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	UTAH
	<p>Rules as adopted by Utah Supreme Court to be effective 11/1/05.            Changes to Rules 1.12 and 2.4 effective 11/1/06.            Variations from the Model Rules are noted.            Rules only; comment comparison not included.</p>
Preamble	<p>[1] A lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. Every lawyer is responsible to observe the law and the Rules of Professional Conduct, shall take the Attorney's Oath upon admission to the practice of law, and shall be subject to the Rules of Lawyer Discipline and Disability.</p> <p>Attorney's Oath</p> <p style="padding-left: 40px;">"I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of Utah; that I will discharge the duties of attorney and counselor at law as an officer of the courts of this State with honesty and fidelity; and that I will strictly observe the Rules of Professional Conduct promulgated by the Supreme Court of the State of Utah."</p> <p>adds at the end of [2]: . A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.</p>
Scope	
Rule 1.0	adds as (c): (c) "Consult" or "consultation" denotes communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question.
Rule 1.1	
Rule 1.2	
Rule 1.3	
Rule 1.4	
Rule 1.5	
Rule 1.6	adds as (c): For purposes of this rule, representation of a client includes counseling a lawyer about the need for or availability of treatment for substance abuse or psychological or emotional problems by members of the Utah State Bar serving on an Utah State Bar endorsed lawyer assistance program.
Rule 1.7	
Rule 1.8	(e)(2): adds after "court costs and expenses of litigation", "and minor

	<p>expenses reasonably connected to the litigation”</p> <p>replaces (j) with: A lawyer shall not engage in sexual relations with a client that exploit the lawyer-client relationship. For the purposes of this Rule:</p> <p>(j)(1) “sexual relations” means sexual intercourse or the touching of an intimate part of another person for the purpose of sexual arousal, gratification, or abuse; and</p> <p>(j)(2) except for a spousal relationship or a sexual relationship that existed at the commencement of the lawyer-client relationship, sexual relations between the lawyer and the client shall be presumed to be exploitive. This presumption is rebuttable.</p>
Rule 1.9	
Rule 1.10	<p>adds as (c): 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 Rule 1.9 unless:</p> <p>(c)(1) 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>(c)(2) written notice is promptly given to any affected former client.</p>
Rule 1.11	(c), last sentence: deletes the word “timely”
Rule 1.12	(a): adds “and in Rule 2.4(c)” after “paragraph (d)”
Rule 1.13	<p>adds as (h): A lawyer elected, appointed, retained or employed to represent a governmental entity shall be considered for the purpose of this rule as representing an organization. The government lawyer's client is the governmental entity except as the representation or duties are otherwise required by law. The responsibilities of the lawyer in paragraphs (b) and (c) may be modified by the duties required by law for the government lawyer.</p>
Rule 1.14	
Rule 1.15	(a): adds as the third sentence: The account may only be maintained in a financial institution that agrees to report to the Office of Professional Conduct in the event any instrument in properly payable form is presented against an attorney trust account containing insufficient funds, irrespective of whether or not the instrument is honored.
Rule 1.16	(d): adds as the second sentence: The lawyer must provide, upon request, the client's file to the client; adds before “retain”, “reproduce and”
Rule 1.17	<p>(c)(1): adds at the end; and the identity of the purchaser.</p> <p>(c)(3): deletes the paragraph after (c)(3)</p>
Rule 1.18	
Rule 2.1	
Rule 2.2	
Rule 2.3	
Rule 2.4	<p>Adds (c) A lawyer serving as a mediator in a mediation in which the parties have fully resolved all issues:</p> <p>(c)(1) may prepare formal documents that memorialize and implement the agreement reached in mediation;</p> <p>(c)(2) shall recommend that each party seek independent legal advice before executing the documents; and</p>

	(c)(3) with the informed consent of all parties confirmed in writing, may record or may file the documents in court, informing the court of the mediator's limited representation of the parties for the sole purpose of obtaining such legal approval as may be necessary.
Rule 3.1	
Rule 3.2	
Rule 3.3	
Rule 3.4	
Rule 3.5	replaces (b) with: Communicate <i>ex parte</i> in an adversary proceeding as to the merits of the case with a judge, juror, prospective juror or court official during the proceeding, prior to full discharge of that person's duties in the proceeding, unless authorized to do so by law, rule or court order;
Rule 3.6	
Rule 3.7	
Rule 3.8	deletes MR (e) (e): only includes part of MR (f): Exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6.
Rule 3.9	
Rule 4.1	
Rule 4.2	(a) General Rule. In representing a client , a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer. Notwithstanding the foregoing, an attorney may, without such prior consent, communicate with another's client if authorized to do so by any law, rule, or court order, in which event the communication shall be strictly restricted to that allowed by the law, rule or court order, or as authorized by paragraphs (b), (c), (d) or (e) of this Rule. (b) Rules Relating to Unbundling of Legal Services. A lawyer may consider a person whose representation by counsel in a matter does not encompass all aspects of the matter to be unrepresented for purposes of this Rule and Rule 4.3, unless that person's counsel has provided written notice to the lawyer of those aspects of the matter or the time limitation for which the person is represented. Only as to such aspects and time is the person considered to be represented by counsel. (c) Rules Relating to Government Lawyers Engaged in Civil or Criminal Law Enforcement. A government lawyer engaged in a criminal or civil law enforcement matter, or a person acting under the lawyer's direction in the matter, may communicate with a person known to be represented by a lawyer if: (c)(1) the communication is in the course of, and limited to, an investigation of a different matter unrelated to the representation or any ongoing, unlawful

conduct; or

(c)(2) the communication is made to protect against an imminent risk of death or serious bodily harm or substantial property damage that the government lawyer reasonably believes may occur and the communication is limited to those matters necessary to protect against the imminent risk; or

