

**Comparison of Newly Adopted Pennsylvania Rules of Professional Conduct
with ABA Model Rules**

	<p style="text-align: center;">PENNSYLVANIA</p> <p>Rules as adopted by Pennsylvania Supreme Court to be effective 1/1/05.</p> <p>Variations from the Model Rules are noted. Rules only; comment comparison not included.</p> <p>** Highlight indicates adoption of Ethics 20-20 Commission August 2012 and February 2013 Rule amendment(s): black-letter or Comment.</p>
Preamble	Identical
Scope	<p>Combined [15] and [16]; renumbered subsequent comments. [19], MR [20]: did not add new final sentence of MR comment; did not delete old MR last sentence: "Accordingly, nothing in the Rules should be deemed to augment any substantive legal duty of lawyers or the extra disciplinary consequences of violating such a duty." adds as [20]: These Rules were first derived from the Model Rules of Professional Conduct adopted by the American Bar Association in 1983 as amended. Those Rules were subject to thorough review and restatement through the work of the ABA Commission on Evaluation of the Rules of Professional Conduct ("Ethics 2000 Commission"), and have been subject to certain modifications in their adoption in Pennsylvania. The Rules omit some provisions that appear in the ABA Model Rules of Professional Conduct. The omissions should not be interpreted as condoning behavior proscribed by the omitted provision.</p>
Rule 1.0	Partner: "denotes an equity owner in a law firm, whether in the capacity of a partner in a partnership, a shareholder in a professional corporation, a member in a limited liability company, a beneficiary of a business trust, a member of an association authorized to practice law, or otherwise."
Rule 1.1	Identical
Rule 1.2 *Amendment Effective 10/26/2016	Adds (e): A lawyer may counsel or assist a client regarding conduct expressly permitted by Pennsylvania law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct.
Rule 1.3	Identical
Rule 1.4	Identical
Rule 1.5	<p>(a): change first sentence to: "A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee."; moves MR (a)(8) up to the top of the list of factors and renumbers the others. (b), same as old MR language except that communication must be in writing (not preferably in writing). (c), same as old MR. (e.g., doesn't add "signed by the client"; and does not include 2nd to last sentence of MR)</p>

	<p>(d)(1): does not include “or property settlement in lieu thereof” at the end.</p> <p>(e): "A lawyer shall not divide a fee for legal services with another lawyer who is not in the same firm unless: (1) the client is advised of and does not object to the participation of all the lawyers involved, and (2) the total fee of the lawyers is not illegal or clearly excessive for all legal services they rendered the client."</p>
Rule 1.6	<p>(a) Changes everything after “consent” to: “except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).”</p> <p>(b) Provides that "A lawyer shall reveal such information if necessary to comply with the duties stated in Rule 3.3."</p> <p>(c)(1) – same as (b)(1)</p> <p>(c)(2) Similar to MR (b)(2) but changes “crime or fraud” to “criminal act,” replaces “is reasonably certain to result” with “the lawyer believes is likely to result” and deletes everything after “of another”</p> <p>(c)(3) Similar to MR (b)(3) but changes “substantial injury...of another” to “the consequences of a client’s criminal or fraudulent act,” deletes “that is reasonably certain...in furtherance,” changes “of which the client has used the lawyer’s services” to “in the commission of which the lawyer's services are being or had been used.”</p> <p>(c)(4) - same as MR (b)(5)</p> <p>(c)(5) - same as MR (b)(4)</p> <p>Does not have MR (b)(6)</p> <p>(c)(6) – Changes to: “to effectuate the sale of a law practice consistent with Rule 1.17. or”</p> <p>(d) – identical to MR (c)</p> <p>Adds (e): “The duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated.”</p>
Rule 1.7	does not include "confirmed in writing" in (b)(4)
Rule 1.8	Identical
Rule 1.9	does not include "confirmed in writing" in (a) and (b).
Rule 1.10	<p>adds at the end of (a): or unless permitted by Rules 1.10(b) or (c).</p> <p>adds (b) on screening: When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter unless:</p> <p>(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(2) written notice is promptly given to the appropriate client to enable it to ascertain compliance with the provisions of this rule.</p> <p>(c): same as MR (b)</p> <p>(d): A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7</p> <p>adds as (e): While lawyers are associated in a firm, a prohibition in paragraph (a) through (i) of Rule 1.8 that applies to anyone of them shall apply to all of</p>

