


AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON INSURANCE DISCLOSURE

	Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD)	Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV)	Considering Adoption (5) (ME, NY, TX, UT and VT)	Information Made Available to Public	Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL and KY have decided not to adopt the Model Court Rule)
AL					
AK Adopted effective 7/15/93; Amended effective 4/15/2000.	Alaska Rules of Professional Conduct, Rule 1.4			N/A	
AZ Effective 1/1/07		Supreme Court Rule 32(c), effective January 1, 2007. http://www.supreme.state.az.us/rules/ramd_pdf/R-04-0025.pdf		Yes. State Bar of Arizona website.	
AR					On January 21, 2006 the House of Delegates of the Arkansas Bar Association voted not to adopt a disclosure rule.
CA Effective 1/1/2010	Rule 3-410. Disclosure of Professional Liability Insurance. California Rules of professional Conduct.  Supreme Ct Order adopting RPC 3-410			N/A	

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CO Effective 1/1/09		X http://www.courts.state.co.us/Media/Press_Docs/attorney%20reg%20insurance%20disclosure%20FINAL.pdf		X C.R.C.P. 227: (c) Availability of Information. The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website.	Colorado: Supreme Court requires Colorado lawyers to disclose insurance status <i>Private-practice attorneys must make disclosure in annual registration.</i> DENVER – Beginning Jan. 1, 2009, all
CT					At its February 23, 2009 meeting, the Connecticut Superior Court Rules Committee voted unanimously to deny a proposal to adopt an insurance disclosure rule. http://www.jud.ct.gov/Committees/rules/rules_minutes_022309.pdf

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DE Beginning with 1007 Annual Registration Form.		Registration Form		2007 Registration Form no longer available to public. 2009 Registration Form: http://courts.delaware.gov/forms/download.aspx?id=27968	
DC					
FL					Have declined to adopt the Model Court Rule.
GA					
HI Effective 12/1/07		RSCH 2.17(d) http://www.state.hi.us/jud/ctrules/rsch.htm#Rule_17		N/A	
ID Effective 10/1/06		Idaho Bar Commission Rule 302(7), effective October 1, 2006		Available to the public upon request.	
IL Effective 10/1/04		Amended Illinois Supreme Court Rule 756		Yes http://www.iardc.org/malpracticeinfo.html	
KS Effective 9/6/05		Supreme Court Rule 208A		Yes, by means designated by the Court.	http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=281
KY					On or about November 14,

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					2006 the KY Sup. Ct. declined to adopt a disclosure rule.
LA					
ME			X		The Advisory Committee on the Rules of Professional Conduct is studying the proposed rule on insurance disclosure. On Maine's annual registration forms, there is a question regarding insurance. No detail is required. It is merely do you have professional liability insurance, 'yes' or 'no'
MD					
MA Effective 9/1/06		Rule 4:02 Effective Sept. 1, 2006. http://www.massrep.orts.com/courtrules/sjcrules.htm#4:02		Yes.	

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MI Beginning with the notice issued for fiscal year 2003-2004		Administrative Order No. 2003-5, dated August 6, 2003 http://www.icle.org/contentfiles/milawnews/Rules/Ao/2003-27_08-06-03%20_or.html		No.	
MN Effective 10/1/06		Rule 6 of the Rules of the Supreme Court on Lawyer Registration. Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006) http://www.courts.state.mn.us/documents/0/Public/Clerks_Office/July%202006%20Lawyer%20Registration%20Amend.doc		Yes. Rule 7. Access to Lawyer Registration Records	
MO					Not currently being considered.
NE Effective 11/1/03	http://casemaker.nebar.com/pdfs/nsbainfo/rules.pdf	Rules Creating, Controlling, and Regulating Nebraska State Bar Association, Article III, Membership, paragraph (f).		Shall be made available to the public.	
NV Adopted 9/13/05 and effective 11/13/05	http://www.leg.state.nv.us/CourtRules/scr.html	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.	

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NH Effective 3/1/03	New Hampshire Rules of Professional Conduct, Rule 1.19. (Disclosure of Information to the Client) http://www.courts.state.nh.us/supreme/orders/20072507.pdf			N/A	
NM Effective 11/2/09	Rule 16-104 Rules of Professional Conduct http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=16				
NY			Under consideration.		
NC Adopted 10/1/03		North Carolina-Rules and Regulations, Subchapter A, Organization of the North Carolina State Bar, Section .0204, Certificate of Insurance Coverage		On the Bar's website: http://www.ncbar.com/home/member_directory.asp and http://www.ncbar.com/InsuranceDisclosures/e.asp	The North Carolina State Bar Association has proposed that the Rule Requiring Certification of Insurance Coverage be eliminated. http://www.ncbar.gov/rules/proprul.asp

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ND Effective 8/1/09	http://www.court.state.nd.us/rules/Conduct/frameset.htm	Amended Rule 1.15 of the North Dakota Rules of Professional Conduct		Yes	
OH Effective 7/1/01	Ohio Rules of Professional Conduct, Rule 1.4(c) http://www.sconet.state.oh.us/Atty-Svcs/ProfConduct/rules/default.asp#Rule14			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).
OR					All lawyers required to maintain professional liability insurance.
PA Effective 7/1/06	Pennsylvania adopted RPC 1.4(c), effective 7/1/2006. http://www.aop.org/OpPosting/Supreme/out/50drd.1attach.pdf			N/A	
RI Effective 4/15/07		Rule 1(b) of Article IV "Periodic Registration of Attorneys". (Effective April 15, 2007)		http://www.courts.state.ri.us/supreme/pdf-files/ORDER_Amendments_to_RI_Supreme_Court_Article_IV_Rule_1_(Attorney_registration).pdf	

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SC					
SD Effective 1/1/99	South Dakota Model Rules of Professional Conduct, Rule 1.4 (Communication)	(SD also requires lawyers to disclose on their annual registration statements.) http://www.sdbar.org/memberspublic/Information/2007_Certificate.pdf		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.
TX			X		On a 39-1 vote Jan. 29, 2010, the State Bar of Texas board of directors recommended that lawyers not be required to disclose, absent a request by a client or potential client, whether they have professional liability insurance. The matter now goes to the Supreme Court of Texas.
UT			Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication. http://webster.utahbar.org/news/2005/07/		Required to disclose on registration statement but no Rule enacted. Bar will collect date on coverage for a 2-year period (2009-2011).
VT			On December 28, 2006 the Civil Rules Committee proposed that		

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			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.		
VA Amended effective 7/1/89; 1/1/90; 4/1/90.		Rules of the Virginia Supreme Court, Part 6 § 4 Paragraph 18. Financial Responsibility		Yes, on Bar's website: (See, www.vsb.org , under the headings Public Information, Attorney Records Search, Attorneys without Malpractice Insurance). Total Members Answering PL Questions: 25,921 - FY2005 Private Practice – No Insurance: 1,892 (11%) Private Practice – With Insurance: 14,703 (89%)	Virginia State Bar is seeking comments on a proposed Rule requiring legal malpractice insurance. Comments are due by September 26, 2008. http://www.vsb.org/site/news/item/proposed-insurance-requirement/
WA Effective 7/1/07		Admission to Practice Rule 26 - Insurance Disclosure. (Effective July 1,		Yes.	

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		2007) http://www.courts.wa.gov/court_Rules/proposed/2005Dec/APR26.doc .			
WV Effective 5/6/05		State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure http://www.state.wv.us/wvsca/rules/ArticleIII.htm		Yes. ... shall be made available to the public by such means as may be designated by the West Virginia State Bar.	
WI					
WY					

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