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	Idaho Rules as adopted by Idaho Supreme Court to be effective 7/1/04 variations from the ABA Model Rules are noted Rules only; comment comparison not included
Preamble	Changed last sentence of [9]: These principles include the lawyer's obligations, <u>as an advocate</u> , to zealously protect and pursue a clients legitimate interests within the bounds of the law <u>and, as an officer of the court, to preserve the integrity of the legal system's search for the truth</u> while maintaining a professional, courteous and civil attitude toward all persons involved in the <u>legal system</u> .
Scope	
Rule 1.0	
Rule 1.1	
Rule 1.2	Did not add new language to Rule title.
Rule 1.3	
Rule 1.4	Adds to (a)(4): "including a request for an accounting as required by Rule 1.5(f)"
Rule 1.5	Adds (f): Upon reasonable request by the client, a lawyer shall provide, without charge, an accounting for fees and costs claimed or previously colleted. Such an accounting shall include at least the following information: (1) Itemization of all hourly charges, costs, interest assessments, and past due balances. (2) For hourly rate charges, a description of the services performed and a notation of the person who performed those services. The description shall be of sufficient detail to generally apprise the client of the nature of the work performed.
Rule 1.6	(b)(1): to prevent the client from committing a crime, including disclosure of the intention to commit a crime; (2): same as MR (b)(1) (3): does not include fraud
Rule 1.7	(a)(2): "... or by <u>the personal interests</u> of the lawyer, <u>including family and domestic relationships</u> .
Rule 1.8	(c): "A lawyer shall not solicit any substantial gift from a client, including testamentary gift, or prepare on behalf of a client an instrument, giving the lawyer or a person <u>with whom the lawyer has a familial, domestic or close relationship</u> any substantial gift ..."
Rule 1.9	
Rule 1.10	
Rule 1.11	Has Rule as proposed by E2000 in 8/01

Rule 1.12	
Rule 1.13	
Rule 1.14	
Rule 1.15	<p>Does not have (b).</p> <p>Adds:</p> <p>(e) Nothing in these Rules shall prohibit a lawyer or law firm from placing clients' funds which are nominal in amount or to be held for a short period of time in one or more interest-bearing accounts for the benefit of the charitable purposes of a Court-approved Interest on Lawyer Trust Accounts (IOLTA) program.</p> <p>(f) Unless an election not to do so is submitted in accordance with the procedure set forth in subsection (i) of this Rule, a lawyer or law firm with which the lawyer is associated who receives client funds shall maintain a pooled interest-bearing depository account for disposition of client funds that are nominal in amount or expected to be held for a short period of time. Such an account shall comply with the following provisions:</p> <ol style="list-style-type: none"> (1) The account shall include all clients' funds which are nominal in amount or are expected to be held for a short period of time. (2) No interest from such an account shall be made available to a lawyer or law firm. (3) The determination of whether clients' funds are nominal in amount or to be held for a short period of time rests in the sound judgment of each lawyer or law firm. (4) Notification to clients whose funds are nominal in amount or to be held for a short period of time is not required. <p>(g) An interest-bearing trust account established pursuant to subsection (a) of this Rule shall be established in accordance with I.B.C.R. 302(a)(2).</p> <p>(h) Lawyers or law firms depositing clients' funds which are nominal in amount or to be held for a short period of time in an interest-bearing depository account under subsection (f) of this Rule shall direct the depository institution:</p> <ol style="list-style-type: none"> (1) to remit interest or dividends, net of reasonable service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with the institution's standard accounting practice for other depositors, at least quarterly, to the Idaho Law Foundation; (2) to transmit with each remittance to the Idaho Law Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the average account balance of the period for which the report is made; and (3) to transmit to the depositing lawyer or law firm at the same time a report showing the amount paid to the Foundation, the rate of interest applied, and the average account balance of the period for which the report is made. <p>(i) Interest transmitted to the Idaho Law Foundation shall, after deduction for the necessary and reasonable administrative expenses of the Idaho Law</p>

