

AMERICAN BAR ASSOCIATION  
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF  
 ABA MODEL COURT RULE ON INSURANCE DISCLOSURE

	<b>Requires Disclosure Directly to Client</b> (5) (AK, NH, OH, PA and SD)	<b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b> (19) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NM, NC, ND, RI, VA, WA and WV)	<b>Considering Adoption</b> (5) (CA, NY, TX, UT and VT)	<b>Information Made Available to Public</b>	<b>Other Info</b> ( <i>See also, Oregon:</i> Professional liability insurance mandated)  (AR, CT, FL and KY have decided not to adopt the Model Court Rule)
<b>AL</b>					
<b>AK</b>	Alaska Rules of Professional Conduct, Rule 1.4			N/A	
<b>AZ</b>		Supreme Court Rule 32(c), effective January 1, 2007. <a href="http://www.supreme.state.az.us/rules/ramd_pdf/R-04-0025.pdf">http://www.supreme.state.az.us/rules/ramd_pdf/R-04-0025.pdf</a>		Yes. State Bar of Arizona website.	
<b>AR</b>					On January 21, 2006 the House of Delegates of the Arkansas Bar Association voted not to adopt a disclosure rule.
<b>CA</b>			X		On May 20, 2008 the California State Bar's Board of Governors voted 16-4 to approve new rules on coverage disclosure. Under the compromise -- which still must be approved by the state Supreme Court -- lawyers for more than four hours must disclose to the client if they are not covered by malpractice insurance.

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					<a href="http://calbar.ca.gov/calbar/pdfs/public-comment/2007/Insurance-Dis-Clean_3-410.pdf">http://calbar.ca.gov/calbar/pdfs/public-comment/2007/Insurance-Dis-Clean_3-410.pdf</a>
<b>CO</b>		<b>X</b>  <a href="http://www.courts.state.co.us/Media/Press_Docs/attorney%20reg%20insurance%20disclosure%20FINAL.pdf">http://www.courts.state.co.us/Media/Press_Docs/attorney%20reg%20insurance%20disclosure%20FINAL.pdf</a>			
<b>CT</b>					At its February 23, 2009 meeting, the Connecticut Superior Court Rules Committee voted unanimously to deny a proposal to adopt an insurance disclosure rule.  <a href="http://www.jud.ct.gov/Committees/rules/rules_minutes_022309.pdf">http://www.jud.ct.gov/Committees/rules/rules_minutes_022309.pdf</a>
<b>DE</b>		Registration Form		Yes. <a href="http://courts.delaware.gov/Courts/Courts/Supreme%20Court/2007AnnualRegistration.doc">http://courts.delaware.gov/Courts/Courts/Supreme%20Court/2007AnnualRegistration.doc</a>	

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<b>DC</b>					
<b>FL</b>					Have declined to adopt the Model Court Rule.
<b>GA</b>					
<b>HI</b>		RSCH 2.17(d) <a href="http://www.state.hi.us/jud/ctrules/rsch17(d)am.htm">http://www.state.hi.us/jud/ctrules/rsch17(d)am.htm</a> (Effective 12/1/07)		N/A	
<b>ID</b>		Idaho Bar Commission Rule 302(7), effective October 1, 2006		Available to the public upon request.	
<b>IL</b>		Amended Illinois Supreme Court Rule 756		Yes  <a href="http://www.iardc.org/malpracticeinfo.html">http://www.iardc.org/malpracticeinfo.html</a>	
<b>KS</b>		Supreme Court Rule 208A		Yes, by means designated by the Court.	<a href="http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&amp;r2=281">http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&amp;r2=281</a>
<b>KY</b>					On or about November 14, 2006 the KY Sup. Ct. declined to adopt a disclosure rule.

