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|    | <p style="text-align: center;">Rule 5.7<br/>November 30, 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>.<br/>Comments not included.</p> <p>30 states have rule same or similar to MR (AZ, AR, DE, DC, FL, GA, ID, IN, IA, KS, ME, MD, MA, MN, MO, NE, NY, NC, ND, PA, OH, OK, RI, SC, SD, TN, UT, VT, WA, WY)<br/>Two states have adopted rule same as MR effective 1/1/08 (CO, NH)<br/>Three states have proposed rule same as MR (AK, IL, MI)<br/>16 states do not have rule (AL, CA, CT, HI, KY, LA, MS, MT, NV, NJ, NM, OR, TX, VA, WV, WI)</p>  |
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| AL | Does not have  |
| AK | Does not have<br>Proposed rule same as MR  |
| AZ | <p>(a) A lawyer may provide, to clients and to others, law-related services, as defined in paragraph (b), either:</p> <p>(1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or</p> <p>(2) by a separate entity which is controlled by the lawyer individually or with others.</p> <p>Where the law-related services are provided by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients, the lawyer shall be subject to the provisions of the Rules of Professional Conduct in the course of providing such services. In circumstances in which law-related services are provided by a separate entity controlled by the lawyer individually or with others, the lawyer shall not be subject to the Rules of Professional Conduct, in the course of providing such services, only if the lawyer takes reasonable measures to assure that a person obtaining the law-related services knows that the services of the separate entity are not legal services and that the protections of the client-lawyer relationship do not apply.</p> <p>(b) same as MR</p> |
| AR | (a)(2) adds "separate" before "entity" and adds "of the separate entity" after "knows that the services"   |
| CA | Does not have  |

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| CO | Does not have<br>Revised rule effective 1/1/08 same as MR   |
| CT | Does not have<br>Revised rules effective 1/1/07   |
| DE | Same as MR  |
| DC | Same as MR  |
| FL | <p><b>RULE 4-5.7 RESPONSIBILITIES REGARDING NONLEGAL SERVICES</b></p> <p>(a) Services Not Distinct From Legal Services. A lawyer who provides nonlegal services to a recipient that are not distinct from legal services provided to that recipient is subject to the Rules Regulating The Florida Bar with respect to the provision of both legal and nonlegal services.</p> <p>(b) Services Distinct From Legal Services. A lawyer who provides nonlegal services to a recipient that are distinct from any legal services provided to the recipient is subject to the Rules Regulating The Florida Bar with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.</p> <p>(c) Services by Nonlegal Entity. A lawyer who is an owner, controlling party, employee, agent, or otherwise is affiliated with an entity providing nonlegal services to a recipient is subject to the Rules Regulating The Florida Bar with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.</p> <p>(d) Effect of Disclosure of Nature of Service. Subdivision (b) or (c) does not apply if the lawyer makes reasonable efforts to avoid any misunderstanding by the recipient receiving nonlegal services. Those efforts must include advising the recipient, preferably in writing, that the services are not legal services and that the protection of a client-lawyer relationship does not exist with respect to the provision of nonlegal services to the recipient.</p> |
| GA | Does not have Ethics 2000 amendments<br>(a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”  |
| HI | Does not have   |
| ID | Does not have Ethics 2000 amendments<br>(a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”  |
| IL | Does not have<br>Proposed rule same as MR   |
| IN | Same as MR  |
| IA | Same as MR  |
| KS | Same as MR  |
| KY | Does not have<br>Review committee not recommending its adoption   |
| LA | Does not have<br>Revised rules effective 3/1/04   |
| ME | 3.2(h) same as MR but does not have Ethics 2000 amendments  |

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|    | (h)(1)(ii) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”<br>Proposed rule same as MR  |
| MD | Same as MR  |
| MA | Does not have Ethics 2000 amendments<br>(a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”  |
| MI | Does not have<br>Proposed rule same as MR   |
| MN | Same as MR  |
| MS | Does not have<br>Revised rules effective 11/3/05  |
| MO | Same as MR  |
| MT | Does not have<br>Revised rules effective 4/1/04   |
| NE | Same as MR  |
| NV | Does not have<br>Revised rules effective 5/1/06   |
| NH | Does not have<br>Revised rule effective 1/1/08 same as MR   |
| NJ | Does not have<br>Revised rules effective 1/1/04   |
| NM | Does not have   |
| NY | <p><b>DR 1-106 [1200.5-b] Responsibilities Regarding Non-legal Services</b></p> <p>A. With respect to lawyers or law firms providing non-legal services to clients or other persons:</p> <ol style="list-style-type: none"> <li>1. A lawyer or law firm that provides non-legal services to a person that are not distinct from legal services being provided to that person by the lawyer or law firm is subject to these Disciplinary Rules with respect to the provision of both legal and non-legal services.</li> <li>2. A lawyer or law firm that provides non-legal services to a person that are distinct from legal services being provided to that person by the lawyer or law firm is subject to these Disciplinary Rules with respect to the nonlegal services if the person receiving the services could reasonably believe that the non-legal services are the subject of an attorney-client relationship.</li> <li>3. A lawyer or law firm that is an owner, controlling party or agent of, or that is otherwise affiliated with, an entity that the lawyer or law firm knows to be providing non-legal services to a person is subject to these Disciplinary Rules with respect to the non-legal services if the person receiving the services could reasonably believe that the non-legal services are the subject of an attorney-client relationship.</li> <li>4. For purposes of DR 1-106 [1200.5-b](A)(2) and DR 1-106 [1200.5-b](A)(3), it will be presumed that the person receiving non-legal services believes the services to be the subject of an attorney-client relationship unless the lawyer or law firm has advised the person receiving the services in writing that the services are not legal services and that the protection of an attorney-client</li> </ol> |

