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	<p>Rule 1.7 August 9, 2007</p> <p>Variations from ABA model rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see <a href="http://www.abanet.org/cpr/jclr/home.html">http://www.abanet.org/cpr/jclr/home.html</a>. Comments not included.</p>
AK (as proposed)	<p>Adds (c): A lawyer shall act with reasonable diligence in determining whether a conflict of interest, as described in paragraphs (a) and (b) of this rule, or Rules 1.8, 1.9 and 1.10 exists.</p> <p>Adds (d): For purposes of this rule, the term “client” does not include unidentified members of a class in a class action or identified members of a class when individual recovery is expected to be <i>de minimis</i>.</p>
AZ (as adopted)	same as MR, but moved (b)(4) up into introductory paragraph of (b)
AR (as adopted)	same as MR
CO (as adopted)	Same as MR
CT (as adopted)	(b)(3): replaces “a tribunal” with “any tribunal”
DE (as adopted)	same as MR
DC (as adopted)	<p>Conflicts of Interest: General</p> <p>(a) A lawyer shall not advance two or more adverse positions in the same matter.</p> <p>(b) Except as permitted by paragraph (c) below, a lawyer shall not represent a client with respect to a matter if:</p> <p>(1) That matter involves a specific party or parties and a position to be taken by that client in that matter is adverse to a position taken or to be taken by another client in the same matter even though that client is unrepresented or represented by a different lawyer;</p> <p>(2) Such representation will be or is likely to be adversely affected by representation of another client;</p> <p>(3) Representation of another client will be or is likely to be adversely affected by such representation;</p> <p>(4) The lawyer’s professional judgment on behalf of the client will be or reasonably may be adversely affected by the lawyer’s responsibilities to or interests in a third party or the lawyer’s own financial, business, property, or</p>

	<p>personal interests.</p> <p>(c) A lawyer may represent a client with respect to a matter in the circumstances described in paragraph (b) above if</p> <p>(1) Each potentially affected client provides informed consent to such representation after full disclosure of the existence and nature of the possible conflict and the possible adverse consequences of such representation; and</p> <p>(2) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client.</p> <p>(d) If a conflict not reasonably foreseeable at the outset of representation arises under paragraph (b)(1) after the representation commences, and is not waived under paragraph (c), a lawyer need not withdraw from any representation unless the conflict also arises under paragraphs (b)(2), (b)(3), or (b)(4).</p>
FL (as adopted)	<p>(a) only includes the first part of the introductory phrase in MR (a): Except as provided in subdivision (b), a lawyer shall not represent a client if:</p> <p>(a)(2) replaces “significant” with “substantial”</p> <p>(b): does not use “concurrent”</p> <p>(b)(3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and</p> <p>adds (c) Explanation to Clients. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.</p> <p>adds (d) Lawyers Related by Blood or Marriage. A lawyer related to another lawyer as parent, child, sibling, or spouse shall not represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except upon consent by the client after consultation regarding the relationship.</p> <p>Adds (e) Representation of Insureds. Upon undertaking the representation of an insured client at the expense of the insurer, a lawyer has a duty to ascertain whether the lawyer will be representing both the insurer and the insured as clients, or only the insured, and to inform both the insured and the insurer regarding the scope of the representation. All other Rules Regulating The Florida Bar related to conflicts of interest apply to the representation as they would in any other situation.</p>
ID (as adopted)	Adds to end of (a)(2): or by the personal interests of the lawyer, including family and domestic relationships.
IL (as proposed)	Does not include confirmed in writing in (b)(4).
IN (as adopted)	Same as MR
IA (as adopted)	Adds (c) In no event shall a lawyer represent both parties in dissolution of marriage proceedings.
KS (as adopted)	(a)(2): replaces “significant” with “substantial”

