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	ARIZONA
	<p>New rules as adopted by Arizona Supreme Court to be effective 12/1/03. Rules 1.13, 5.5 and 8.5 as amended by Arizona Supreme Court to be effective 12/1/04. Variations from the Model Rules are noted. Rules only; comment comparison not included.</p>
Preamble	deleted the word "zealous" or "zealously" in Preamble [2], [8] and [9]
Scope	did not delete the second to the last sentence in [18]: "They also may have authority to represent the "public interest" in circumstances where a private lawyer would not be authorized to do so."
Rule 1.0	(c): deleted the words "authorized to practice law" after the words "or other association"; Added a sentence at the end of the definition: "Whether government lawyers should be treated as a firm depends on the particular Rule involved and the specific facts of the situation."
Rule 1.1	
Rule 1.2	
Rule 1.3	
Rule 1.4	added (c): "In a criminal case, a lawyer shall promptly inform a client of all proffered plea agreements."
Rule 1.5	<p>(a)(8): "the degree of risk assumed by the lawyer." (b): writing is required, not preferable; and changes in the basis or rate of the fee or expenses must also be communicated in writing. adds (d)(3): "a fee denominated as "earned upon receipt," "nonrefundable" or in similar terms unless the client is simultaneously advised in writing that the client may nevertheless discharge the lawyer at any time and in that event may be entitled to a refund of all or part of the fee based upon the value of the representation pursuant to paragraph (a)." (e)(1): does not include first half of provision (division proportional to the services performed); requires joint responsibility for all lawyers who receive any part of the fee. (e)(2): requires a writing signed by the client</p>
Rule 1.6	<p>(a): adds at the end reference to "paragraphs (c) or (d), or ER 3.3(a)(3)." adds as (b) A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal act that the lawyer believes is likely to result in death or substantial bodily harm. adds as (c) A lawyer may reveal the intention of the lawyer's client to commit a crime and the information necessary to prevent the crime.</p>

	<p>(d): introduction same as MR (b)</p> <p>(d)(1): same as MR (b)(2)</p> <p>(d)(2): same as MR (b)(3) except does not include prevent</p> <p>(d)(3): same as MR (b)(4)</p> <p>(d)(4): same as MR (b)(5)</p> <p>(d)(5): to comply with other law or a final order of a court or tribunal of competent jurisdiction directing the lawyer to disclose such information.</p>
Rule 1.7	same as MR, but moved (b)(4) up into introductory paragraph of (b)
Rule 1.8	<p>adds (h)(2): make an agreement prospectively limiting the client's right to report the lawyer to appropriate professional authorities; or</p> <p>(h)(3): "settle such allegations, claims, or potential claims" instead of "settle a claim or potential claim for such liability"</p> <p>retained as (l) old MR (i), which was deleted by E2k and is now covered in 1.7: A lawyer related to another lawyer as parent, child, sibling, spouse or cohabitant 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>The provision in (k) relating to imputation does not apply to paragraph (l).</p>
Rule 1.9	(c) in introduction, deletes the words "or whose present or former firm has formerly represented a client"
Rule 1.10	<p>adds as (d): screening as in Ethics 2000 Nov 2000 draft.</p> <p>When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under ER 1.9 unless:</p> <p>(1) the matter does not involve a proceeding before a tribunal in which the personally disqualified lawyer had a substantial role;</p> <p>(2) the personally disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(3) written notice is promptly given to any affected former client to enable it to ascertain compliance with the provisions of this Rule.</p> <p>(e) is MR (d)</p>
Rule 1.11	did not amend their 1.11 other than to add "gives informed consent, confirmed in writing, to the representation" in (a). Rule similar to old MR.
Rule 1.12	
Rule 1.13	
Rule 1.14	
Rule 1.15	(e): added at the end: "As to the portion of the property in dispute, the lawyer shall commence an interpleader action if otherwise not able to resolve the dispute."
Rule 1.16	<p>(d): Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers <u>documents</u> and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law. <u>Upon the client's request, the lawyer shall provide the client with all of the</u></p>

