>• References to areas of practice in which lawyer is not engaged</li> <li>• Suggestion that lawyer will act unethically or unlawfully</li> <li>• Suggesting that The Florida Bar has approved an advertisement or a lawyer (except to accurately state licensure or certification)</li> <li>• Use of judicial, executive, or legislative branch title unless current or qualified as former</li> <li>• Falsely implying affiliation with another lawyer or firm or including misleading contact information</li> </ul> <p>FL Rule 4-7.14(a)(1, 2, 7) defines as “potentially misleading advertisements” those that “would be materially misleading when considered in the relevant context,” those that even if “literally accurate” are misleading absent disclosure of a “material fact,” and advertisements about contingency fees that fail to address both fees and expenses. Rule 4-7.14(a)(7)</p> |

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| JURIS | RULE <b>State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</b>  |
|-------|---|
|       | <p>specifies that advertisements for specific fees or ranges of fees must be honored for at least 90 days unless otherwise disclosed.</p> <p>FL Rule 4-7.15 prohibits “unduly manipulative or intrusive” advertisements, which include:</p> <ul style="list-style-type: none"> <li>• Use of an image, sound, video or dramatization appealing to a prospective client’s emotions rather than to a rational evaluation of a lawyer’s suitability</li> <li>• Use of an authority figure such as a judge or law enforcement officer, or an actor portraying an authority figure, to endorse or recommend the lawyer or act as a spokesperson for the lawyer</li> <li>• Use of voice or image of a celebrity, except that a lawyer may use the voice or image of a local announcer, disc jockey or radio personality who regularly records advertisements so long as the person recording the announcement does not endorse or offer a testimonial on behalf of the advertising lawyer or law firm</li> <li>• Use of offers to consumers of an economic incentive to employ the lawyer or review the lawyer’s advertising; provided that this rule does not prohibit a lawyer from offering a discounted fee or special fee or cost structure as otherwise permitted by these rules and does not prohibit the lawyer from offering free legal advice or information</li> </ul> <p>FL Rule 4-7.16 identifies presumptively valid content for attorney advertising (e.g., names, contact information, licensure information, bar admissions, etc.).</p> <p>FL Rule 4-7.19 requires lawyers to file with The Florida Bar a copy of each advertisement at least 20 days prior to the lawyer’s first dissemination of the advertisement (unless specifically exempted from such requirement under Rule 4-7.20, which includes communications mailed only to existing clients, former clients, or other lawyers).</p> <p>FL Rule 4-7.21 expressly addresses firm names and letterhead consistent with comments [5]-[8] of ABA Rule 7.1.</p> |

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| JURIS     | RULE <b>State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</b>  |
|-----------|---|
| GA R. 7.1 | <p>Includes ABA Rule 7.1 but also includes some additional detail on the prohibition against false and misleading advertising, providing that an advertisement is false or misleading if it:</p> <ul style="list-style-type: none"> <li>• contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading</li> <li>• is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Georgia Rules of Professional Conduct or other law</li> <li>• compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated</li> <li>• fails to include the name of at least one lawyer responsible for its content</li> <li>• contains any information regarding contingent fees, and fails to conspicuously present the required disclaimer</li> </ul> <p>This rule requires a lawyer to identify a communication for which the lawyer has given value and states that lawyers retain responsibility to insure that all communications comply with the Rules.</p> <p>GA Rule 7.5 expressly addresses firm names and letterhead consistent with comments [5]-[8] of ABA Rule 7.1.</p> |
| MA R. 7.1 | Same as ABA R. 7.1 (including comments [5]-[8]).  |

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| <b>JURIS</b>        | <b>RULE <a href="#">State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</a></b>  |
|---------------------|---|
| NY R. 7.1, 7.4, 7.5 | <p>NY R. 7.1 is similar to ABA R. 7.1 in prohibiting lawyer advertisement that: (1) contains statements or claims that are false, deceptive or misleading; or (2) violates a Rule.</p> <p>NY R. 7.1(b) identifies what an advertisement may include (education, areas of law, and other biographical information; client names (with consent); banking references, credit arrangements accepted, nonlegal services available; and fee arrangements).</p> <p>NY R. 7.1(c) lists specifically prohibited advertising methods, such as paid endorsements or testimonials absent disclosure; portrayal of a fictitious firm, use of fictitious names, or implying a non-existent association; use of actors or fictionalized events without disclosure; use of advertising that looks like legal documents.</p> <p>NY R. 7.1(d and e) allow certain advertising methods if otherwise not false, deceptive, or misleading and factually supported, accompanied by a disclaimer, or as applicable with client consent. Those methods are statements about results, comparisons to other lawyers, client testimonials or endorsement, statements about quality of services.</p> <p>NY R. 7.1(f) includes requirements to label certain forms of advertising as “Attorney Advertising” (and this requirement is not as limited as that of the ABA Rule 7.2, which addresses solicitation).</p> <p>NY R. 7.1(g) prohibits use of computer “cookies” that if displayed would violate the Rules.</p> <p>NY R. 7.1(h-r) contain some additional specific requirements (contact information for responsible lawyer or firm; clarity and legibility; statements regarding fees; retention of advertisements, etc.).</p> <p>7.4 (specialties), 7.5 (names, letterhead)</p> <p>NY R. 7.5 expressly addresses firm names and letterhead consistent with comments [5]-[8] of ABA Rule 7.1, but add some additional specific requirements consistent with the ABA Rules overall.</p> |
| NC R. 7.1           | <p>Incorporates ABA Rule 7.1 (including comments [5]-[8]) as to firm names and letterhead) and adds specifically that a communication is false and misleading if it:</p> <ul style="list-style-type: none"> <li>• Creates an unjustified expectation about results the lawyer can achieve</li> <li>• States or implies that the lawyer can achieve results by means that violate the Rules</li> <li>• Compares the lawyer's services with other lawyers’ services, unless the comparison can be factually substantiated</li> </ul>  |