	<p>them.</p> <p>(f): same as MR (d)</p> <p>adds as (g): The disqualification of lawyers in a firm with a former judge, arbitrator, mediator or other third-party neutral is governed by Rule 1.12.</p> <p>adds as (h): Where a lawyer in a firm is disqualified from a matter due to consultation with a prospective client pursuant to Rule 1.18(b) or (c), disqualification of other lawyers in the same firm is governed by Rule 1.18(d).</p> <p>adds as (i): The disqualification of a lawyer when another lawyer in the lawyer's firm is likely to be called as a witness is governed by Rule 3.7.</p>
Rule 1.11	<p>(a)(2): does not include "confirmed in writing"</p> <p>(b)(1) and (c): does not include the word "timely"</p> <p>(d)(2)(i): does not include "confirmed in writing"</p>
Rule 1.12	<p>(a): worded differently: "...as a judge or other adjudicative officer, <u>third-party neutral (including arbitrator or mediator)</u> or law clerk to such a person, unless all parties ..."; does not include "confirmed in writing"</p> <p>(b): first sentence: replaces "or as an arbitrator, mediator or other third-party netrual" with "or third-party neutral."; second sentence: includes reference to "third-party neutral"</p> <p>(c)(1): does not include "timely"</p>
Rule 1.13	same as old MR, except (d) is the same as new MR (f)
Rule 1.14	Identical
Rule 1.15	<p><i>(a) The following definitions are applicable to Rule 1.15:</i></p> <p><i>(1) Eligible Institution. An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to Pa.R.D.E. 221(h).</i></p> <p><i>(2) Fiduciary. A Fiduciary is a lawyer acting as a personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar position.</i></p> <p><i>(3) Fiduciary Funds. Fiduciary Funds are Rule 1.15 Funds which the lawyer holds as a Fiduciary. Fiduciary Funds may be either Qualified Funds or Nonqualified Funds.</i></p> <p><i>(4) Financial Institution. A Financial Institution is an entity which is authorized by federal or state law and licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan association or foreign banking corporation, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.</i></p>
Amended 12/30/2014	

	<p><i>(5) Interest On Lawyer Trust Account (IOLTA) Account. An IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law. Qualified Funds are to be held or deposited in an IOLTA Account.</i></p> <p><i>(6) IOLTA Board. The IOLTA Board is the Pennsylvania Interest On Lawyers Trust Account Board.</i></p> <p><i>(7) Non-IOLTA Account. A Non-IOLTA Account is an income producing Trust Account from which funds may be withdrawn upon request as soon as permitted by law in which a lawyer deposits Rule 1.15 Funds. Only Nonqualified Funds are to be held or deposited in a Non-IOLTA Account. A Non-IOLTA Account shall be established only as:</i></p> <p><i>(i) a separate client Trust Account for the particular client or matter on which the net income will be paid to the client or third person; or</i></p> <p><i>(ii) a pooled client Trust Account with subaccounting by the Eligible Institution or by the lawyer, which will provide for computation of net income earned by each client's or third person's funds and the payment thereof to the client or third person.</i></p> <p><i>(8) Nonqualified Funds. Nonqualified Funds are Rule 1.15 Funds, whether cash, check, money order or other negotiable instrument, which are not Qualified Funds.</i></p> <p><i>(9) Qualified Funds. Qualified Funds are Rule 1.15 Funds which are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of administering a segregated account.</i></p> <p><i>(10) Rule 1.15 Funds. Rule 1.15 Funds are funds which the lawyer receives from a client or third person in connection with a client-lawyer relationship, or as an escrow agent, settlement agent or representative payee, or as a Fiduciary, or receives as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such. When the term "property" appears with "Rule 1.15 Funds," it means property of a client or third person which the lawyer receives in any of the foregoing capacities.</i></p> <p><i>(11) Trust Account. A Trust Account is an account in an Eligible Institution in which a lawyer holds Rule 1.15 Funds. A Trust Account must be maintained either as an IOLTA Account or as a Non-IOLTA Account.</i></p> <p><i>(b) A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately</i></p>
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	<p><i>safeguarded.</i></p> <p><i>(c) Required Records. Complete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. A lawyer shall maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter.) A lawyer shall maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):</i></p> <p><i>(1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks in whatever form, deposited items and records of electronic transactions; and</i></p> <p><i>(2) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.</i></p> <p><i>(3) The records required by this Rule may be maintained in hard copy form or by electronic, photographic, or other media provided that the records otherwise comply with this Rule and that printed copies can be produced. Whatever method is used to maintain required records must have a backup so that the records are secure and always available. If records are kept only in electronic form, then such records shall be backed up on a separate electronic storage device at least at the end of any day on which entries have been entered into the records. These records shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security or the Office of Disciplinary Counsel in a timely manner upon a request or demand by either agency made pursuant to the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board Rules, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.</i></p> <p><i>(4) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received</i></p>
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in trust for the client, and deducting the total of all moneys disbursed. On a monthly basis, a lawyer shall conduct reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement.