	<p>client's documents, and all documents reflecting work performed for the client. <u>The lawyer may retain documents reflecting work performed for the client to the extent permitted by other law only if retaining them would not prejudice the client's rights.</u></p>
Rule 1.17	
Rule 1.18	<p>(d): same as Ethics 2000 draft of November 2000. (d) Representation is permissible if both the affected client and the prospective client have given informed consent, confirmed in writing, or: (1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and (2) written notice is promptly given to the prospective client.</p>
Rule 2.1	
Rule 2.2	
Rule 2.3	
Rule 2.4	
Rule 3.1	<p>adds "good faith" before "basis in law and fact"; substitutes "may include" for "includes"; and adds "nonfrivolous" before "argument for an extension"</p>
Rule 3.2	
Rule 3.3	
Rule 3.4	
Rule 3.5	
Rule 3.6	
Rule 3.7	
Rule 3.8	
Rule 3.9	
Rule 4.1	
Rule 4.2	<p>retained the term "party"; did not change to "person" did not add "or court order."</p>
Rule 4.3	
Rule 4.4	<p>Title : Respect for Rights of Others (a): substitutes "any other person" for "a third person" (b) did not add "relating to the representation of the lawyer's client"; adds at the end: ".. and preserve the status quo for a reasonable period of time in order to permit the sender to take protective measures."</p>
Rule 5.1	
Rule 5.2	
Rule 5.3	
Rule 5.4	
Rule 5.5	<p>Did not add "Multijurisdictional Practice of Law" to title Adds: (e) Any attorney who engages in the authorized multijurisdictional practice of law in the State of Arizona under this rule must advise the lawyer's client that</p>

	<p>the lawyer is not admitted to practice in Arizona, and must obtain the client's informed consent to such representation.</p> <p>(f) Attorneys not admitted to practice in the State of Arizona, who are admitted to practice law in any other jurisdiction in the United States and who appear in any court of record or before any administrative hearing officer in the State of Arizona, must also comply with Rules of the Supreme Court of Arizona governing pro hac vice admission.</p> <p>(g) Any attorney who engages in the multijurisdictional practice of law in the State of Arizona, whether authorized in accordance with these Rules or not, shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona.</p>
Rule 5.6	(b): kept language of old MR
Rule 5.7	<p>this rule is new to AZ and is slightly different from the new MR:</p> <p>(a) “A lawyer may provide, to clients and to others, law-related services, as defined in paragraph (b), either: (1) by the lawyer in circumstances that are not distinct from the lawyer’s provision of legal services to clients; or (2) by a separate entity which is controlled by the lawyer individually or with others. 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>
Rule 6.1	<p>(a) A lawyer should voluntarily render public interest legal service. A lawyer may discharge this responsibility by rendering a minimum of fifty hours of service per calendar year by one or a combination of the following activities:</p> <p>(1) Providing professional services at no fee or at a substantially reduced fee to the poor or near poor or to organizations that have as a principal purpose promoting the interests of the poor or near poor, or to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights; or</p> <p>(2) Providing services at no fee or at a substantially reduced fee in connection with law-related education sponsored by the Arizona Bar Foundation or activities for improving the law, the legal system or the legal profession; or</p> <p>(3) Providing professional or other law-related services at no fee or at a substantially reduced fee to charitable groups or organizations.</p> <p>(4) When pro bono publico service is done at a substantially reduced fee, the fee shall be agreed to in writing at the inception of the representation and refer to this Rule.</p> <p>(b) A lawyer who works less than full-time may discharge this responsibility by</p>

