

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><br>(5)<br>(AK, NH, OH, PA and SD) | <b>Requires Disclosure On Annual Registration Statement<sup>1</sup></b><br>(18)<br>(AZ, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NM, NC, ND, RI, VA, WA and WV)                                | <b>Considering Adoption</b><br>(5)<br>(CA, CO, NY, UT and VT) | <b>Information Made Available to Public</b> | <b>Other Info</b><br>( <i>See also, Oregon:</i> Professional liability insurance mandated)<br><br>(AR, KY and TX have decided not to adopt the Model Court Rule)   |
|-----------|---|---|---|---|--|
| <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.<br><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> |   |   | <b>X</b>  |   | 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.<br><a href="http://calbar.ca.gov/calbar/pdfs/p">http://calbar.ca.gov/calbar/pdfs/p</a> |

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|           |   |  |   |   | <a href="#">ublic-comment/2007/Insurance-Disc-Clean-3-410.pdf</a>  |
| <b>CO</b> |   |  | X   |   | Public hearing on proposed rule will be held on September 9, 2008.<br><br><a href="http://www.courts.state.co.us/supct/rules/proposedrulechanges/227.pdf">http://www.courts.state.co.us/supct/rules/proposedrulechanges/227.pdf</a><br><br><a href="http://www.courts.state.co.us/supct/rules/proposedrulechanges/NoticeofPublicHearing_Rule%20227.pdf">http://www.courts.state.co.us/supct/rules/proposedrulechanges/NoticeofPublicHearing_Rule%20227.pdf</a> |
| <b>DE</b> |   | Registration Form  |   | Yes.<br><a href="http://courts.delaware.gov/Courts/Courts/Supreme%20Court/2007AnnualRegistration.doc">http://courts.delaware.gov/Courts/Courts/Supreme%20Court/2007AnnualRegistration.doc</a> |  |
| <b>HI</b> |   | RSCH 2.17(d)<br><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><br>(Effective              |   | N/A   |  |

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|           |   | 12/1/07)   |   |  |  |
| <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<br><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.   |  |
| <b>KY</b> |   |  |   |  | On or about November 14, 2006 the KY Sup. Ct. rejected the adoption of a disclosure rule.  |
| <b>MA</b> |   | Rule 4:02<br>Effective Sept. 1, 2006.<br><a href="http://www.mass.gov/courts/courtsandjudges/courts/supremejudicialcourt/rule402amended.pdf">http://www.mass.gov/courts/courtsandjudges/courts/supremejudicialcourt/rule402amended.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.   |   | Yes.<br><br>Rule 7. Access to Lawyer Registration Records  |  |

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|           |   | Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006)<br><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> |   |   |  |
| <b>MO</b> |   |  |   |   | Not currently being considered.  |
| <b>NE</b> |   | Rules Creating, Controlling, and Regulating Nebraska State Bar Association, Article III, Membership, paragraph (f).  |   | Shall be made available to the public.  |  |
| <b>NV</b> |   | 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 1.17. (Disclosure of Information to the Client) |  |   | N/A   |  |
|           |   |  |   |   |  |

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| <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.  |   |
| <b>NY</b> |  |  | Under consideration.  |   |   |
| <b>NC</b> |  | 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:<br><a href="http://www.ncbar.com/home/member_directory.asp">http://www.ncbar.com/home/member_directory.asp</a> and<br><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<br><br><a href="http://www.court.state.nd.us/">http://www.court.state.nd.us/</a>           |   | Yes   |   |
| <b>OH</b> | Ohio Code of Professional Responsibility, Amended DR 1-104 (Disclosure of Information to the Client) |  |   | 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   |  |   |   |   |

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|           | 1.4(c), effective 7/1/2006.<br><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 Attorneys". (Effective April 15, 2007)   |   | Available to the public upon request.       |  |
| <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.)<br><br><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> |  |  |   |   | On May 21, 2008, a task force, authorized by the Texas Supreme Court, voted 6-5 to reject mandatory disclosure of insurance. On or about June 26, 2008, that recommendation was presented to the Board of Governors of the State Bar of Texas who sent the recommendation to |

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|           |   |  |  |  | the Texas Supreme Court.   |
| <b>UT</b> |   |  | Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication.<br><br><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 for 07-08 but no Rule enacted.<br><a href="https://utahbar.org/licensing/malpractice_questions.html">https://utahbar.org/licensing/malpractice_questions.html</a>   |
| <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 Insurance).<br><br>Total Members Answering PL Questions: 25,921 - FY2005<br>Private Practice – No Insurance: 1,892 (11%)<br>Private Practice – | The Virginia State Bar Council, at its meeting on February 18, 2005, is expected to consider for approval, disapproval, or modification, proposed amendments to Part Six: Section IV, Paragraph 18 of the Rules of the Supreme Court of Virginia, issued by the Lawyer Malpractice Insurance Committee.<br><br>The proposed amendments were approved by the Lawyer Malpractice Insurance |

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|           |   |  |   | With Insurance:<br>14,703 (89%)             | Committee on October 27, 2004. The changes would add to the existing requirement that active members of the bar report each year on their dues statement whether or not they have malpractice insurance, a further requirement that they notify the bar within 30 days in event their liability insurance coverage lapses or terminates, unless it is simply a situation in which a change in carriers occurs with no lapse in coverage. The reason for the change is the provide something closer to real time information to members of the public about bar members who do not have malpractice insurance, rather than having this information updated only once a year at the time the annual dues statement is returned. |
| <b>WA</b> |   | Admission to Practice Rule 26 - Insurance Disclosure.<br>(Effective July 1, 2007)<br><a href="http://www.courts.wa.gov/court_Rules/proposed/2005D">http://www.courts.wa.gov/court_Rules/proposed/2005D</a> |   | Yes.  |   |

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|           |   | <a href="#">ec/APR26.doc.</a>  |   |  |  |
| <b>WV</b> |   | State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure<br><a href="http://www.state.wv.us/wvsca/rules/ArticleIII.htm">http://www.state.wv.us/wvsca/rules/ArticleIII.htm</a> |   | Yes.<br><br>... 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> |   |  |   |  |  |

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