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| <b>JURIS</b> | <b>RULE <a href="#">State Variations on ABA Model Rule 7.1 (Nothing false, misleading)</a></b>   |
|--------------|--|
| TX R. 7.01   | <p>TX R. 7.01 prohibits “false or misleading communication about the qualifications or services of a lawyer or law firm,” and requires that advertising be “truthful and nondeceptive.” TX R. 7.01 goes on to state that a communication is false or misleading if:</p> <ul style="list-style-type: none"> <li>• it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading</li> <li>• there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no reasonable factual foundation</li> <li>• the statement is substantially likely to create unjustified expectations about the results the lawyer can achieve</li> <li>• states or implies that the lawyer will use violence or violate the Rules</li> <li>• falsely states or implies a partnership</li> <li>• fails to qualify advertised verdict with reference to actual money received by client</li> </ul> <p>TX R. 7.01(c) allows lawyers to practice under a non-deceptive trade name and further addresses law firm names and letterhead consistent with ABA Ru. 7.1 comments [5]-[8].</p> <p>TX R. 7.04 and 7.05 address requirements for filing advertisements and solicitation and related exemptions</p> |
| VA R. 7.1    | Same as ABA R. 7.1 (including comments [5]-[8]).   |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 7.2(a) (selected jurisdictions): “Any Media”**

| <b>JURIS</b>           | <b>RULE State Variations on ABA Model Rule 7.2(a) (selected jurisdictions): “Any Media”</b>  |
|------------------------|--|
| ABA Model Rule 7.2(a)  | A lawyer may communicate information regarding the lawyer’s services through any media.  |
| CA R. 7.2(a)           | Subject to the requirements of rules 7.1 and 7.3, a lawyer may <b>advertise</b> services through any written,* recorded or electronic means of communication, including public media.  |
| DC R. 7.2(a)           | No counterpart (but also no prohibitions based on media for communications).   |
| FL Rules 4-7.11(a)     | Unless otherwise indicated, this subchapter applies to all forms of communication in <b>any print or electronic forum</b> , including but not limited to newspapers, magazines, brochures, flyers, television, radio, direct mail, electronic mail, and Internet, including banners, pop-ups, websites, social networking, and video sharing media. The terms “ <b>advertising</b> ” and “ <b>advertisement</b> ” as used in chapter 4-7 <b>refer to all forms of communication seeking legal employment, both written and spoken.</b> |
| GA R. 7.2(a)           | (a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may <b>advertise</b> services through: <ul style="list-style-type: none"> <li>(1) public media, such as a telephone directory, legal directory, newspaper or other periodical;</li> <li>(2) outdoor advertising;</li> <li>(3) radio or television;</li> <li>(4) written, electronic or recorded communication.</li> </ul>   |
| MA R. 7.2(a)           | Same as ABA Model Rule 7.2(a)  |
| NY R. 7.2              | No express counterpart (but also no prohibitions based on media for communications, and there is implicit recognition of different forms of advertising in NY R. 7.1(f) as it addresses circumstances in which a label should be included).  |
| NC R. 7.2(a)           | Same as ABA Model Rule 7.2(a)  |
| TX R. 7.02             | No counterpart (but also no prohibitions based on media for communications).   |
| VA R. 7.2<br>[deleted] | No counterpart (but also no prohibitions based on media for communications).   |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rules 7.2(b), 5.4(a), 5.4(c), and 1.5(e) (selected jurisdictions): Referrals**

| <b>JURIS</b> | <b>Paid Referrals/Recommendations<br/>(ABA Rule 7.2(b))</b>   | <b>Fee Sharing with Non-Lawyers<br/>ABA Rules 5.4(a) and (c)</b>   | <b>Division of Fees with Lawyers in<br/>Different Firm (ABA Rule 1.5(e))</b>  |
|--------------|---|--|---|
| ABA          | <p>A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer’s services except:</p> <ul style="list-style-type: none"> <li>• Paying the reasonable costs of advertisements or permitted communications,</li> <li>• Paying the usual charges for a legal service plan or non-for-profit or qualified lawyer referral service,</li> <li>• Paying for a law practice under ABA Model Rule 1.17,</li> <li>• Non-exclusive reciprocal referral arrangements with disclosure to client, and</li> <li>• Nominal gift</li> </ul> | <p>A lawyer or law firm shall not share legal fees with a nonlawyer, except:</p> <ul style="list-style-type: none"> <li>• Payments to lawyer’s estate</li> <li>• Purchase of lawyer’s practice under Rule 1.17</li> <li>• Employee compensation or retirement plan (including profit-sharing arrangement)</li> <li>• Sharing court-awarded legal fees with nonprofit organization</li> </ul> <p>There can be no interference with lawyer’s professional judgment</p> | <p>A division of a fee between lawyers who are not in the same firm may be made only if:</p> <ul style="list-style-type: none"> <li>• Proportional to services performed <b>OR</b> each assume joint responsibility +</li> <li>• Client agrees (including shares), confirmed in writing +</li> <li>• Total fee is reasonable</li> </ul> |
| CA           | CA R. 7.2(b) is the same as ABA   | CA R. 5.4 is substantially the same as ABA   | CA R. 1.5.1 differs from the ABA Model Rule in that it does not require either proportional services or joint responsibility  |
| DC           | DC R. 7.1(c) is substantially the same as ABA except that it omits an express reference to nominal gifts.   | DC Rule 5.4 differs in allowing non-lawyers to practice in partnership, and thus share legal fees, with lawyers provided the arrangement complies with DC Rule 5.4(b). Otherwise, DC Rule 5.4 tracks the other exceptions to a bar on sharing legal fees with non-lawyers.   | DC Rule 1.5(e) is the same as ABA.  |