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<b>MA</b>		Rule 4:02 Effective Sept. 1, 2006. <a href="http://www.mass.gov/courts/courtsandjudges/courts/supremejudicialcourt/rule402amend.pdf">http://www.mass.gov/courts/courtsandjudges/courts/supremejudicialcourt/rule402amend.pdf</a>		Yes.	
<b>MI</b>		Administrative Order No. 2003-5, dated August 6, 2003			
<b>MN</b>		Rule 6 of the Rules of the Supreme Court on Lawyer Registration. Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006) <a href="http://www.courts.state.mn.us/documents/0/Public/Clerks_Office/July%202006%20Lawyer%20Registration%20Amend.doc">http://www.courts.state.mn.us/documents/0/Public/Clerks_Office/July%202006%20Lawyer%20Registration%20Amend.doc</a>		Yes.  Rule 7. Access to Lawyer Registration Records	
<b>MO</b>					Not currently being considered.
<b>NE</b>		Rules Creating, Controlling, and Regulating Nebraska State Bar Association, Article III,		Shall be made available to the public.	

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		Membership, paragraph (f). Amended Supreme Court Rule 79 (Adopted September 13, 2005 and effective November 13, 2005)		Yes. It will be part of the lawyer's public record available by phone or email inquiry.	
<b>NH</b>	New Hampshire Rules of Professional Conduct, Rule 1.19. (Disclosure of Information to the Client) <a href="http://www.courts.state.nh.us/supreme/orders/20072507.pdf">http://www.courts.state.nh.us/supreme/orders/20072507.pdf</a>			N/A	
<b>NM</b>		Amended Rule 17-202(A) of the NMRA of the Rules Governing Discipline		No: for internal use by the NM Bar and Supreme Court only.	NM State Bar has submitted a recommendation to NM Supreme Court to amend rules of professional conduct to require disclosure at time of engagement.  <a href="http://nmsupremecourt.nmcourts.gov/rules/pdfs/16-104.pdf">http://nmsupremecourt.nmcourts.gov/rules/pdfs/16-104.pdf</a>
<b>NY</b>			Under consideration.		
		North Carolina-Rules and Regulations,		On the Bar's website: <a href="http://www.ncbar.com/home/member_dire">http://www.ncbar.com/home/member_dire</a>	

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<b>NC</b>		Subchapter A, Organization of the North Carolina State Bar, Section .0204, Certificate of Insurance Coverage		<a href="#">ctory.asp</a> and <a href="http://www.ncbar.com/InsuranceDisclosure.asp">http://www.ncbar.com/InsuranceDisclosure.asp</a>	
<b>ND</b>		Amended Rule 1.15 of the North Dakota Rules of Professional Conduct  <a href="http://www.court.state.nd.us/">http://www.court.state.nd.us/</a>		Yes	
<b>OH</b>	Ohio Rules of Professional Conduct, Rule 1.4(c) <a href="http://www.scone.state.oh.us/Attysvcs/ProfConduct/rules/default.asp#Rule1_4">http://www.scone.state.oh.us/Attysvcs/ProfConduct/rules/default.asp#Rule1_4</a>			N/A	Lawyers who hire themselves out to do research and writing for other lawyers need not comply. (Ohio Supreme Court Bd. of Commissioners on Grievances and Discipline, Op. 2005-1, 2/4/05).
<b>OR</b>					All lawyers required to maintain professional liability insurance.
<b>PA</b>	Pennsylvania adopted RPC 1.4(c), effective 7/1/2006. <a href="http://www.aopc.org/OpPosting/Supreme/out/50drd.1attach.pdf">http://www.aopc.org/OpPosting/Supreme/out/50drd.1attach.pdf</a>			N/A	
<b>RI</b>		Rule 1(b) of Article IV "Periodic Registration of		Available to the public upon request.	

