

Table of Contents

INTRODUCTION	1
§ 1-1 An Historical Perspective of the Ethical Rules Governing Lawyers	1
§ 1-2 A Brief Note on the Terminology of Legal Ethics	17
§ 1-3 The Restatement of the Law Governing Lawyers	23
§ 1-4 Gauging the Influence of the Restatement of the Law Governing Lawyers	25
§ 1-5 The Relationship of Legal Ethics with Other Law	32
§ 1-6 What Is a “Profession”?	32
§ 1-7 The Public Image of Lawyers	42
§ 1-8 The Preamble to the Model Rules of Professional Conduct	51
§ 1-9 The Scope of the Model Rules of Professional Conduct	54
§ 1-10 Model Rule 1.0: Terminology	78
I CLIENT-LAWYER RELATIONSHIPS	85
CHAPTER 1.1 COMPETENCE	85
Rule 1.1 Competence	85
§ 1.1-1 Competence: The First Rule of Ethics	87
§ 1.1-2 Malpractice and Competence	95
CHAPTER 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER	97
Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer	97
§ 1.2-1 The Creation of the Attorney-Client Relationship	101
§ 1.2-2 Allocation of Authority Between Client and Lawyer .	108
§ 1.2-3 The Scope of Representation	116
§ 1.2-4 Counseling or Assisting the Client in Criminal or Tortious Conduct	122
§ 1.2-5 Lawyer Advice and the First Amendment	134
CHAPTER 1.3 DILIGENCE	137
Rule 1.3 Diligence	137
§ 1.3-1 The Obligation of Reasonable Diligence	139
§ 1.3-2 The Obligation of Reasonable Promptness	140
§ 1.3-3 Waiver	143
§ 1.3-4 Special Circumstances for Sole Practitioners	143

CHAPTER 1.4 COMMUNICATION	146
Rule 1.4 Communication	146
§ 1.4-1 The Obligation to Keep the Client Informed	149
§ 1.4-2 The Limited Right to Withhold Information from Clients	159
CHAPTER 1.5 FEES	161
Rule 1.5 Fees	161
§ 1.5-1 Factors That Determine Whether a Fee Is Reasonable	166
§ 1.5-2 Fee Disputes	190
§ 1.5-3 Contingent Fees	196
§ 1.5-4 Referral Fees and Sharing Fees	212
§ 1.5-5 Hourly Fees	221
§ 1.5-6 Task-Based Billing, or Fixed Fees	224
CHAPTER 1.6 CONFIDENTIALITY OF INFORMATION	245
Rule 1.6 Confidentiality of Information	245
§ 1.6-1 Introduction	254
§ 1.6-2 Inadvertent Disclosure	260
§ 1.6-3 Lawyers Consulting with Other Lawyers in Different Law Firms, When They Are Not Associated in a Matter	278
§ 1.6-4 The Prospective Client	280
§ 1.6-5 The Former Client	283
§ 1.6-6 Co-Plaintiffs or Co-Defendants of a Client: Duties Owed to Persons Other Than Clients or Former Clients	287
§ 1.6-7 The Law Firm’s Supervisory Responsibilities Over Its Agents Regarding Client Confidences	292
§ 1.6-8 Entity Clients and The Attorney-Client Privilege ...	294
§ 1.6-9 The Obligation of Confidentiality to Multiple Clients in the Same Matter	305
§ 1.6-10 Specific Prohibitions on Revealing or Using Client Secrets	310
§ 1.6-11 Client Waiver	313
§ 1.6-12 Revealing Client Information	313
CHAPTER 1.7 CONFLICTS OF INTEREST—CURRENT CLIENTS	348
Rule 1.7 Conflict of Interest: Current Clients	348
§ 1.7-1 Introduction	360
§ 1.7-2 Simultaneous Representation of Adverse Multiple Clients in Related Matters	374
§ 1.7-3 Simultaneously Representing Adverse Clients in	