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| <b>JURIS</b> | <b>Paid Referrals/Recommendations<br/>(ABA Rule 7.2(b))</b>  | <b>Fee Sharing with Non-Lawyers<br/>ABA Rules 5.4(a) and (c)</b>   | <b>Division of Fees with Lawyers in<br/>Different Firm (ABA Rule 1.5(e))</b> |
|--------------|--|--|--|
| FL           | <p>FL Rule 4-7.17 includes a prohibition against paid referrals along with some of the ABA exclusions (costs of advertisement, lawyer referral service, and purchase of law practice). However, FL Rule 4-7.17 differs in omitting reference to exclusions for reciprocal referral agreements and nominal gifts. In addition, FL adds prohibitions against payment for advertising of another lawyer or payment of advertising by a nonlawyer for a lawyer.</p>  | <p>FL Rule 4-5.4 is substantially similar to the ABA except that the employee compensation exception adds details about appropriate bonuses and factors to consider.</p> | <p>FL Rule 4-1.5(g) is substantially similar to the ABA.</p>                 |
| GA           | <p>GA Rule 7.3(c) is similar to the ABA in barring paid referrals with exceptions for costs of advertisement, referral services, legal service plans, and purchase of law practice. However, GA Rule 7.3(c) differs in omitting reference to exclusions for reciprocal referral agreements and nominal gifts.</p> <p>GA Rule 7.1(b) states that a “public communication for which a lawyer has given value must be identified as such unless it is apparent from the context that it is such a communication.”</p> <p>GA Rule 7.2(c)(2) requires a lawyer who will refer the majority of callers to other attorneys to disclose that fact and otherwise comply with the provisions of Rule 7.3(c) regarding referral services.</p> | <p>GA Rule 5.4(a and c) is the same as the ABA</p>   | <p>GA Rule 1.5(e) is the same as the ABA</p>                                 |

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| <b>JURIS</b> | <b>Paid Referrals/Recommendations<br/>(ABA Rule 7.2(b))</b>   | <b>Fee Sharing with Non-Lawyers<br/>ABA Rules 5.4(a) and (c)</b>   | <b>Division of Fees with Lawyers in<br/>Different Firm (ABA Rule 1.5(e))</b>  |
|--------------|---|--|---|
| MA           | MA R. 7.2(b) is the same as ABA   | MA Rule 5.4(a and c) is the same as the ABA  | MA Rule 1.5(e) requires only prior or concurrent client consent in writing to a division of fees subject to the requirement that the total fee be reasonable, and it does not require either joint responsibility or proportional sharing (expressly acknowledging referral fees) |
| NY           | <p>NY Rule 7.2 does not track the language of the ABA Rule 7.2, instead addressing in multiple rules and in more detail various potential referral or recommendation arrangements. Under NY Rule 7.2, a lawyer is subject to the same general prohibition against compensating or giving value for recommendations with exceptions for referral fees for a qualified legal assistance organization and various legal aid and public service organizations.</p> <p>NY Rule 7.1(o) prohibits giving value to the press, radio, television or other communication medium “in anticipation of or in return for professional publicity in a news item.”</p> <p>NY Rule 5.8 addresses circumstances in which a lawyer can enter into a contractual relationship with nonlegal professionals in order to support the lawyer’s legal practice and thereby refer clients to such non-legal service providers (although still prohibiting sharing of legal fees or payment for referrals to the lawyers).</p> | NY Rule 5.4(a) is the same as the ABA except that it does not include an exception for sharing court-awarded legal fees with nonprofit organization. | NY Rule 1.5(g) is substantially the same as ABA Rule 1.5(e) except that the NY rule requires that the total fee is “not excessive” (as opposed to “reasonable”).  |

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| <b>JURIS</b> | <b>Paid Referrals/Recommendations<br/>(ABA Rule 7.2(b))</b>   | <b>Fee Sharing with Non-Lawyers<br/>ABA Rules 5.4(a) and (c)</b>   | <b>Division of Fees with Lawyers in<br/>Different Firm (ABA Rule 1.5(e))</b>   |
|--------------|---|--|--|
|              |   |  |  |
| NC           | NC R. 7.2(b) is the same as ABA except that it omits reference to non-exclusive reciprocal referral arrangements as an exception.   | NC R. 5.4 (a and c) is the same as ABA except that NC R. 5.4(a) adds that a lawyer may pay a portion of a legal fee to a credit card processor, group advertising provider, or online marketing platform if the amount paid is for payment processing or for administrative or marketing services. | NC Rule 1.5(e) is the same as the ABA  |
| TX           | TX Rule 7.03(e) generally prohibits payment or giving value to a <b>non-lawyer</b> for <b>soliciting</b> or <b>referring</b> prospective clients except for nominal gifts, payment of reasonable advertising fees and reasonable fees for public relations services. In addition, this rule permits non-exclusive and reciprocal referral agreements with disclosure to the client and exercise of independent judgment.<br><br>Comments to this rule elaborate on permitted payments, including payment for “generating client leads” (consistent with Rules 5.04(a and c) and Rule 7.01), payments for referrals under a legal services plan or lawyer referral service). | TX Rule 5.4(a and c) are the same as the ABA except that TX Rule 5.4(a) does not include an exception for sharing court-awarded legal fees with nonprofit organization.  | TX Rule 1.04(f) is substantially the same as the ABA   |
| VA           | VA Rule 7.3(d) is the same as ABA except that it omits reference to non-exclusive reciprocal referral arrangements as an exception  | VA Rule 5.4 (a and c) is the same except that the VA rule omits reference to an exception for sharing court-awarded legal fees with a nonprofit organization and it adds an exception allowing a lawyer to accept discounted payment of a fee from a credit card company on behalf of a client     | VA Rule 1.5(e) requires prior disclosure to and consent of client (preferably in writing) to a division of fees subject to the requirement that the total fee be reasonable; it does not require either joint responsibility or proportional sharing |

