

Rules of Professional Conduct.

Section 1. CLIENT-LAWYER RELATIONSHIP

Rule 1.0. Terminology.

- (a) **Intentionally Omitted.**
- (b) **Intentionally Omitted.**
- (c) **Intentionally Omitted.**

(d) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and **has a purpose to deceive.**

(e) **Intentionally Omitted.**

(f) "Knowingly," "Known," or "Knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(g) **Intentionally Omitted.**

(h) **Intentionally Omitted.**

(i) **Intentionally Omitted.**

(j) **Intentionally Omitted.**

(k) **Intentionally Omitted.**

(l) **Intentionally Omitted.**

(m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. ... Remainder **Intentionally Omitted.**

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, Photostatting, photography, audio or video recording and e-mail. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Rule 1.1. Competence.

Intentionally Omitted.

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

(a) **Intentionally Omitted.**

(b) **Intentionally Omitted.**

(c) **Intentionally Omitted.**

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, Remainder **Intentionally Omitted.**

Rule 1.3. Diligence.

Intentionally Omitted.

Rule 1.4. Communication.

Intentionally Omitted.

Rule 1.5. Fees.

(a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. The factors to be considered in determining the propriety of a fee include the following:

- (1) whether the fee is fixed or contingent;
 - (2) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
 - (3) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
 - (4) **the fee customarily charged in the locality for similar legal services;**
 - (5) the amount involved and the results obtained;
 - (6) the time limitations imposed by the client or by the circumstances;
 - (7) the nature and length of the professional relationship with the client; and
 - (8) the experience, reputation, and ability of the lawyer or lawyers performing the services.
- (b) **When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.**
- (c) **Intentionally Omitted.**
 - (d) **Intentionally Omitted.**
 - (e) **Intentionally Omitted.**

Rule 1.6. Confidentiality of Information.

Intentionally Omitted.

Rule 1.7. Conflict of Interest: Current Clients.

Intentionally Omitted.

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.

Intentionally Omitted.

Rule 1.9. Duties to Former Clients.

Intentionally Omitted.

Rule 1.10. Imputation of Conflicts of Interest: General Rule.

Intentionally Omitted.

Rule 1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees.

Intentionally Omitted.

Rule 1.12. Former Judge, Arbitrator, Mediator Or Other Third-Party Neutral.

Intentionally Omitted.

Rule 1.13. Organization as Client.
Intentionally Omitted.

Rule 1.14. Client with Diminished Capacity.
Intentionally Omitted.

Rule 1.15. Safekeeping Property.
Intentionally Omitted.

Rule 1.16. Declining or Terminating Representation.
Intentionally Omitted.

Rule 1.17. Sale of Law Practice.
Intentionally Omitted.

Rule 1.18. Duties to Prospective Clients.
Intentionally Omitted.

Rule 1.19. Lawyers Acting as Lobbyists.
Intentionally Omitted.

Section 2. COUNSELOR
Intentionally Omitted.

Section 3. ADVOCATE

Rule 3.1. Meritorious Claims and Contentions.

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Rule 3.2. Expediting Litigation.
Intentionally Omitted.

Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence before a tribunal or in an ancillary proceeding conducted pursuant to a tribunal's adjudicative authority, such as a deposition, and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary,

disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Comment:

(1) Intentionally Omitted.

(2) **Omitted** in part. ... although a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.

Representations by a Lawyer

(3) **Omitted** in part. ... However, an assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation. Regarding compliance with Rule 1.2(d), see the Comment to that Rule. See also the Comment to Rule 8.4(b).

Legal Argument

(4) Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. Remainder **intentionally Omitted.**

Offering Evidence

(5) Intentionally Omitted.

(6) **Omitted** in part. ... the lawyer must refuse to offer the false evidence. If only a portion of a witness's testimony will be false, the lawyer ... may not elicit or otherwise permit the witness to present the testimony that the lawyer knows is false.

(7) Intentionally Omitted.

(8) Intentionally Omitted.

(9) Intentionally Omitted.

Remedial Measures

(10) **In part.** [Upon learning that evidence is false] ... the lawyer must take reasonable remedial measures [to correct or withdraw the false evidence]. ...

(11) Intentionally Omitted.

Preserving Integrity of Adjudicative Process

(12) Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudicative process, such as ... unlawfully destroying or concealing documents or other evidence or failing to disclose information to the tribunal when required by law to do so. Thus, paragraph (b) requires a lawyer to take reasonable remedial

measures, ... whenever the lawyer knows that a person ... has engaged in criminal or fraudulent conduct related to the proceeding.

(13) **Intentionally Omitted.**

(14) **Intentionally Omitted.**

(15) **Intentionally Omitted.**

Rule 3.4. Fairness to Opposing Party and Counsel.

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness' testimony or the outcome of the case; but a lawyer may pay, cause to be paid, guarantee or acquiesce in the payment of:

(1) expenses reasonably incurred by a witness in attending or testifying,

(2) reasonable compensation to a witness for the witness' loss of time in attending or testifying, and

(3) a reasonable fee for the professional services of an expert witness;

(c) **Intentionally Omitted.**

(d) **Intentionally Omitted.**

Rule 3.5. Impartiality and Decorum of the Tribunal.

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;

(c) **Intentionally Omitted.**

(d) **Intentionally Omitted.**

Rule 3.6. Trial Publicity.

Intentionally Omitted.

Rule 3.7. Lawyer as Witness.

Intentionally Omitted.

Rule 3.8. Special Responsibilities of a Prosecutor.

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) **Intentionally Omitted.**

- (c) **Intentionally Omitted.**
- (d) **Intentionally Omitted.**
- (e) **Intentionally Omitted.**

Comment:

(1) A prosecutor has the responsibility of a minister of justice This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. ... knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

Rule 3.9. Advocate in Nonadjudicative Proceedings.

A lawyer representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.

Rule 3.10. Issuance of Subpoenas to Lawyers.

Intentionally Omitted.

Section 4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

Intentionally Omitted.

Section 5. LAW FIRMS AND ASSOCIATIONS

Intentionally Omitted.

Section 6. PUBLIC SERVICE

Intentionally Omitted.

Section 7. INFORMATION ABOUT LEGAL SERVICES

Intentionally Omitted.

Section 8. MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.1. Bar Admission and Disciplinary Matters.

Intentionally Omitted.

Rule 8.2. Statements Concerning Judges and Other Adjudicatory Officers.

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Rule 8.3. Reporting Professional Misconduct.

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) **A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.**

(c) **Intentionally Omitted.**

Comment:

(1) Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.

(2) **Intentionally Omitted.**

(3) **Intentionally Omitted.**

(4) **Intentionally Omitted.**

(5) A report should be made to the bar disciplinary agency unless some other agency, such as a peer review agency, is more appropriate in the circumstances. Similar considerations apply to the reporting of judicial misconduct.

(6) **Intentionally Omitted.**

(7) **Intentionally Omitted.**

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

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

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

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

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

Rule 8.5. Disciplinary Authority; Choice of Law.

Intentionally Omitted.