(d) Upon receiving Rule 1.15 Funds or property which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person, consistent with the requirements of applicable law. Notification of receipt of Fiduciary Funds or property to clients or other persons with a beneficial interest in such Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of confidentiality and notice applicable to the Fiduciary entrustment.

(e) Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.

(f) When in possession of funds or property in which two or more persons, one of whom may be the lawyer, claim an interest, the funds or property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or property, including Rule 1.15 Funds, as to which the interests are not in dispute.

(g) The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held. Only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer shall be an authorized signatory or authorize transfers from a Trust Account or any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l).

(h) A lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose.

(i) A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different

	<p><i>manner.</i></p> <p><i>(j) At all times while a lawyer holds Rule 1.15 Funds, the lawyer shall also maintain another account that is not used to hold such funds.</i></p> <p><i>(k) All Nonqualified Funds which are not Fiduciary Funds shall be placed in a Non-IOLTA Account or in another investment vehicle specifically agreed upon by the lawyer and the client or third person which owns the funds.</i></p> <p><i>(l) All Fiduciary Funds shall be placed in a Trust Account (which, if the Fiduciary Funds are also Qualified Funds, must be an IOLTA Account) or in another investment or account which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.</i></p> <p><i>(m) All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account.</i></p> <p><i>(n) A lawyer shall be exempt from the requirement that all Qualified Funds be placed in an IOLTA Account only upon exemption requested and granted by the IOLTA Board. If an exemption is granted, the lawyer must hold Qualified Funds in a Trust Account which is not income producing. Exemptions shall be granted if:</i></p> <p><i>(1) the nature of the lawyer's practice does not require the routine maintenance of a Trust Account in Pennsylvania;</i></p> <p><i>(2) compliance with this paragraph would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest Eligible Institution, or on other compelling and necessitous factors; or</i></p> <p><i>(3) the lawyer's historical annual Trust Account experience, based on information from the Eligible Institution in which the lawyer deposits funds, demonstrates that the service charges on the account would significantly and routinely exceed any income generated.</i></p> <p><i>(o) An account shall not be considered an IOLTA Account unless the Eligible Institution at which the account is maintained shall:</i></p> <p><i>(1) Remit at least quarterly any income earned on the account to the IOLTA Board;</i></p> <p><i>(2) Transmit to the IOLTA Board with each remittance and to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, the amount of income</i></p>
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	<p><i>remitted from the account, and the average daily balance, if available; and</i></p> <p><i>(3) Pay a rate of interest or dividends no less than the highest interest rate or dividend generally available from the Eligible Institution to its Non-IOLTA customers when the IOLTA Account meets the same minimum balance or other eligibility qualifications, and comply with the Regulations of the IOLTA Board with respect to service charges, if any.</i></p> <p><i>(p) A lawyer shall not be liable in damages or held to have breached any fiduciary duty or responsibility because monies are deposited in an IOLTA Account pursuant to the lawyer's judgment in good faith that the monies deposited were Qualified Funds.