TABLE OF CONTENTS

Unrelated Matters	379
§ 1.7-4 Securing Informed Consent.....	404
§ 1.7-5 The Hot Potato Doctrine	409
§ 1.7-6 Special Problem Areas	415
CHAPTER 1.8 CONFLICT OF INTEREST—SPECIFIC RULES	485
Rule 1.8 Conflict of Interest: Current Clients: Specific Rules..	485
§ 1.8-1 Introduction.....	496
§ 1.8-2 Rule 1.8(a)—Business Transactions with a Current Client	496
§ 1.8-3 Rule 1.8(b)—Using Client Information	503
§ 1.8-4 Rule 1.8(c)—Accepting Gifts from Clients.....	506
§ 1.8-5 Rule 1.8(d)—Publication Rights	509
§ 1.8-6 Rule 1.8(e)—Financial Advances to the Client.....	511
§ 1.8-7 Rule 1.8(f)—Accepting Compensation from Non-Clients.....	514
§ 1.8-8 Rule 1.8(g)—Aggregate Settlements	515
§ 1.8-9 Rule 1.8(h)—Limiting the Lawyer’s Liability for Malpractice	519
§ 1.8-10 Rule 1.8(i)—Acquiring Propriety Interest in Client’s Cause of Action.....	526
§ 1.8-11 Rule 1.8(j)—Sexual Relations with Clients.....	530
§ 1.8-12 Rule 1.8(k)—Imputation of Rule 1.8 Conflicts to Other Firm Lawyers	535
CHAPTER 1.9 DUTIES TO FORMER CLIENTS.....	537
Rule 1.9 Duties to Former Clients	537
§ 1.9-1 When a Lawyer Joins a Firm	542
§ 1.9-2 Lawyer Hired as Expert Witness	558
§ 1.9-3 Information Generally Known	559
§ 1.9-4 Imputing Knowledge That Is Only Imputed and Not Actual	562
§ 1.9-5 Burden of Proof.....	563
§ 1.9-6 Waiver	563
CHAPTER 1.10 CONFLICTS OF INTEREST—IMPUTED DISQUALIFICATION	571
Rule 1.10 Imputation of Conflicts of Interest: General Rule...	571
§ 1.10-1 Vicarious Disqualification and an Introduction to Rule 1.10: Imputing One’s Lawyer Conflicts of Interest to Other Lawyers.....	576
§ 1.10-2 Waiver and Screening Under the 2002 Version of the Model Rules.....	579
§ 1.10-3 The Restatement Proposal Regarding Screening of Lawyers Moving from One Private Law Firm to Another Private Law Firm	581

§ 1.10-4	2009 Screening Amendments to Rule 1.10(a)	584
§ 1.10-5	Screening Non-Lawyers Who Move from One Law Firm to Another.....	588
§ 1.10-6	Defining the “Firm”	589
§ 1.10-7	Vicarious or Imputed Disqualification	594
§ 1.10-8	Sanctions.....	597
CHAPTER 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES		604
Rule 1.11	Special Conflicts of Interest for Former and Current Government Officers and Employees.....	604
§ 1.11-1	The Revolving Door.....	608
§ 1.11-2	The Historical Development of the Ethics Rules Governing the Revolving Door	610
§ 1.11-3	The Government Lawyer Moving into Private Practice	611
§ 1.11-4	The Private Lawyer Moving into Government Practice	621
CHAPTER 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR, OR OTHER THIRD-PARTY NEUTRAL.....		625
Rule 1.12	Former Judge, Arbitrator, Mediator or Other Third-Party Neutral	625
§ 1.12-1	Disqualification of Former Judges—The General Rule	627
§ 1.12-2	Imputation and Screening	631
CHAPTER 1.13 THE ORGANIZATION AS CLIENT .		632
Rule 1.13	Organization As Client.....	632
§ 1.13-1	Representing Corporations and Other Entities.....	639
§ 1.13-2	Protecting the Interests of the Entity Client.....	646
§ 1.13-3	Actual or Apparent Representation of the Organization and One or More of Its Constituents.....	669
§ 1.13-4	Representing Partnerships.....	676
§ 1.13-5	Representing Trade Associations	677
§ 1.13-6	Derivative Actions.....	681
§ 1.13-7	Corporate Family Issues	682
CHAPTER 1.14 CLIENT WITH DIMINISHED CAPACITY		698
Rule 1.14	Client with Diminished Capacity	698
§ 1.14-1	Dealing with a Client with Diminished Capacity ...	702
§ 1.14-2	Taking Action Necessary to Protect the Client with	