	<p>Foundation for operation of the IOLTA program, shall be distributed by that entity in proportions it deems appropriate, for the following purposes:</p> <ol style="list-style-type: none"> (1) to provide legal aid to the poor; (2) to provide law related education programs for the public; (3) to provide scholarships and student loans; (4) to improve the administration of justice; and (5) for such other programs for the benefit of the public as are specifically approved from time to time by the Supreme Court of Idaho. <p>(j) A lawyer or law firm that elects to decline to maintain accounts described in subsection (e) of this Rule shall submit a Notice of Declination in writing to the Executive Director of the Idaho State Bar or designee by February 1 of the year to which the Notice of Declination will apply.</p> <ol style="list-style-type: none"> (1) Notwithstanding the foregoing, any lawyer or law firm may petition the Court at any time and for good cause shown may be granted leave to file a Notice of Declination at a time other than those specified above. An election to decline participation may be revoked at any time by filing a request for enrollment in the program. (2) A lawyer or law firm that does not file with the Executive Director of the Idaho State Bar a Notice of Declination in accordance with the provisions of this Rule shall be required to maintain account in accordance with subsection (e) of this Rule. <p>(k) Each active member of the Idaho State Bar shall certify, each year, upon making application for licensure the following year that he or she has and intends to keep in force, in the state of Idaho, a separate bank account or accounts for the purpose of keeping money in trust for his or her clients, which account conforms to the requirements of this disciplinary rule, or that because of the nature of his or her practice no client funds are received. Certification shall be upon a form to be provided by the Idaho State Bar and shall include the following:</p> <ol style="list-style-type: none"> (1) The name and address of the lawyer or law firm filing the certification; (2) The name and address of each financial institution in which the account or accounts are maintained; (3) The number of each account maintained pursuant to this rule; (4) The dates covered by the certification; and (5) The signature, under penalty of perjury, of the lawyer making the certification.
Rule 1.16	
Rule 1.17	<p>First paragraph: does not include “or an area of law practice”</p> <ol style="list-style-type: none"> (a): uses “in the substantive practice area subject of the sale” (b): The practice or part thereof is sold to other lawyers or law firms; (c): Actual written notice is given to each of the seller’s clients directly affected by the sale regarding: <ol style="list-style-type: none"> (2): same as MR (d) (3): same as MR (2)

	(4): same as MR (3) but uses “consent to the sale”
Rule 1.18	(d): “Representation is permissible if both the affected client and the prospective client have given informed consent, confirmed in writing.”
Rule 2.1	
Rule 2.2	Same as MR 2.4
Rule 2.3	
Rule 2.4	see 2.2
Rule 3.1	
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	
Rule 4.3	
Rule 4.4	<p>(a) In representing a client, a lawyer shall not:</p> <p>(1) use means that have no substantial purpose other than to embarrass, delay, or burden a third person, including conduct intended to appeal to or engender bias against a person on account of that person’s gender, race, religion, national origin, or sexual preference, whether that bias is directed to other counsel, court personnel, witnesses, parties, jurors, judges, judicial officers, or any other participants</p> <p>(2) use methods of obtaining evidence that violate the legal rights of such a person;</p> <p>(3) present or participate in presenting criminal charges solely to obtain advantage in a civil matter; or</p> <p>(4) threaten to present criminal charges in order to obtain advantage in civil matter</p>
Rule 5.1	
Rule 5.2	
Rule 5.3	
Rule 5.4	Adds to end of (d)(2): “except as provided by <i>Idaho Code</i> § 30-1513(d)”
Rule 5.5	Has rule as proposed by Ethics 2000 8/01 Adds to (b)(1) “the lawyer is authorized by law or order, <u>including <i>pro hac vice</i> admission pursuant to <i>Idaho Bar Commission Rule 222</i></u> ”
Rule 5.6	(a) an agreement that restricts the rights of a lawyer to practice law after termination of a practice relationship, except agreements concerning benefits

	upon retirement; and except in situations involving sale of a law practice, or part thereof, as described in Rule 1.17, or
Rule 5.7	Did not make Ethics 2000's 2/02 changes to (b)(1)
Rule 6.1	(b)(1) ends at "in furtherance of their organizational purposes"
Rule 6.2	
Rule 6.3	
Rule 6.4	
Rule 6.5	
Rule 7.1	Did not adopt E2000 changes
Rule 7.2	(b) – same as before E2000 changes (c) – same as MR (d) but does not include (4) (added by Ethics Cmte 8/02)
Rule 7.3	
Rule 7.4	(d)(1) reads: "... approved by the Idaho State Bar"
Rule 7.5	
Rule 7.6	
Rule 8.1	
Rule 8.2	
Rule 8.3	
Rule 8.4	
Rule 8.5	Has Rule as proposed by Ethics 2000 in 8/01