</i></p> <p><i>(q) There is hereby created the Pennsylvania Interest On Lawyers Trust Account Board, which shall administer the IOLTA program. The IOLTA Board shall consist of nine members who shall be appointed by the Supreme Court. Two of the appointments shall be made from a list provided to the Supreme Court by the Pennsylvania Bar Association in accordance with its own rules and regulations. With respect to these two appointments, the Pennsylvania Bar Association shall submit three names to the Supreme Court, from which the Court shall make its final selections. The term of each member shall be three years and no member shall be appointed for more than two consecutive three year terms. The Supreme Court shall appoint a Chairperson. In order to administer the IOLTA program, the IOLTA Board shall promulgate rules and regulations consistent with this Rule for approval by the Supreme Court.</i></p> <p><i>(r) The IOLTA Board shall comply with the following:</i></p> <p><i>(1) The IOLTA Board shall prepare an annual audited statement of its financial affairs.</i></p> <p><i>(2) The IOLTA Board shall submit to the Supreme Court for its approval a copy of its audited statement of financial affairs, clearly setting forth in detail all funds previously approved for disbursement under the IOLTA program and the IOLTA Board's proposed annual budget, designating the uses to which IOLTA Funds are recommended.</i></p> <p><i>(3) Upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA Funds.</i></p> <p><i>(s) Income earned on IOLTA Accounts (IOLTA Funds) may be used only for the following purposes:</i></p> <p><i>(1) delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in section 501(c)(3) of the</i></p>
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	<p><i>Internal Revenue Code of 1986, as amended;</i></p> <p><i>(2) educational legal clinical programs and internships administered by law schools located in Pennsylvania;</i></p> <p><i>(3) administration and development of the IOLTA program in Pennsylvania; and</i></p> <p><i>(4) the administration of justice in Pennsylvania.</i></p> <p><i>(t) The IOLTA Board shall hold the beneficial interest in IOLTA Funds. Monies received in the IOLTA program are not state or federal funds and are not subject to Article VI of the act of April 9, 1929 (P. L. 177, No. 175) known as The Administrative Code of 1929, or the act of June 29, 1976 (P. L. 469, No. 117).</i></p> <p><i>(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to periodic assessment of attorneys; voluntary inactive status) shall pay an additional annual fee of \$25.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Attorney Registration Office pursuant to Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.</i></p>
Rule 1.16	Identical
Rule 1.17	<p>In first paragraph adds clause, “for consideration,” before “sell or purchase;” deletes, “law” before “practice;”</p> <p>(a) Deletes “in which the practice has been conducted”; adds after Pennsylvania “however, the seller is not prohibited from assisting the purchaser in the orderly transition of active client matters for a reasonable period after the closing without a fee.”</p> <p>(c): Adds “which notice must include at a minimum” after “clients”</p> <p>(c)(1): notice of the proposed transfer of the client’s representation, including the identify and address of the purchaser;</p> <p>(c)(2): a statement that the client has the right to representation by the purchaser under the preexisting fee arrangements;</p> <p>(c)(3) is MR (c)(2)</p> <p>(c)(4): replaces “transfer of the client’s files” with “transfer of representation” and provides “60” instead of “90” days for time of objection</p> <p>(d) is similar to MR but adds to end: “Existing agreements between the seller and the client concerning fees and the scope of work must be honored by the purchaser, unless the client gives informed consent confirmed in writing;”</p> <p>Adds:</p> <p><i>(e) The agreement of sale shall include a clear statement of the respective responsibilities of the parties to maintain and preserve the</i></p>