TABLE OF CONTENTS

Diminished Capacity	704
§ 1.14-3 Emergency Legal Services for Persons with Diminished Capacity	707
CHAPTER 1.15 SAFEKEEPING PROPERTY.....	709
Rule 1.15 Safekeeping Property	709
§ 1.15-1 Establishing Trust Fund Accounts	712
§ 1.15-2 Model Rule for Payee Notification.....	719
§ 1.15-3 Audits of Trust Fund Accounts	720
§ 1.15-4 Trust Account Overdraft Notification	721
§ 1.15-5 Client Protection Funds	721
§ 1.15-6 Interest Earned on Client Trust Funds.....	722
§ 1.15-7 Disaster Preparedness.....	724
CHAPTER 1.16 DECLINING OR TERMINATING REPRESENTATIONS	726
Rule 1.16 Declining or Terminating Representation.....	726
§ 1.16-1 Accepting a Case	731
§ 1.16-2 Terminating Representation	733
§ 1.16-3 Wrongful Discharge	743
CHAPTER 1.17 SALE OF A LAW PRACTICE.....	746
Rule 1.17 Sale of Law Practice	746
§ 1.17-1 Selling a Law Practice.....	751
§ 1.17-2 The Disposition of Client Files and Property When a Sole Practitioner Dies.....	755
CHAPTER 1.18 DUTIES TO PROSPECTIVE CLIENTS	756
Rule 1.18 Duties to Prospective Client.....	756
§ 1.18-1 Duties Owed to Prospective Clients.....	759
§ 1.18-2 Imputed Disqualification Resulting from Prospective Client Conflicts	770
II THE LAWYER AS COUNSELOR	773
CHAPTER 2.1 THE LAWYER AS ADVISOR.....	773
Rule 2.1 Advisor	773
§ 2.1-1 Advisor Versus Advocate.....	774
§ 2.1-2 Distinction Between Rule 2.1 Advisor and Rule 2.3 Evaluator	776
§ 2.1-3 When Giving Legal Advice the Lawyer Cannot Ignore the Nonlegal Background.....	778
CHAPTER 2.2 THE LAWYER AS INTERMEDIARY .	781

Deleted Rule 2.2 Intermediary	781
§ 2.2-1 Intermediation Among Multiple Clients: Background	784
§ 2.2-2 Reasons Underlying the Deletion of Rule 2.2	786
CHAPTER 2.3 THE LAWYER AS EVALUATOR.....	787
Rule 2.3 Evaluation for Use by Third Persons	787
§ 2.3-1 The Lawyer As Evaluator	789
§ 2.3-2 Client Consent to the Lawyer Acting as Evaluator...	794
§ 2.3-3 Client-Imposed Limitations on the Scope of an Evaluation	795
CHAPTER 2.4 THE LAWYER AS A THIRD-PARTY NEUTRAL.....	798
Rule 2.4 Lawyer Serving As Third-Party Neutral.....	798
§ 2.4-1 Lawyers Serving As Third-Party Neutrals	799
§ 2.4-2 Responsibilities of a Lawyer Serving As a Third- Party Neutral.....	801
§ 2.4-3 Responsibilities of Lawyers Representing Clients in an ADR Proceeding	802
III THE LAWYER AS AN ADVOCATE	805
CHAPTER 3.1 MERITORIOUS CLAIMS AND CONTENTIONS	805
Rule 3.1 Meritorious Claims and Contentions.....	805
§ 3.1-1 Meritorious Claims and Frivolous Positions.....	806
§ 3.1-2 Related Judicial Management Tools Including Rule 11 of the Federal Rules of Civil Procedure	813
§ 3.1-3 Common Law Torts.....	816
§ 3.1-4 Defenses Created by Anti-SLAPP Statutes.....	821
CHAPTER 3.2 EXPEDITING LITIGATION.....	823
Rule 3.2 Expediting Litigation	823
§ 3.2-1 Making “Reasonable” Efforts to Expedite Litigation .	824
§ 3.2-2 Delay for the Convenience of the Lawyer.....	827
CHAPTER 3.3 CANDOR TOWARD THE TRIBUNAL	829
Rule 3.3 Candor Toward the Tribunal.....	829
§ 3.3-1 Introduction: The Duty of Candor	835
§ 3.3-2 Candor in Statements About the Law and Disclosure of Adverse Legal Authority.....	838
§ 3.3-3 Candor in Statements About the Facts	843
§ 3.3-4 The Lawyer’s Duties in Offering Evidence to a	