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		Attorneys". (Effective April 15, 2007)			
<b>SC</b>					
<b>SD</b>	South Dakota Model Rules of Professional Conduct, Rule 1.4 (Communication)	(SD also requires lawyers to disclose on their annual registration statements.)  <a href="http://www.sdbar.org/memberspublic/Information/2007_Certificate.pdf">http://www.sdbar.org/memberspublic/Information/2007_Certificate.pdf</a>		N/A	SD has 7 years of certification to the Supreme Court - 97% have at least \$100,000 in coverage, together with name and policy number of the policy. Over the past 7 years, the percentage has never dropped below 96% nor been higher than 97.5% in any given year.
<b>TX</b>			<b>X</b>  The Supreme Court wants the Bar board to take another look. Chief Justice Wallace Jefferson makes that request in a June 23 letter to Harper Estes, the State Bar's immediate past president, and Roland Johnson, Bar president. In his letter, Jefferson asks the Bar board to review the Bar task force's report and make a recommendation before February 2010. Johnson < <a href="http://www.hfblaw.com/main/rkjohnson.php">http://www.hfblaw.com/main/rkjohnson.php</a> >		On June 1, 2009, the Texas Grievance Oversight Committee recommended that the Supreme Court of Texas amend the Rules of Professional Conduct to require insurance disclosure directly to a client. <a href="http://www.txgoc.com/">http://www.txgoc.com/</a>  and  A Bill has been introduced in the Texas Legislature to require the Tx S Ct to adopt a rule providing for disclosure of insurance.  <a href="http://www.legis.state.tx.us/search/DocViewer.aspx?K2DocKey=odbc%3a">http://www.legis.state.tx.us/search/DocViewer.aspx?K2DocKey=odbc%3a</a>

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					<a href="#">%2f%2ftLO%2ftLO.db o.vwCurrBillDocs%2f81%2fR%2fH%2fB%2f02825%2f1%2fB%40ToCurrBillDocs&amp;QueryText=insurance%3cOR%3edisclosure%3cOR%3eatorneys&amp;HighlightType=1</a>  -----
<b>UT</b>			Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication.  <a href="http://www.utahbar.org/news/archives/2005/07/index.html">http://www.utahbar.org/news/archives/2005/07/index.html</a>		Required to disclose on registration statement but no Rule enacted. Bar will collect date on coverage for a 2-year period (2009-2011).
<b>VT</b>			On December 28, 2006 the Civil Rules Committee proposed that the Vermont Supreme Court consider adoption of a rule requiring insurance disclosure, not in the Vermont Rules of Professional Conduct, but as part of the Rules for Licensing of Attorneys. In adopting the rule, consideration should be given to requiring disclosure of the liability limits and deductibles of the coverage.		
<b>VA</b>		Rules of the Virginia Supreme Court, Part 6 § 4 Paragraph 18. Financial Responsibility		Yes, on Bar's website: (See, <a href="http://www.vsb.org">www.vsb.org</a> , under the headings Public Information, Attorney Records Search, Attorneys without Malpractice	Virginia State Bar is seeking comments on a proposed Rule requiring legal malpractice insurance. Comments are due by September 26, 2008. <a href="http://www.vsb.org/site/n">http://www.vsb.org/site/n</a>

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				Insurance). <hr/> Total Members Answering PL Questions: 25,921 - FY2005 Private Practice – No Insurance: 1,892 (11%) Private Practice – With Insurance: 14,703 (89%)	<a href="http://www.courts.wa.gov/court_rules/proposed/2005Dec/APR26.doc">ews/item/proposed-insurance-requirement/</a>
<b>WA</b>		Admission to Practice Rule 26 - Insurance Disclosure. (Effective July 1, 2007) <a href="http://www.courts.wa.gov/court_rules/proposed/2005Dec/APR26.doc">http://www.courts.wa.gov/court_rules/proposed/2005Dec/APR26.doc</a> .		Yes.	
<b>WV</b>		State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure <a href="http://www.state.wv.us/wvsca/rules/ArticleIII.htm">http://www.state.wv.us/wvsca/rules/ArticleIII.htm</a>		Yes.  ... shall be made available to the public by such means as may be designated by the West Virginia State Bar.	
<b>WI</b>					
<b>WY</b>					

As of June 30, 2009  
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