(c)(3) the communication is made at the time of the arrest of the represented person and after that person is advised of the right to remain silent and the right to counsel and voluntarily and knowingly waives these rights; or

(c)(4) the communication is initiated by the represented person, directly or through an intermediary, if prior to the communication the represented person has given a written or recorded voluntary and informed waiver of counsel, including the right to have substitute counsel, for that communication.

(d) Organizations as Represented Persons.

(d)(1) When the represented person is an organization, an individual is represented by counsel for the organization if the individual is not separately represented with respect to the subject matter of the communication, and

(d)(1)(A) with respect to a communication by a government lawyer in a civil or criminal law enforcement matter, is known by the government lawyer to be a current member of the control group of the represented organization; or

(d)(1)(B) with respect to a communication by a lawyer in any other matter, is known by the lawyer to be

(d)(1)(B)(i) a current member of the control group of the represented organization; or

(d)(1)(B)(ii) a representative of the organization whose acts or omissions in the matter may be imputed to the organization under applicable law; or

(d)(1)(B)(iii) a representative of the organization whose statements under applicable rules of evidence would have the effect of binding the organization with respect to proof of the matter.

(d)(2) The term “control group” means the following persons: (A) the chief executive officer, chief operating officer, chief financial officer, and the chief legal officer of the organization; and (B) to the extent not encompassed by Subsection (A), the chair of the organization’s governing body, president, treasurer, secretary and a vice-president or vice-chair who is in charge of a principal business unit, division or function (such as sales, administration or finance) or performs a major policy-making function for the organization; and (C) any other current employee or official who is known to be participating as a principal decision maker in the determination of the organization’s legal position in the matter.

(d)(3) This Rule does not apply to communications with government parties, employees or officials unless litigation about the subject of the representation is pending or imminent. Communications with elected officials on policy matters are permissible when litigation is pending or imminent after disclosure of the representation to the official.

(e) Limitations on Communications. When communicating with a represented person pursuant to this Rule, no lawyer may

(e)(1) inquire about privileged communications between the person and

	<p>counsel or about information regarding litigation strategy or legal arguments of counsel or seek to induce the person to forgo representation or disregard the advice of the person's counsel; or</p> <p>(e)(2) engage in negotiations of a plea agreement, settlement, statutory or non-statutory immunity agreement or other disposition of actual or potential criminal charges or civil enforcement claims or sentences or penalties with respect to the matter in which the person is represented by counsel unless such negotiations are permitted by law, rule or court order.</p>
Rule 4.3	<p>adds as (b): A lawyer may consider a person, whose representation by counsel in a matter does not encompass all aspects of the matter, to be unrepresented for purposes of this Rule and Rule 4.2, unless that person's counsel has provided written notice to the lawyer of those aspects of the matter or the time limitation for which the person is represented. Only as to such aspects and time is the person considered to be represented by counsel.</p>
Rule 4.4	
Rule 5.1	
Rule 5.2	
Rule 5.3	
Rule 5.4	<p>adds as (a)(2)(ii): a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer;</p> <p>deletes (a)(4)</p> <p>adds as (e): A lawyer may practice in a non-profit corporation which is established to serve the public interest provided that the nonlawyer directors and officers of such corporation do not interfere with the independent professional judgment of the lawyer.</p>
Rule 5.5	
Rule 5.6	
Rule 5.7	
Rule 6.1	<p>replaces the last sentence of the Model Rule with:</p> <p>(c) A lawyer may also discharge the responsibility to provide pro bono publico legal services by making an annual contribution of at least \$10 per hour for each hour not provided under paragraph (a) or (b) above to an agency that provides direct services as defined in paragraph (a) above.</p> <p>(d) Each lawyer is urged to report annually to the Utah State Bar whether the lawyer has satisfied the lawyer's professional responsibility to provide pro bono legal services. Each lawyer may report this information through a simplified reporting form that is made a part of the Bar's annual dues statement.</p> <p>(e) In addition to providing pro bono legal services , a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.</p>
Rule 6.2	

Rule 6.3	
Rule 6.4	
Rule 6.5	
Rule 7.1	
Rule 7.2	replaces (b)(2) with: pay the usual charges of a legal service plan or a lawyer referral service. replaces (b)(4) with: divide a fee with another lawyer as permitted by Rule 1.5(e).
Rule 7.3	(c): adds at the end; For the purposes of this subsection, "written communication" does not include advertisement through public media, including but not limited to a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio or television.
Rule 7.4	
Rule 7.5	
Rule 7.6	do not have this rule
Rule 8.1	
Rule 8.2	
Rule 8.3	
Rule 8.4	
Rule 8.5	