TABLE OF CONTENTS

Tribunal	846
§ 3.3-5 The Problem of Perjured Testimony—The Road Leading to Disclosure.....	850
§ 3.3-6 The Lawyer’s Obligation of Candor in Pretrial Discovery.....	858
§ 3.3-7 The Lawyer’s Duty to Prevent Criminal and Fraudulent Conduct Related to the Proceeding	859
§ 3.3-8 The Lawyer’s Withdrawal from the Case and the Protection of a Client’s Secrets	862
§ 3.3-9 Candor in <i>Ex Parte</i> Proceedings	864
CHAPTER 3.4 FAIRNESS TO OPPOSING PARTY AND OPPOSING COUNSEL.....	865
Rule 3.4 Fairness to Opposing Party and Counsel.....	865
§ 3.4-1 The Distinction Between the Lawyer’s Duty of Candor to the Court and the Lawyer’s Duty of Fairness to Opposing Counsel	868
§ 3.4-2 Obstructing Access to Evidence	871
§ 3.4-3 Money Payments to Witnesses	882
§ 3.4-4 Discovery Requests	892
§ 3.4-5 Disobeying a Tribunal Except for Open Refusals	892
§ 3.4-6 Trial Tactics, Inadmissible Evidence, and Closing Arguments	895
§ 3.4-7 Asking Potential Witnesses Not to Volunteer Information	896
§ 3.4-8 Mary Carter Agreements	897
CHAPTER 3.5 IMPARTIALITY AND DECORUM OF THE TRIBUNAL	902
Rule 3.5 Impartiality and Decorum of the Tribunal	902
§ 3.5-1 Seeking to Influence Corruptly	904
§ 3.5-2 Ex Parte Communications During the Proceeding....	905
§ 3.5-3 Communicating with Jurors After Discharge of the Jury.....	908
§ 3.5-4 Disrupting the Tribunal	909
CHAPTER 3.6 TRIAL PUBLICITY	912
Rule 3.6 Trial Publicity	912
§ 3.6-1 Trial Publicity, Pretrial Publicity, and the Lawyer’s Right to Comment	915
§ 3.6-2 The <i>Gentile</i> Decision	916
§ 3.6-3 The Post- <i>Gentile</i> Rule 3.6.....	918
CHAPTER 3.7 LAWYER AS WITNESS	922
Rule 3.7 Lawyer As Witness.....	922
§ 3.7-1 The Advocate As Witness	924