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|    | <p>relationship does not exist with respect to the non-legal services, or if the interest of the lawyer or law firm in the entity providing non-legal services is de minimis.</p> <p>B. Notwithstanding the provisions of DR 1-106 [1200.5-b](A), a lawyer or law firm that is an owner, controlling party, agent, or is otherwise affiliated with an entity that the lawyer or law firm knows is providing non-legal services to a person shall not permit any non-lawyer providing such services or affiliated with that entity to direct or regulate the professional judgment of the lawyer or law firm in rendering legal services to any person, or to cause the lawyer or law firm to compromise its duty under DR 4-101 [1200.19] (B) and (D) with respect to the confidences and secrets of a client receiving legal services.</p> <p>C. For purposes of DR 1-106 [1200.5-b], “non-legal services” shall mean those services that lawyers may lawfully provide and that are not prohibited as an unauthorized practice of law when provided by a nonlawyer.</p> <p>Proposed Rule 5.7<br/> (a) and (b): same as current A and B<br/> Adds (c) A lawyer or law firm shall not, whether directly or through an affiliated entity, provide both legal and non-legal services to a client in the same matter or in substantially related matters unless (i) the lawyer or law firm complies with Rule 1.8(a) regarding the provision of the non-legal services and (ii) the lawyer or law firm reasonably believes it can provide competent and diligent representation to the client and (iii) the client gives informed consent, confirmed in writing.<br/> (d): same as current C</p> |
| NC | <p>Does not have Ethics 2000 amendments<br/> (a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”</p>  |
| ND | <p>Same as MR</p>  |
| OH | <p>(a)(2) adds “or owned” after “controlled,” replaces “if the lawyer fails to take” with “unless the lawyer takes”<br/> Adds (b) A lawyer who controls or owns an interest in a business that provides a law-related service shall not require any customer of that business to agree to legal representation by the lawyer as a condition of the engagement of that business. A lawyer who controls or owns an interest in a business that provides law-related services shall disclose the interest to a customer of that business, and the fact that the customer may obtain legal services elsewhere, before performing legal services for the customer.<br/> Adds (c) A lawyer who controls or owns an interest in a business that provides a law-related service shall not require the lawyer's client to agree to use that business as a condition of the engagement for legal services. A lawyer who controls or owns an interest in a business that provides a law-related service shall disclose the interest to the client, and the fact that the client may obtain the law-related services elsewhere, before providing the law-related services to the client.<br/> Adds (d) Limitations or obligations imposed by this rule on a lawyer shall</p>   |

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|    | <p>apply to both of the following:</p> <p>(1) every lawyer in a firm who knows that another lawyer in his or her firm controls or owns an interest in a business that provides a law-related service;</p> <p>(2) every lawyer in a firm that controls or owns an interest in a business that provides a law-related service.</p> <p>(e) same as MR (b)</p>   |
| OK | Same as MR   |
| OR | Does not have<br>Revised rule effective 1/1/05   |
| PA | <p><b>Responsibilities Regarding Nonlegal Services</b></p> <p>(a) A lawyer who provides nonlegal services to a recipient that are not distinct from legal services provided to that recipient is subject to the Rules of Professional Conduct with respect to the provision of both legal and nonlegal services.</p> <p>(b) A lawyer who provides nonlegal services to a recipient that are distinct from any legal services provided to the recipient is subject to the Rules of Professional Conduct with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.</p> <p>(c) A lawyer who is an owner, controlling party, employee, agent, or is otherwise affiliated with an entity providing nonlegal services to a recipient is subject to the Rules of Professional Conduct with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.</p> <p>(d) Paragraph (b) or (c) does not apply if the lawyer makes reasonable efforts to avoid any misunderstanding by the recipient receiving nonlegal services. Those efforts must include advising the recipient that the services are not legal services and that the protection of a client-lawyer relationship does not exist with respect to the provision of nonlegal services to the recipient.</p> <p>(e) same as MR (b) but replaces “law-related” with “nonlegal”</p> |
| RI | Same as MR   |
| SC | Same as MR   |
| SD | Same as MR   |
| TN | Does not have Ethics 2000 amendments<br>(a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”   |
| TX | Does not have  |
| UT | Same as MR   |
| VT | Does not have Ethics 2000 amendments<br>(a)(2) deletes “in other circumstances,” adds “separate” before “entity” and adds “of the separate entity” after “knows that the services”<br>Proposed rule same as MR   |
| VA | Does not have<br>Revised rules effective 1/1/04  |
| WA | Same as MR   |

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| WV | Does not have                                   |
| WI | Does not have<br>Revised rules effective 7/1/07 |
| WY | Same as MR                                      |
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