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**State Variations on ABA Model Rule 7.2(c) (selected jurisdictions): Specialists/Experts**

| JURIS                  | State Variations on ABA Model Rule 7.2(c) (selected jurisdictions): Specialists/Experts  |
|------------------------|--|
| ABA Model Rule 7.2(c)  | <p>A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:</p> <ol style="list-style-type: none"> <li>(1) the lawyer has been certified as a specialist by an <i>organization</i> that has been <u>approved by an appropriate authority</u> of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and</li> <li>(2) the name of the certifying organization is clearly identified in the communication.</li> </ol>   |
| CA R. 7.4              | <p>CA R. 7.4(a) is substantially the same as ABA Model Rule 7.2(c), except that CA adds: “Notwithstanding paragraph (a), a lawyer may communicate the fact that <i>the lawyer does or does not practice in particular fields of law</i>. A lawyer may also communicate that his or her practice <i>specializes in, is limited to, or is concentrated in a particular field of law, subject to the requirements of rule 7.1.</i>”</p>   |
| DC                     | <p>The DC Rules have no counterpart to ABA Model Rule 7.2(c) and would presumably default to the general prohibition against “false and misleading” advertising</p>  |
| FL R 4-7.14 and 4-7.16 | <p><b>FL R. 4-7.16(a)(6)</b> allows lawyers to include: “fields of law in which the lawyer practices, including official certification logos, subject to the requirements of this subchapter regarding use of terms such as certified, specialist, and expert” (in Rule 4-7.14 below).”</p> <p><b>FL R. 4-7.14</b> is generally similar, although much more detailed in its approach to claims to certifications, specialties, and the like, treating as potentially misleading:</p> <p>“(a)(3) references to a lawyer’s membership in, or recognition by, an entity that purports to base the membership or recognition on a <b>lawyer’s ability or skill</b>, unless the entity conferring the membership or recognition is <i>generally recognized within the legal profession as being a bona fide organization that makes its selections based on objective and uniformly applied criteria</i>, and that includes among its members or those recognized a <i>reasonable cross-section of the legal community the entity purports to cover</i>;</p> <p>(4) a statement that a lawyer is board certified or other variations of that term unless:</p> |

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| JURIS     | State Variations on ABA Model Rule 7.2(c) (selected jurisdictions): Specialists/Experts   |
|-----------|---|
|           | <p>(A) the lawyer has been certified under the <b>Florida Certification Plan</b> as set forth in chapter 6, Rules Regulating The Florida Bar and the advertisement includes the area of certification and that <b>The Florida Bar is the certifying organization;</b></p> <p>(B) the lawyer has been certified by an organization whose <b>specialty certification program has been accredited by the American Bar Association or The Florida Bar</b> as provided elsewhere in these rules and the advertisement includes the area of certification and the name of the certifying organization; or</p> <p>(C) the lawyer has been <b>certified by another state bar if the state bar program grants certification on the basis of standards reasonably comparable to the standards of the Florida Certification Plan</b> set forth in chapter 6 of these rules and the advertisement includes the area of certification and the name of the certifying organization;</p> <p>(5) a statement that the lawyer is a <b>specialist</b> or an <b>expert</b> in an area of practice, or other variations of those terms, unless the lawyer is certified under the Florida Certification Plan or an American Bar Association or Florida Bar accredited certification plan or the lawyer can objectively verify the claim based on the lawyer’s education, training, experience, or substantial involvement in the area of practice in which specialization or expertise is claimed;</p> <p>(6) a statement that a law firm <b>specializes</b> or has <b>expertise</b> in an area of practice, <b>or other variations of those terms</b>, unless the law firm can <b>objectively verify the claim as to at least 1 of the lawyers</b> who are members of or employed by the law firm as set forth in subdivision (a)(5) above, but if the law firm cannot objectively verify the claim for every lawyer employed by the firm, the advertisement must contain a clear and conspicuous <b>disclaimer</b> that <b>not all lawyers in the firm specialize or have expertise in the area of practice</b> in which the firm claims specialization or expertise.”</p> |
| GA R. 7.4 | <p>GA Rule 7.4 departs from ABA Model Rule 7.2(c) in that it expressly recognizes that a “lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law” and allows a “lawyer who is a specialist in a particular field of law by <b>experience, specialized training or education</b>, or is certified by a recognized and bona fide professional entity” to “communicate such specialty or certification so long as the statement is not false or misleading.” Thus the “specialty” claim is not limited to designations conferred only by Bar-recognized organizations.</p>  |