§ 3.7-2 Imputation to Other Lawyers in the Firm.....	929
§ 3.7-3 Scope of the Disqualification of the Advocate Witness	931
§ 3.7-4 Judicial Enforcement of the Advocate Witness Rule..	931
CHAPTER 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR	933
Rule 3.8 Special Responsibilities of a Prosecutor	933
§ 3.8-1 Introduction	937
§ 3.8-2 Special Responsibilities of Prosecutors in Criminal Cases	939
§ 3.8-3 Duties of a Prosecutor in Post-Conviction Proceedings	950
§ 3.8-4 Special Responsibilities of Government Lawyers in Civil Cases	953
CHAPTER 3.9 ADVOCATE IN NONADJUDICATIVE PROCEEDINGS	956
Rule 3.9 Advocate in Nonadjudicative Proceedings	956
§ 3.9-1 Disclosure of Representative Authority	957
§ 3.9-2 The Distinction Between Adjudicative Proceedings and Other Proceedings	958
§ 3.9-3 Duties Applicable to Lawyers Representing Clients in Nonadjudicative Proceedings	959
IV TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS ..	961
CHAPTER 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS	961
Rule 4.1 Truthfulness in Statements to Others	961
§ 4.1-1 Introduction	963
§ 4.1-2 Prohibitions Against False Statements of Material Facts or Law to Third Persons	963
§ 4.1-3 Disclosures Necessary to Avoid Assisting Client Crimes and Frauds Against Third Persons	970
CHAPTER 4.2 COMMUNICATIONS WITH A PERSON REPRESENTED BY COUNSEL.....	975
Rule 4.2 Communication with Person Represented by Counsel	975
§ 4.2-1 The General Principle.....	977
§ 4.2-2 Securing Consent from the Person's Lawyer	988
§ 4.2-3 Criminal Prosecutions	995
§ 4.2-4 Communications with Represented Persons About Matters Outside of the Representation	999
§ 4.2-5 Clients Speaking to Each Other Directly Without	

TABLE OF CONTENTS

Their Lawyers Being Present.....	1000
§ 4.2-6 Employees and Agents of Organizations and Other Parties.....	1004
CHAPTER 4.3 DEALING WITH UNREPRESENTED PERSONS	1012
Rule 4.3 Dealing with Unrepresented Persons	1012
§ 4.3-1 Dealing with Individuals Who Are Not Represented by Counsel	1013
§ 4.3-2 Providing Legal Advice to Unrepresented Persons ...	1017
CHAPTER 4.4 RESPECT FOR THE RIGHTS OF THIRD PERSONS	1021
Rule 4.4 Respect for Rights of Third Persons.....	1021
§ 4.4-1 Using Means That Embarrass, Delay, or Burden a Third Person.....	1023
§ 4.4-2 Using Methods to Obtain Evidence That Violate the Legal Rights of a Third Person.....	1026
§ 4.4-3 Receipt of Privileged Documents Through Inadvertent Disclosure	1030
V LAW FIRMS AND ASSOCIATIONS	1043
CHAPTER 5.1 RESPONSIBILITIES OF A PARTNER OR SUPERVISORY LAWYER	1043
Rule 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers.....	1043
§ 5.1-1 Introduction: the Lawyer’s Obligations As a Member of a Firm	1046
§ 5.1-2 Lawyers’ Duty to Supervise Other Lawyers	1061
§ 5.1-3 Law Firm Discipline	1067
§ 5.1-4 Comparing Tort and Ethics Liability	1069
CHAPTER 5.2 RESPONSIBILITIES OF A SUBORDINATE LAWYER	1070
Rule 5.2 Responsibilities of a Subordinate Lawyer	1070
§ 5.2-1 The Responsibility of a Lawyer Who Is Subject to Supervision by Another Lawyer	1071
§ 5.2-2 Wrongful Discharge	1075
§ 5.2-3 Lawyer Suing Present Client for Employment Discrimination.....	1077
CHAPTER 5.3 THE LAWYER’S RESPONSIBILITIES REGARDING NONLAWYER ASSISTANCE	1082
Rule 5.3 Responsibilities Regarding Nonlawyer Assistance....	1082
§ 5.3-1 Supervising Nonlawyer Employees.....	1084