KY (as proposed)	(b)(4): adds to end “The consultation shall include an explanation of the implications of the common representation and the advantages and risks involved.”
LA (as adopted)	same as MR
ME (as proposed)	(a)(1): adds at end “even if representation would not occur in the same matter or in substantially related matters” (b)(1): replaces “will” with “would” No MR (b)(2) or (3) (b)(2) same as MR (b)(4) Adds (c) Under no circumstances may a lawyer represent a client if: (1) the representation is prohibited by law; (2) the representation involves the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.
MD (as adopted)	Did not change title (a) and (b): deletes the word “concurrent”
MI (as proposed)	(b)(3): deletes “litigation or other”
MN (as adopted)	same as MR
MS (as adopted)	<b>CONFLICT OF INTEREST: GENERAL RULE</b> (a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless the lawyer reasonably believes: (1) the representation will not adversely affect the relationship with the other client; and (2) each client has given knowing and informed consent after consultation. The consultation shall include explanation of the implications of the adverse representation and the advantages and risks involved. (b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless the lawyer reasonably believes: (1) the representation will not be adversely affected; and (2) the client has given knowing and informed consent after consultation. The consultation shall include explanation of the implications of the representation and the advantage and risks involved.
MO (as adopted)	Same as MR
MT (as adopted)	Same as MR
NE (as adopted)	Same as MR
NV (as adopted)	Same as MR

NH (as adopted)	Title: Conflicts of Interest
NJ (as adopted)	Did not change rule title (b): MR (b)(4) is placed first as (b)(1) and the following language is added at the end: “after full disclosure and consultation, provided, however, that a public entity cannot consent to any such representation. When the lawyer represents multiple clients in a single matter, the consultation shall include an explanation of the common representation and the advantages and risks involved;”
NY (as proposed)	Adds to end of (a): “a reasonable lawyer would conclude that” (a)(2): there is a significant risk that the representation will be materially limited, or the lawyer’s independent professional judgment on behalf of a client will be adversely affected, by the lawyer’s responsibilities to another client, a former client or a third person or by the lawyer’s own financial, business, property or personal interests. (b)(1): adds “loyal” before “competent”
NC (as adopted)	(a)(2): “may” replaces “will”
ND (as adopted)	<b>CONFLICT OF INTEREST: GENERAL RULE</b> (a) A lawyer shall not represent a client if the lawyer's ability to consider, recommend, or carry out a course of action on behalf of the client will be adversely affected by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests. (b) A lawyer shall not represent a client when the lawyer's own interests are likely to adversely affect the representation. (c) A lawyer shall not represent a client if the representation of that client might be adversely affected by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved. (d) Except as required or permitted by Rule 1.6, a lawyer shall not use information relating to representation of a client to the disadvantage of a client unless a client who would be disadvantaged consents after consultation.
OH (as adopted)	(a) A lawyer’s acceptance or continuation of representation of a client creates a conflict of interest if either of the following apply: (1) the representation of that client will be directly adverse to another current client; (2) there is a significant risk that the lawyer’s ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person or by the lawyer’s own personal interests.

	<p>(b) A lawyer shall not accept or continue the representation of a client if a conflict of interest is created pursuant to division (a) of this rule, unless all of the following apply:</p> <p>(1) the lawyer will be able to provide competent, diligent, and loyal representation to each affected client;</p> <p>(2) each affected client gives informed consent, confirmed in writing;</p> <p>(3) the representation is not precluded by division (c) of this rule.</p> <p>(c) Even if each affected client consents, the lawyer shall not accept or continue the representation if either of the following applies:</p> <p>(1) the representation is prohibited by law;</p> <p>(2) the representation would involve the assertion of a claim by one client against another client represented by the lawyer in the same proceeding.</p>
OK (as adopted)	Same as MR
OR (as adopted)	<p>Uses “current” in place of “concurrent” throughout</p> <p>adds as (a)(3): the lawyer is related to another lawyer as parent, child, sibling, spouse or domestic partner in a matter adverse to a person whom the lawyer knows is represented by the other lawyer in the same matter</p> <p>inserts as (b)(3): the representation does not obligate the lawyer to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client; and</p>
PA (as adopted)	Does not include "confirmed in writing" in (b)(4)
RI (as adopted)	Same as MR
SC (as adopted)	Same as MR
SD (as proposed)	(b)(4): “same matter” replaces “other proceeding”
UT (as adopted)	Same as MR
VT (as proposed)	Same as MR
VA (as adopted)	<p>(b): adds at end “each affected client consents after consultation, and”</p> <p>(b)(4): the consent from the client is memorialized in writing</p>
WA (as adopted)	Adds to end of (b)(4): (following authorization from the other client to make any required disclosures)
WI (as adopted)	(b)(4): adds “signed by the client” to end
WY (as adopted)	(b)(4), before proceeding with the representation, each affected client makes an informed decision to waive the conflict, in writing signed by the client