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| JURIS                   | State Variations on ABA Model Rule 7.2(c) (selected jurisdictions): Specialists/Experts   |
|-------------------------|---|
| MA R. 7.2(c)            | <p>MA R. 7.2(c) allows lawyers to “hold themselves out publicly as <b>specialists</b> in particular services, fields, and areas of law if the communication is not false or misleading,” including a statement that the lawyer “<b>concentrates in, specializes in, is certified in, has expertise in, or limits practice</b> to a particular service, field, or area of law.”</p> <p>However, MA R. 7.2(c) does <b>not</b> permit a lawyer to “state or imply that a lawyer is <b>certified as a specialist</b> in a particular field of law, unless the certifying organization is clearly identified in the communication, and:</p> <ol style="list-style-type: none"> <li>(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate State authority or that has been accredited by the American Bar Association; or</li> <li>(2) the communication states that the certifying organization is "a private organization, whose standards for certification are not regulated by a state authority or the American Bar Association."</li> </ol>  |
| NY R. 7.1(d, e) and 7.4 | <p>New York Rule 7.1(d and e) allow the following if <b>not false, deceptive, or misleading</b>; if capable of <b>factual substantiation</b>; if accompanied by a <b>disclaimer</b> (“prior results do not guarantee a similar outcome”); and if <b>client consents</b> as to a testimonial or endorsements:</p> <ol style="list-style-type: none"> <li>(1) statements that are reasonably likely to <b>create an expectation about results</b> the lawyer can achieve;</li> <li>(2) statements that <b>compare</b> the lawyer’s services with the services of other lawyers;</li> <li>(3) <b>testimonials or endorsements</b> of clients, and of former clients; or</li> <li>(4) statements <b>describing or characterizing</b> the <b>quality</b> of the lawyer’s or law firm’s services.</li> </ol> <p>NY R. 7.4 allows a lawyer or law firm to publicly identify <b>one or more areas of law in which the lawyer or the law firm practices</b> but <b>does not</b> allow the lawyer or law firm to state that the lawyer or law firm is a “<b>specialist or specializes</b> in a particular field of law” except as NY R. 7.4(c) permits as to a recognized or certified specialist.</p> <p>NY R. 7.4(c) allows a lawyer to state that the lawyer “has been recognized or certified as a specialist” only if</p> <ol style="list-style-type: none"> <li>(1) Certified by ABA-approved private organization (with prominent statement that certification is not granted “by any governmental authority”)</li> <li>(2) Certified by an authority with jurisdiction if the certifying authority is identified (with a prominent statement that certification is not granted by any “governmental authority within the State of New York”)</li> </ol> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b>  | <b>State Variations on ABA Model Rule 7.2(c) (selected jurisdictions): Specialists/Experts</b>   |
|---------------|--|
| NC R. 7.2(c)  | NC R. 7.2(c) is similar to ABA Model Rule 7.2(c) but specifically prohibits a lawyer from communicating that the lawyer “specializes or is a specialist in a field of practice” (and not just “certified”) absent bar-approved organization granting credentials   |
| TX R. 7.02(b) | <p>TX R. 7.02(b) allows a lawyer to “communicate that the lawyer <b>does or does not practice in particular fields of law</b>” but <b>not</b> that the lawyer “has been certified or designated by an organization as possessing special competence or a statement that the lawyer is a member of an organization the name of which implies that its members possess special competence, except” as to a Certificate of Special Competence by the Texas Board of Legal Specialization and as follows:</p> <p style="padding-left: 40px;">“a lawyer who is a member of an organization the name of which implies that its members possess special competence, or who has been certified or designated by an organization as possessing special competence in a field of practice, may include a <b>factually accurate, nonmisleading statement of such membership or certification, but only if that organization has been accredited by the Texas Board of Legal Specialization as a bona fide organization</b> that admits to membership or grants certification only on the basis of published criteria which the Texas Board of Legal Specialization has established as required for such certification.”</p> |
| VA            | Virginia has no express counterpart, instead deleting what was formerly Rule 7.4 in favor of the general prohibition against “false and misleading” advertising in VA R. 7.1.  |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 7.2(d) (selected jurisdictions): Specialists/Experts**

| <b>JURIS</b>          | <b>State Variations on ABA Model Rule 7.2(d) (selected jurisdictions): Identify Responsible Lawyer</b>  |
|-----------------------|---|
| ABA Model Rule 7.2(d) | “Any communication made under this Rule must include the <b>name</b> and <b>contact information</b> of at least one <b>lawyer</b> or <b>law firm responsible</b> for its content.”  |
| CA R. 7.2(c)          | Substantially similar, but calling for “name and <b>address</b> ” (rather than “contact information”) of at least one lawyer or law firm.   |
| DC                    | No counterpart to ABA Model Rule 7.2(c)   |
| FL R 4-7.12(a)        | <p>FL R 4-7.12(a) requires all advertisements for legal employment to include:</p> <ol style="list-style-type: none"> <li>(1) the name of at least 1 lawyer, the law firm, the lawyer referral service if the advertisement is for the lawyer referral service, the qualifying provider if the advertisement is for the qualifying provider, or the lawyer directory if the advertisement is for the lawyer directory, responsible for the content of the advertisement; and</li> <li>(2) the city, town, or county of 1 or more bona fide office locations of the lawyer who will perform the services advertised.</li> </ol>  |
| GA R. 7.2(b and c)    | <p>GA R. 7.2 (b and c) amplify the simple requirements of the ABA Model Rule. Specifically, GA R 7.2(b) requires a lawyer to <b>keep for two years</b> from its last dissemination a copy or recording of an <b>advertisement</b> or <b>communication</b> (not specifically defined).</p> <p>In addition, an advertisement for legal services directed to Georgia client or intended to solicit employment for legal services in Georgia must include “prominent disclosures” of the following:</p> <ul style="list-style-type: none"> <li>• <b>Name, physical location, and phone number of attorney or firm that paid for advertisement and who takes full personal responsibility</b></li> <li>• Referral practice</li> <li>• Use of non-attorney spokesperson, portrayal of a lawyer by a non-lawyer, portrayal of a client by a non-client, or paid testimonial or endorsement</li> <li>• Fixed fee for specified legal services</li> <li>• “Advertisement” designation if the advertisement resembles a legal pleading, notice, contract or other legal document</li> </ul> |