§ 5.3-2 Sharing Client Information with Outside Contractors	1086
CHAPTER 5.4 PROFESSIONAL INDEPENDENCE OF A LAWYER	1091
Rule 5.4 Professional Independence of a Lawyer.....	1091
§ 5.4-1 Sharing Fees with Lay Persons.....	1093
§ 5.4-2 The Prohibition on Sharing Managerial Responsibility with Nonlawyers	1105
§ 5.4-3 The Prohibition on Sharing Ownership of a Law Firm with Nonlawyers	1106
CHAPTER 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW	1111
Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law	1111
§ 5.5-1 Introduction	1118
§ 5.5-2 Multijurisdictional Practice of Law.....	1118
§ 5.5-3 Unauthorized Practice of Law: Defining the “Practice of Law”?	1135
§ 5.5-4 Rationale for Rules Against Unauthorized Practice ..	1149
§ 5.5-5 Remedies for Unauthorized Practice	1151
§ 5.5-6 Aiding in the Unauthorized Practice of Law	1155
§ 5.5-7 Practice of Law by Corporations, Associations, and Partnerships	1158
§ 5.5-8 Working Virtually	1163
CHAPTER 5.6 RESTRICTIONS ON THE RIGHT TO PRACTICE LAW	1168
Rule 5.6 Restrictions on Right to Practice	1168
§ 5.6-1 Employment Contracts That Restrict the Right of a Lawyer to Practice Law	1169
§ 5.6-2 Restrictive Covenants and Settlement of a Lawsuit..	1179
CHAPTER 5.7 RESPONSIBILITIES REGARDING LAW- RELATED SERVICES	1184
Rule 5.7 Responsibilities Regarding Law-Related Services	1184
§ 5.7-1 Defining Law-Related Services.....	1187
§ 5.7-2 Special Ethics Issues Related to Law-Related Services	1189
VI PUBLIC SERVICE	1193
CHAPTER 6.1 VOLUNTARY PRO BONO PUBLICO SERVICE	1193

TABLE OF CONTENTS

Rule 6.1	Voluntary Pro Bono Publico Service.....	1193
§ 6.1-1	Representing Clients and Causes in Pro Bono Representation	1196
§ 6.1-2	Mandatory Pro Bono Service	1197
§ 6.1-3	Financial Support for Pro Bono and IOLTA Programs.....	1204
§ 6.1-4	Fees, Reduced Fees, and Pro Bono Representation...	1211
CHAPTER 6.2 ACCEPTING APPOINTMENTS		1215
Rule 6.2	Accepting Appointments.....	1215
§ 6.2-1	Accepting Pro Bono Cases	1216
§ 6.2-2	Rejecting Appointed Cases.....	1217
CHAPTER 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATIONS		1220
Rule 6.3	Membership in Legal Services Organization.....	1220
§ 6.3-1	Lawyers As Officers or Directors of a Legal Services Organization.....	1221
§ 6.3-2	Constitutional Limitations on the Power of the Federal Government to Use Its Spending Power to Regulate Legal Services	1223
CHAPTER 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS.....		1227
Rule 6.4	Law Reform Activities Affecting Client Interests	1227
§ 6.4-1	Law Reform Activities Adverse to a Private Client's Interest.....	1227
§ 6.4-2	Law Reform Activities That Coincide with a Private Client's Interests	1230
§ 6.4-3	When the Client's Identity Is Secret	1232
CHAPTER 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS.....		1233
Rule 6.5	Nonprofit and Court-Annexed Limited Legal Services Programs.....	1233
§ 6.5-1	Lawyer Participation in Nonprofit and Court- Annexed Limited Legal Service Programs	1234
§ 6.5-2	Limiting the Application of the Conflicts of Interest Rules	1235
§ 6.5-3	Limiting the Scope of the Attorney-Client Relationship	1237
§ 6.5-4	Unbundled Legal Services Directed at Pro Se Clients and Persons of Limited Means	1238
VII INFORMATION ABOUT LEGAL SERVICES		1241