	<p>adjusting downward the fifty hour standard by an appropriate percentage. A lawyer who renders substantially more than fifty hours of service in one year may carry over excessive hours to subsequent years in satisfaction of the standard.</p> <p>(c) A law firm or other group of lawyers may satisfy their responsibility under this Rule, if they desire, collectively. For example, the designation of one or more lawyers to work on pro bono publico matters may be attributed to other lawyers within the firm or group who support the representation. Other forms of collective activity, if approved by the State Bar, may also satisfy the responsibility.</p> <p>(d) The efforts of individual lawyers are not enough to meet the needs of the poor. The profession and government have instituted programs to provide direct delivery of legal services to the poor. The direct support of such programs is an alternative expression of support to provide law in the public interest, and a lawyer is encouraged to provide financial support for organizations that provide legal services to persons of limited means or to the Arizona Bar Foundation for the direct delivery of legal services to the poor.</p>
Rule 6.2	
Rule 6.3	
Rule 6.4	
Rule 6.5	
Rule 7.1	
Rule 7.2	<p>does not include new (b)(4)</p> <p>adds as (d): (d) Every advertisement (including advertisement by written solicitation) that contains information about the lawyer’s fees shall be subject to the following requirements:</p> <p>(1) advertisements and written solicitations indicating that the charging of a fee is contingent on outcome or that the fee will be a percentage of the recovery shall disclose (A) that the client will be liable for expenses regardless of outcome unless the repayment of such is contingent upon the outcome of the matter and (B) whether the percentage fee will be computed before expenses are deducted from the recovery;</p> <p>(2) range of fees or hourly rates for services may be communicated provided that the client is informed in writing at the commencement of any client-lawyer relationship that the total fee within the range which will be charged or the total hours to be devoted will vary depending upon that particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee within the range likely to be charged;</p> <p>(3) fixed fees for specific routine legal services, the description of which would not be misunderstood or be deceptive, may be communicated provided that the client is informed in writing at the commencement of any client-lawyer relationship that the quoted fee will be available only to clients whose matters fall within the services described and that the client is entitled without obligation to a specific estimate of the fee likely to be charged;</p> <p>(4) a lawyer who advertises a specific fee, range of fees or hourly rate for a particular service shall honor the advertised fee, or range of fees, for at least</p>

	<p>ninety (90) days unless the advertisement specifies a shorter period; provided, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>adds as (e): Advertisements on the electronic media may contain the same information as permitted in advertisements in the print media. If a law firm advertises on electronic media and a person appears purporting to be a lawyer, such person shall in fact be a lawyer employed full-time at the advertising law firm. If a law firm advertises a particular legal service on electronic media, and a lawyer appears as the person purporting to render the service, the lawyer appearing shall be the lawyer who will actually perform the service advertised unless the advertisement discloses that the service may be performed by other lawyers in the firm.</p> <p>adds as (f); Communications required by paragraphs (c) and (d) shall be clear and conspicuous. To be “clear and conspicuous” a communication must be of such size, color, contrast, location, duration, cadence, and audibility that an ordinary person can readily notice, read, hear, and understand it.</p>
Rule 7.3	<p>(a): deletes the word “significant”</p> <p>(b): also provides that a lawyer shall not “knowingly permit solicitation on the lawyer’s behalf”</p> <p>adds as (b)(3): the solicitation relates to a personal injury or wrongful death and is made within thirty (30) days of such occurrence.</p> <p>(c): adds after “known,” “or believed likely”; adds after “Advertising Material,” “in twice the font size of the body of the communication”</p> <p>adds as part of (c): (1) at the time of dissemination of such written communication, a written copy shall be forwarded to the Clerk of the Arizona Supreme Court and the State Bar of Arizona at its Phoenix office;</p> <p>(2) written communications mailed to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted delivery;</p> <p>(3) if a contract for representation is mailed with the written communication, the contract shall be marked “sample” in red ink and shall contain the words “do not sign” on the client signature line;</p> <p>(4) the lawyer initiating the communication shall bear the burden of proof regarding the truthfulness of all facts contained in the communication, and shall, upon request of the State Bar or the recipient of the communication, disclose:</p> <p>(A) how the identity and specific legal need of the potential recipient were discovered; and</p> <p>(B) how the identity and knowledge of the specific need of the potential recipient were verified by the soliciting lawyer.</p>
Rule 7.4	<p>Introduction is slightly different from old MR introduction: “A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist except as follows:”</p> <p>(a) and (b) are essentially the same as MR (b) and (c).</p> <p>(c) replaces MR (d) and reads: (c) certified by the Arizona Board of Legal Specialization or by a national entity that has standards for certification</p>

	substantially the same as those established by the board may state the area or areas of specialization in which the lawyer is certified. Prior to stating that the lawyer is a specialist certified by a national entity, the entity must be recognized by the board as having standards for certification substantially the same as those established by the board. If the national entity has not been recognized by the board, it may make application for recognition by completing an application form provided by the board.
Rule 7.5	(a): replaces 2 nd sentence with: A trade name may not be used by a lawyer in private practice.
Rule 7.6	did not adopt rule 7.6
Rule 8.1	
Rule 8.2	
Rule 8.3	(a): adds at the end: “except as otherwise provided in these Rules or by law.” (c): second half similar to old MR: “. . .while serving as a member of an approved lawyers assistance program to the extent that such information would be confidential if it related to the representation of a client.”
Rule 8.4	
Rule 8.5	Title is “Jurisdiction”