**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b>  | <b>State Variations on ABA Model Rule 7.2(d) (selected jurisdictions): Identify Responsible Lawyer</b>  |
|---------------|---|
| MA R. 7.2(d)  | Same as ABA Model Rule 7.2(d)   |
| NY R. 7.1(h)  | Substantially similar, but the NY Rule 7.1(h) specifies that the information include “name, principal law office address and telephone number of the lawyer or law firm whose services are being offered” (rather than referring to the lawyer responsible for the content) |
| NC R. 7.2(c)  | Same as ABA Model Rule 7.2(d)   |
| TX R. 7.02(a) | Substantially similar, but the TX R. 7.02(c) requires the <b>name</b> and <b>primary practice location</b> of the lawyer responsible for the content of the advertisement.  |
| VA            | No counterpart to ABA Model Rule 7.2(d)   |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 7.3(b, c) (selected jurisdictions): Solicitation**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>   | <b>All Other Solicitation (ABA Rule 7.3(c))</b>  | <b>Other Requirements</b>  |
|--------------|--|--|--|
| ABA          | <p>“Solicitation” or “solicit” denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.</p> <p>A lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer’s doing so is the lawyer’s or law firm’s pecuniary gain, unless the contact is with a:</p> <ul style="list-style-type: none"> <li>(1) lawyer;</li> <li>(2) person who has a family, close personal, or prior business or professional relationship with the lawyer or law firm; or</li> <li>(3) person who routinely uses for business purposes the type of legal services offered by the lawyer.</li> </ul> | <p>A lawyer shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:</p> <ul style="list-style-type: none"> <li>(1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or</li> <li>(2) the solicitation involves coercion, duress or harassment.</li> </ul> | <p>Subject to the general prohibitions against false and misleading communications as set forth in R. 1.7. Otherwise, no other specific requirements.</p>          |
| CA           | <p>CA R. 7.3(a) is similar to the ABA Rule but differs in referring to “in-person, live telephone or real-time electronic contact” and in <b>not</b> extending the solicitation exception to someone who has a prior professional relationship with the <b>firm</b> (limiting the exception to the <b>lawyer’s</b> own</p>   | <p>CA R. 7.3(a) is similar to the ABA Rule but include “<b>intrusion</b>” to the list along with coercion, duress or harassment.</p>   | <p>CA R 7.3(c) requires “[e]very written,* recorded or electronic” solicitation to “include the word ‘<b>Advertisement</b>’ or words of similar import unless:</p> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>  | <b>All Other Solicitation (ABA Rule 7.3(c))</b>   | <b>Other Requirements</b>   |
|--------------|---|---|---|
|              | <p>relationship). In addition, CA R. 7.3 <i>does not extend the exception to a person who routinely uses the type of legal services offered by the lawyer.</i></p>  |   | <ul style="list-style-type: none"> <li>• The solicitation is to someone excepted from the “in-person” solicitation prohibition, or</li> <li>• It is apparent from the context that the communication is an advertisement</li> </ul> |
| DC           | <p>DC R. 7.1(b) prohibits “in-person contact” to seek employment from “one who has not sought the lawyer’s advice regarding employment of a lawyer if:</p> <ol style="list-style-type: none"> <li>(1) The solicitation involves use of a statement or claim that is false or misleading, within the meaning of paragraph (a);</li> <li>(2) The solicitation involves the use of coercion, duress or harassment; or</li> <li>(3) The potential client is apparently in a physical or mental condition which would make it unlikely that the potential client could exercise reasonable, considered judgment as to the selection of a lawyer.”</li> </ol> <p>This DC rule differs in that it is <u>not</u> limited to those known to be in need of legal services in a particular matter and it does not create the exceptions contained in the ABA Rule. However, <u>it is</u> limited to “in-person contact” (although that includes telephone contact according to the rule comments) and the “prohibition” is not</p> | <p>DC R. 7.1 does not have an equivalent counterpart focused on solicitation that is not “in-person.” This seems to make whether a person is known to be in need of legal services in a particular matter irrelevant and keeps focus on whether the nature of the contact is “in-person contact” or not. If not, the only rule is the one prohibiting false and misleading communications.</p> <p>The DC Rule does not even extend the prohibition against coercion, duress or harassment to communications that are not “in-person contact.”</p> | <p>There are additional aspects of the rules addressing solicitations to inmates and solicitations in the vicinity of the DC Courthouse.</p>  |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>  | <b>All Other Solicitation (ABA Rule 7.3(c))</b>   | <b>Other Requirements</b>  |
|--------------|---|---|--|
|              | absolute (but instead prohibited only in the specified circumstances).  |   |  |
| FL           | <p>Like the ABA Rule, FL R. 4-7.18 prohibits certain in-person contact but differs in referring to such contact as “contact in person, by telephone, by electronic means that include real-time communication face-to-face such as video telephone or video conference.” Moreover, the concept of “solicitation” is <b>not</b> limited to those known to be in need of legal services in a particular matter.</p> <p>The FL Rule also differs from the ABA Rule in <b>not</b> extending the solicitation <i>exception</i> to someone who has a prior professional relationship with the <b>firm</b> (seeming to limit the exception to the <b>lawyer’s</b> own relationship). In addition, the FL Rule <b>does not extend the exception to a person who routinely uses the type of legal services offered by the lawyer.</b></p> <p>Moreover, under the FL Rule, an in-person communication directed to a specific recipient is prohibited if it does not meet the requirements of FL Rule 4-7.11 through 4-7.17.</p> | <p>FL R. 4-7.18(b)(1) addresses a “written communication directly or indirectly to a prospective client for the purpose of obtaining professional employment,” banning such written communications if they concern personal injury, wrongful death, accident, or disaster unless the recipient is a relative or more than 30 days after such accident or disaster. In addition, this rule bans such written communications if:</p> <p>(B) the written communication concerns a specific matter and the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter;</p> <p>(C) it has been made known to the lawyer that the person does not want to receive such communications from the lawyer;</p> <p>(D) the communication involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence;</p> <p>(E) the communication violates rules 4-7.11 through 4-7.17 of these rules;</p> <p>(F) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise</p> | <p>FL R. 4-1.18(b)(2) further requires written communications that are not banned to follow the requirements of Rules 4-7.11 through 4-1.17 and be marked conspicuously as an “advertisement” along many other specific requirements about information that must be included or prohibited formats or practices. As is typical of other aspects of the FL advertising rules, there is a large amount of detailed requirements.</p> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>  | <b>All Other Solicitation (ABA Rule 7.3(c))</b>   | <b>Other Requirements</b>   |
|--------------|---|---|---|
|              |   | <p>reasonable judgment in employing a lawyer; or</p> <p>(G) the communication concerns a request for an injunction for protection against any form of physical violence and is addressed to the respondent in the injunction petition, if the lawyer knows or reasonably should know that the respondent named in the injunction petition has not yet been served with notice of process in the matter.</p>   |   |
| GA           | <p>GA R. 7.3(d) differs from the ABA solicitation rule in banning all direct personal or live telephone contact unless the lawyer has been asked about possible legal representation <b>with no exceptions.</b></p> <p>(d) A lawyer shall not solicit professional employment as a private practitioner for the lawyer, a partner or associate through direct personal contact or through live telephone contact, with a nonlawyer who has not sought advice regarding employment of a lawyer.</p> <p>(e) A lawyer shall not accept employment when the lawyer knows or reasonably should know that the person who seeks to employ the lawyer does so as a result of conduct by any person or organization that</p> | <p>GA Rule 7.3(a) bans “written communication to a prospective client for the purpose of obtaining professional employment” when:</p> <p>(1) it has been made known to the lawyer that a person does not desire to receive communications from the lawyer;</p> <p>(2) the communication involves coercion, duress, fraud, overreaching, harassment, intimidation or undue influence;</p> <p>(3) the written communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, unless the accident or disaster occurred more than 30 days prior to the mailing of the communication; or</p> | <p>GA Rule 7.3(b) requires written communications to a prospective client to be “plainly marked ‘Advertisement’” unless they are directed to a close friend, relative, former client or one whom the lawyer reasonably believes is a former client. “</p> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>   | <b>All Other Solicitation (ABA Rule 7.3(c))</b>  | <b>Other Requirements</b>   |
|--------------|--|--|---|
|              | would violate these Rules if engage in by a lawyer.  | (4) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer.  |   |
| MA           | MA R. 7.3 is the same as the ABA Rule except as to the “exception” language in MA R. 7.3(b)(3), which provides exceptions for a (i) representative of an organization, including a non-profit or government entity, in connection with the activities of such organization, or (ii) person engaged in trade or commerce as defined in <u>G. L. c. 93A, § 1 (b)</u> , in connection with such person's trade or commerce. This seems to embody a similar concept as ABA Model R. 7.3(b)(3). | MA R. 7.3(c) tracks the ABA Model Rule but also adds a prohibition against solicitation not otherwise banned if the “lawyer knows or reasonably should know that the physical, mental, or emotional state of the target of the solicitation is such that the target cannot exercise reasonable judgment in employing a lawyer, provided, however, the prohibition in this clause (3) only applies to solicitations for a fee.” | No other specifically stated requirements.  |
| NY           | NY R. 7.3 varies in some respects from the ABA Model R. 7.3, resulting in a more restrictive view of solicitation as “any advertisement initiated by or on behalf of a lawyer or law firm that is directed to, or targeted at, a specific recipient or group of recipients, or their family members or legal representatives, the primary purpose of which is the retention of the lawyer or law firm, and a significant motive for which is pecuniary gain.” This omits the concept in    | NY R. 7.3(a)(2) bans “solicitation . . . by any form of communication” if<br><br>(i) the communication or contact violates Rule 4.5, Rule 7.1(a), or paragraph (e) of this Rule;<br><br>(ii) the recipient has made known to the lawyer a desire not to be solicited by the lawyer;<br><br>(iii) the solicitation involves coercion, duress or harassment;   | NY R. 7.3(c) has additional detailed requirements, such as filing a copy of the solicitation with the attorney disciplinary committee, disclosure regarding how the lawyer obtained the recipient’s identity, and required disclosures. |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>   | <b>All Other Solicitation (ABA Rule 7.3(c))</b>   | <b>Other Requirements</b>  |
|--------------|--|---|--|
|              | <p>the ABA rule of being targeted specifically at someone “known to be in need of” legal representation in a particular matter.</p> <p>The solicitation ban extends to “in-person or telephone contact, or by real-time or interactive computer-accessed communication.”</p> <p>The exception to the ban is limited to “a close friend, relative, former client or existing client.”</p>   | <p>(iv) the lawyer knows or reasonably should know that the age or the physical, emotional or mental state of the recipient makes it unlikely that the recipient will be able to exercise reasonable judgment in retaining a lawyer; or</p> <p>(v) the lawyer intends or expects, but does not disclose, that the legal services necessary to handle the matter competently will be performed primarily by another lawyer who is not affiliated with the soliciting lawyer as a partner, associate or of counsel.</p> <p>The NY rule further restricts solicitations regarding personal injury or wrongful death claims (generally not within 30 days).</p> |  |
| NC           | NC R. 7.3(a, b) are the same as the ABA.   | NC R. 7.3(c) is the same as the ABA.  | No additional requirements.  |
| TX           | <p>TX R. 7.01(b)(2) defines solicitation as: “A ‘<b>solicitation communication</b>’ is a communication substantially motivated by pecuniary gain that is made by or on behalf of a lawyer to a specific person who has not sought the lawyer’s advice or services, which reasonably can be understood as offering to provide legal services that the lawyer knows or reasonably should know the person needs in a particular matter.” However, TX R. 7.03(a)(1) also defines “<b>Regulated telephone, social media, or</b></p> | <p>See discussion in first column.</p> <p>TX Rule 7.03(c) generally bans any communication that involves coercion, duress, overreaching, intimidation, or undue influence.</p>  | <p>TX Rule 7.03(d) bans communication to a prospective client if it “is misleadingly designed to resemble a legal pleading or other legal document” and requires the communication to be “plainly marked” as an “ADVERTISEMENT.”</p> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>   | <b>All Other Solicitation (ABA Rule 7.3(c))</b> | <b>Other Requirements</b> |
|--------------|--|---|---------------------------|
|              | <p><b>other electronic contact” as “telephone, social media, or electronic communication initiated by a lawyer, or by a person acting on behalf of a lawyer, that involves communication in a live or electronically interactive manner.”</b></p> <p>TX R. 7.03(b) bans solicitation communications through in-person contact and regulated telephone, social media, or other electronic contact unless the target is excepted, and the TX exceptions track those of ABA Model R. 7.3(b)(1, 2, and 3).</p> |   |                           |