	<p><i>records and files of the seller's practice, including client files.</i></p> <p><i>(f) In the case of a sale by reason of disability, if a proceeding under Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement has not been commenced against the seller, the seller shall file the notice and request for transfer to voluntary inactive status, as of the date of the sale, pursuant to Rule 219(i) thereof.</i></p> <p><i>(g) The sale shall not be effective as to any client for whom the proposed sale would create a conflict of interest for the purchaser or who cannot be represented by the purchaser because of other requirements of the Pennsylvania Rules of Professional Conduct or rules of the Pennsylvania Supreme Court governing the practice of law in Pennsylvania, unless such conflict, requirement or rule can be waived by the client and the client gives informed consent.</i></p> <p><i>(h) For purposes of this Rule the term "seller" means an individual lawyer or a law firm that sells a law practice or an area of law practice, and includes both the personal representative or estate of a deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.</i></p> <p><i>(i) Admission to or withdrawal from a law partnership or professional association, retirement plan or similar arrangement or a sale limited to the tangible assets of a law practice is not a sale or purchase for purposes of this Rule 1.17.</i></p>
Rule 1.18	<p>Paragraph (a) is identical.</p> <p>(b) deletes "that" before "information"; adds "which may be significantly harmful to that person" after "information".</p> <p>(c) PA changes "received" to "learned"</p> <p>(d) PA changes "received disqualifying" to "learned";</p> <p>(d)(1) PA deletes "confirmed in writing"</p> <p>(d)(2) "all of the following apply"</p> <p>MR (d)(2) is similar to (d)(2)(i): Deletes "the lawyer who received the information" and replaces with "the disqualified lawyer"; deletes "and" at end.</p> <p>MR (d)(2)(1) is similar to (d)(2)(ii): Deletes "timely"</p>
Rule 1.19	<p>adds as Rule 1.19: Lawyers Acting as Lobbyists</p> <p>(a) A lawyer acting as lobbyist, as defined in any statute, or in any regulation passed or adopted by either house of the Legislature, or in any regulation promulgated by the Executive Branch or any agency of the Commonwealth of Pennsylvania shall comply with all regulation, disclosure, or other requirements of such statute, resolution, or regulation which are consistent with the Rules of Professional Conduct.</p> <p>(b) Any disclosure of information relating to representation of a client made by the lawyerlobbyist in order to comply with such a statute, resolution, or regulation is a disclosure explicitly authorized to carry out the representation and does not violate RPC 1.6.</p>
Rule 2.1	Identical
Rule 2.2	Identical
Rule 2.3	Identical
Rule 2.4	Identical

Rule 3.1	Identical
Rule 3.2	Identical
Rule 3.3	(a)(1): did not delete “material” (a)(3): moves phrase from Comment [1] into the text: “... material evidence <u>before a tribunal or in an ancillary proceeding conducted pursuant to a tribunal’s adjudicative authority, such as a deposition,.....”</u> ”
Rule 3.4	(a): combines the two sentences into one sentence. (b): falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness' testimony or the outcome of the case; but a lawyer may pay, cause to be paid, guarantee or acquiesce in the payment of: (1) expenses reasonably incurred by a witness in attending or testifying, (2) reasonable compensation to a witness for the witness' loss of time in attending or testifying, and (3) a reasonable fee for the professional services of an expert witness; Does not include Model Rule (c) or (d). (c), MR (e), is worded differently: When appearing before a tribunal, assert the lawyer's personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but the lawyer may argue, on the lawyer's analysis of the evidence, for any position or conclusion with respect to the matters stated herein. (d), MR (f); includes at the end of (2): and such conduct is not prohibited by Rule 4.2.
Rule 3.5	Identical
Rule 3.6	Identical
Rule 3.7	Identical
Rule 3.8	do not include MR (e) [see PA rule 3.10]
Rule 3.9	Identical
Rule 3.10	adds as Rule 3.10 Issuance of Subpoenas to Lawyers A public prosecutor or other governmental lawyer shall not without prior judicial approval, subpoena an attorney to appear before a grand jury or other tribunal investigating criminal activity in circumstances where the prosecutor or other governmental lawyer seeks to compel the attorney/witness to provide evidence concerning a person who is or has been represented by the attorney/witness.
Rule 4.1	(b): uses “aiding and abetting” rather than “assisting”
Rule 4.2	Identical
Rule 4.3	breaks rule into 3 paragraphs. (a) is the same as the first sentence of the MR. (b) is similar to the last sentence but somewhat different: During the course of a lawyer’s representation of a client, a lawyer shall not give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of the lawyer’s client.