CHAPTER 7.0 HISTORICAL AND CONSTITUTIONAL BACKGROUND	1241
§ 7.0-1 The Origins of the Restrictions on Legal Advertising	1241
§ 7.0-2 The <i>Bates</i> Case and The Permissibility of Lawyer Advertising	1241
§ 7.0-3 Solicitation of Legal Business	1243
§ 7.0-4 Allegedly Misleading Advertising	1248
§ 7.0-5 The Bar's Response to <i>Bates</i> and Its Progeny	1254
CHAPTER 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES	1257
Rule 7.1 Communications Concerning a Lawyer's Services....	1257
§ 7.1-1 The Prohibition Against False or Misleading Advertising	1258
§ 7.1-2 Material Misstatements or Omissions	1261
§ 7.1-3 Potentially Misleading Statements	1262
CHAPTER 7.2 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES: SPECIFIC RULES	1275
Rule 7.2 Communications Concerning A Lawyer's Services: Specific Rules	1275
§ 7.2-1 The General Scope of Rule 7.2	1279
§ 7.2-2 Rule 7.2—Advertising in General	1280
§ 7.2-3 Rule 7.2—Referrals and Payments to Third Parties .	1280
§ 7.2-5 Rule 7.2—Enforcement Concerns	1291
CHAPTER 7.3 SOLICITATION OF CLIENTS.....	1294
Rule 7.3 Solicitation of Clients	1294
§ 7.3-1 Solicitation: Background and the Historical Perspective.....	1297
§ 7.3-2 Regulation of Direct Contact with Prospective Clients.....	1300
§ 7.3-3 Solicitation and Legal Service Plans	1304
§ 7.3-4 Departing Lawyers Soliciting Clients of the Former Law Firm	1305
CHAPTER 7.4 COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION	1311
Rule 7.4 Communication of Fields of Practice and Specialization	1311
§ 7.4-1 Background and History.....	1313
CHAPTER 7.5 FIRM NAMES AND LETTERHEADS.....	1315

TABLE OF CONTENTS

Former Rule 7.5 Firm Names and Letterheads	1315
CHAPTER 7.6 POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL ENGAGEMENTS OR APPOINTMENTS BY JUDGES	1317
Rule 7.6 Political Contributions to Obtain Government Legal Engagements or Appointments by Judges.....	1317
§ 7.6-1 Introduction to Rule 7.6	1319
§ 7.6-2 Enforcement of the Prohibition of Pay-to-Play Contributions	1322
VIII MAINTAINING THE INTEGRITY OF THE PROFESSION ...	1325
CHAPTER 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS	1325
Rule 8.1 Bar Admission and Disciplinary Matters	1325
§ 8.1-1 In What Circumstances Does Rule 8.1 Apply?	1326
§ 8.1-2 To Whom Does Rule 8.1 Apply?	1328
§ 8.1-3 What Conduct is Prohibited by Rule 8.1?.....	1328
§ 8.1-4 Exceptions to the Rule	1331
CHAPTER 8.2 CHARGES AGAINST JUDICIAL AND LEGAL OFFICIALS	1333
Rule 8.2 Judicial and Legal Officials	1333
§ 8.2-1 Prohibition Against False Accusations	1334
§ 8.2-2 Attacking Judge in Briefs or Other Papers Filed in Court	1335
§ 8.2-3 First Amendment Implications of Rule 8.2	1337
§ 8.2-4 Defending Judges from Criticism.....	1341
§ 8.2-5 Lawyers as Candidates for Judicial Office.....	1342
CHAPTER 8.3 REPORTING PROFESSIONAL MISCONDUCT.....	1343
Rule 8.3 Reporting Professional Misconduct.....	1343
§ 8.3-1 The Duty to Report—In General.....	1345
§ 8.3-2 Duty to Report Lawyer Suffering from Alcoholism, Drug Addiction, or Other Impairment.....	1349
§ 8.3-3 Exceptions to Reporting Duty.....	1352
§ 8.3-4 Interference with the Reporting Requirement	1355
§ 8.3-5 Protecting Reporting Lawyers	1356
§ 8.3-6 Reporting Judicial Misconduct and Reporting by Judges.....	1356
CHAPTER 8.4 MISCONDUCT	1358
Rule 8.4 Misconduct.....	1358
§ 8.4-1 Defining Disciplinable Conduct	1361