**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Live Person-to-Person Contact (ABA Rule 7.3(b))</b>  | <b>All Other Solicitation (ABA Rule 7.3(c))</b>   | <b>Other Requirements</b>   |
|--------------|---|---|---|
| VA           | <p>VA R. 7.3 defines “solicitation” as lawyer-initiated communication directed to a specific person known to be in need of legal services in a particular matter similar to the ABA but does not then distinguish between live person-to-person contact and “all other forms” of contact (e.g., written, electronic, etc.). However, the ban on solicitation is narrowly limited to the following circumstances (which is more akin to ABA Model Rule 7.3(c) than to 7.3(b)):</p> <ol style="list-style-type: none"> <li>1. the potential client has made known to the lawyer a desire not to be solicited by the lawyer; or</li> <li>2. the solicitation involves harassment, undue influence, coercion, duress, compulsion, intimidation, threats or unwarranted promises of benefits.</li> </ol> | <p>VA R. 7.3(c) does require a lawyer to mark “every written, recorded or electronic solicitation from a lawyer” as “ADVERTISING MATERIAL” conspicuously on the outside envelope, if any, and at the beginning and ending of any recorded or electronic solicitation, unless the recipient of the solicitation:</p> <ol style="list-style-type: none"> <li>(1) is a lawyer; or</li> <li>(2) has a familial, personal, or prior professional relationship with the lawyer; or</li> <li>(3) is one who has had prior contact with the lawyer; or</li> <li>(4) is contacted pursuant to court-ordered notification.</li> </ol> | <p>See discussion of VA R. 7.3(c) in terms of marking “ADVERTISING MATERIAL.”</p> |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 7.6 (selected jurisdictions): Political Contributions for Appointments**