§ 8.4-2 Categories of Disciplinable Conduct	1362
§ 8.4-3 Lawyer-Legislators	1377
CHAPTER 8.5 DISCIPLINARY AUTHORITY AND CHOICE OF LAW	1379
Rule 8.5 Disciplinary Authority; Choice of Law	1379
§ 8.5-1 Acts Outside the Jurisdiction	1382
§ 8.5-2 Statute of Limitations.....	1390
IX RESERVED	1393
CHAPTER 9	1393
X THE ETHICAL OBLIGATIONS OF A JUDGE	1395
CHAPTER 10.0 AN INTRODUCTION TO JUDICIAL ETHICS	1395
§ 10.0-1 Introduction.....	1395
§ 10.0-2 The Predecessor Codes and the Present Code	1396
§ 10.0-3 General Comparisons between the 2007 Judicial Code, the 1990 Judicial Code, and the 1972 Judicial Code.....	1400
§ 10.0-4 Application of the Code of Judicial Conduct	1411
CHAPTER 10.1 CANON 1 INTEGRITY AND INDEPENDENCE	1419
§ 10.1-1.0 Canon 1	1419
§ 10.1-1.1 Rule 1.1	1422
§ 10.1-1.2 Rule 1.2	1424
§ 10.1-1.3 Rule 1.3	1433
CHAPTER 10.2 CANON 2 THE APPEARANCE OF IMPROPRIETY	1439
§ 10.2-2.0 Canon 2.....	1439
§ 10.2-2.1 Rule 2.1	1440
§ 10.2-2.2 Rule 2.2.....	1441
§ 10.2-2.3 Rule 2.3	1445
§ 10.2-2.4 Rule 2.4	1451
§ 10.2-2.5 Rule 2.5	1454
§ 10.2-2.6 Rule 2.6	1460
§ 10.2-2.7 Rule 2.7	1462
§ 10.2-2.8 Rule 2.8	1464
§ 10.2-2.9 Rule 2.9	1469
§ 10.2-2.10 Rule 2.10	1486
§ 10.2-2.11 Rule 2.11.....	1509
§ 10.2-2.12 Rule 2.12	1622

TABLE OF CONTENTS

§ 10.2-2.13 Rule 2.13	1623
§ 10.2-2.14 Rule 2.14	1627
§ 10.2-2.15 Rule 2.15	1628
§ 10.2-2.16 Rule 2.16	1631

CHAPTER 10.3 CANON 3 CONDUCT IN THE COURTROOM 1633

§ 10.3-3.0 Canon 3	1633
§ 10.3-3.1 Rule 3.1	1634
§ 10.3-3.2 Rule 3.2	1641
§ 10.3-3.3 Rule 3.3	1644
§ 10.3-3.4 Rule 3.4	1648
§ 10.3-3.5 Rule 3.5	1652
§ 10.3-3.6 Rule 3.6	1653
§ 10.3-3.7 Rule 3.7	1660
§ 10.3-3.8 Rule 3.8	1672
§ 10.3-3.9 Rule 3.9	1675
§ 10.3-3.10 Rule 3.10	1676
§ 10.3-3.11 Rule 3.11	1679
§ 10.3-3.12 Rule 3.12	1682
§ 10.3-3.13 Rule 3.13	1684
§ 10.3-3.14 Rule 3.14	1692
§ 10.3-3.15 Rule 3.15	1698

CHAPTER 10.4 CANON 4 EXTRA-JUDICIAL ACTIVITIES 1701

§ 10.4-4.0 Canon 4	1701
§ 10.4-4.1 Rule 4.1: Political and Campaign Activities	1702
§ 10.4-4.2 Rule 4.2	1741
§ 10.4-4.3 Rule 4.3	1748
§ 10.4-4.4 Rule 4.4	1753
§ 10.4-4.5 Rule 4.5	1763

Table of Laws and Rules

Index