| JURIS                        | State Variations on ABA Model Rule 7.6 (selected jurisdictions): Political Contributions for Appointments  |
|------------------------------|--|
| ABA Model Rule 7.6           | A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.   |
| CA                           | ABA Model Rule not adopted.  |
| DC                           | ABA Model Rule not adopted.  |
| FL                           | ABA Model Rule not adopted.  |
| GA                           | ABA Model Rule not adopted.  |
| MA                           | ABA Model Rule not adopted.  |
| NY R. 7.2 (comments 5 and 6) | ABA Model Rule not adopted, but comments [5 and 6] to NY Rule 7.2 make it clear that “pay for play” is not ethical (“ . . . just as the Code prohibits a lawyer from compensating or giving anything of value to a person or organization to recommend or obtain employment by a client, the Code prohibits a lawyer from making or soliciting a political contribution to any candidate for government office, government official, political campaign committee or political party, if a disinterested person would conclude that the contribution is being made or solicited for the purpose of obtaining or being considered eligible to obtain a government legal engagement.”) |
| NC                           | ABA Model Rule not adopted.  |
| TX                           | ABA Model Rule not adopted.  |
| VA                           | ABA Model Rule not adopted.  |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

**State Variations on ABA Model Rule 1.6 (selected jurisdictions): Confidentiality**

| <b>JURIS</b>    | <b>Rule 1.6: Scope of Confidential Information</b>  |
|-----------------|---|
| ABA Model Rules | R. 1.6: “. . . information relating to the representation of a client”  |
| CA R. 1.6       | “information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1),” which makes it the duty of an attorney to “maintain inviolate the confidence, and at every peril to himself or herself the to preserve the secrets, of his or her client”  |
| DC R. 1.6       | R. 1.6(b): “Confidence” refers to information protected by the attorney-client privilege under applicable law, and “secret” refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client.   |
| FL R. 4-1.6     | R. 4-1.6: “. . . information relating to a client’s representation”   |
| GA R. 1.6       | R. 1.6: “. . . information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client . . .”  |
| MA R. 1.6       | R. 1.6: “. . . information relating to the representation of a client”  |
| NY R. 1.6       | R. 1.6: “. . . information gained during or relating to the representation of a client, whatever its source, that is (a) protected by the attorney-client privilege, (b) likely to be embarrassing or detrimental to the client if disclosed, or (c) information that the client has requested be kept confidential. “Confidential information” does not ordinarily include (i) a lawyer’s legal knowledge or legal research or (ii) information that is generally known in the local community or in the trade, field or profession to which the information relates.” |
| NC R. 1.6       | R. 1.6: “information acquired during the professional relationship with a client”   |

**Tab 1: State Variation on Selected ABA Model Rules for Selected Jurisdictions**

| <b>JURIS</b> | <b>Rule 1.6: Scope of Confidential Information</b>  |
|--------------|---|
| TX           | R. 1.05: “‘Confidential information’ includes both ‘privileged information’ and ‘unprivileged client information.’ ‘Privileged information’ refers to the information of a client protected by the lawyer-client privilege of Rule 503 of the Texas Rules of Evidence or of Rule 503 of the Texas Rules of Criminal Evidence or by the principles of attorney-client privilege governed by Rule 501 of the Federal Rules of Evidence for United States Courts and Magistrates. ‘Unprivileged client information’ means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.” |
| VA R. 1.6    | R. 1.6: “information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client”  |
| Rstmt §59    | “. . . information relating to representation of a client, other than information that is generally known.”   |