	(c) is the same as the second sentence of the MR.
Rule 4.4	(b) “including electronically stored information” replaces “or electronically stored information”
Rule 5.1	Identical
Rule 5.2	Identical
Rule 5.3	Identical
Rule 5.4	<p>(a)(2) is different: a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that portion of the total compensation which fairly represents the services rendered by the deceased lawyer;</p> <p>add as (a)(4): a lawyer or law firm may purchase the practice of another lawyer or law firm from an estate or other eligible person or entity consistent with Rule 1.17; and</p> <p>(a)(5) is the same as MR (a)(4).</p> <p>adds as (d)(4): in the case of any form of association other than a professional corporation, the organic law governing the internal affairs of the association provides the equity owners of the association with greater liability protection than is available to the shareholders of a professional corporation.</p> <p>includes this sentence at the end: Subparagraphs (1), (2) and (4) shall not apply to a lawyer employed in the legal department of a corporation or other organization.</p>
Rule 5.5	<p>(b)(1): adds reference to PA.B.A.R. 302 as well as other law</p> <p>(c): adds: “or in a foreign jurisdiction”</p> <p>(d): adds: “subject to the requirements of Pa. B.A.R. 302”</p> <p>(d)(1): adds at the end: except that this paragraph (d) does not authorize a lawyer who is not admitted in this jurisdiction and who is employed by the Commonwealth, any of its political subdivisions or any of their organizational affiliates to provide legal services in this jurisdiction; or</p>
Rule 5.6	(a): adds at the end: “or an agreement for the sale of a law practice consistent with Rule 1.17:”
Rule 5.7	<p>replaces MR (a)(1) – (2) with paragraphs (a) – (c):</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>adds as (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)</p>
<p>Rule 5.8</p> <p>Added 12/30/2014</p>	<p>Rule 5.8 Dealing in Investment Products: Prohibitions and Restrictions</p> <p>(a) A lawyer shall not broker, offer to sell, sell, or place any investment product unless separately licensed to do so.</p> <p>(b) A lawyer shall not recommend or offer an investment product to a client or any person with whom the lawyer has a fiduciary relationship, or invest funds belonging to such a person in an investment product, if the lawyer or a person related to the lawyer:</p> <p>(1) has an interest in compensation paid or provided by a person other than the client or person with whom the lawyer has a fiduciary relationship; or</p> <p>(2) has an ownership interest in the entity that sponsors, insures, underwrites, manages, or issues the investment product.</p> <p>(c) For purposes of this Rule:</p> <p>(1) the term “investment product” includes: an annuity contract; a life insurance contract; a commodity; a swap; an investment fund, including but not limited to a collective trust fund, a common trust fund, a real estate investment fund, and registered investment company; a security, whether or not the security is registered with any federal or state securities regulator; or an investment adviser’s, bank’s, trust company’s, insurance company’s, or other financial institution’s service as an investment manager or investment adviser;</p> <p>(2) “person related to the lawyer” includes a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer maintains a close familial relationship; and</p> <p>(3) the term “ownership interest” does not include shares of an issuer that has registered the shares under federal securities laws, the issuer’s shares are traded on a securities exchange that is registered under federal securities laws, and the lawyer’s aggregate interest in shares of all classes is less than one percent of the issuer’s outstanding common shares.</p>
Rule 6.1	<p>A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal</p>

	system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.
Rule 6.2	Identical
Rule 6.3	Identical
Rule 6.4	Identical
Rule 6.5	Identical
Rule 7.1	Identical
Rule 7.2	<p>(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through written, recorded or electronic communications, including public media, not within the purview of Rule 7.3.</p> <p>(b) A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. This record shall include the name of at least one lawyer responsible for its content.</p> <p>(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay:</p> <ol style="list-style-type: none"> (1) the reasonable cost of advertisements or communications permitted by this Rule (2) the usual charges of a lawyer referral service or other legal service organization; and (3) for a law practice in accordance with Rule 1.17. <p>(d) No advertisement or public communication shall contain an endorsement by a celebrity or public figure.</p> <p>(e) An advertisement or public communication that contains a paid endorsement shall disclose that the endorser is being paid or otherwise compensated for his or her appearance or endorsement.</p> <p>(f) A non-lawyer shall not portray a lawyer or imply that he or she is a lawyer in any advertisement or public communication; nor shall an advertisement or public communication portray a fictitious entity as a law firm, use a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated together in a law firm if that is not the case.</p> <p>(g) An advertisement or public communication shall not contain a portrayal of a client by a nonclient; the re-enactment of any events or scenes; or, pictures or persons, which are not actual or authentic, without a disclosure that such depiction is a dramatization.</p> <p>(h) Every advertisement that contains information about the lawyer's fee, shall be subject to the following requirements:</p> <ol style="list-style-type: none"> (1) Advertisements that state or indicate that no fee shall be charged in the absence of recovery shall disclose that the client will be liable for certain expenses in addition to the fee, if such is the case. (2) A lawyer who advertises a specific fee or hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days; provided that for advertisements in media published annually, the advertised fee shall be honored for no less than one (1) year following initial publication unless otherwise stated as part of the advertisement. <p>(i) All advertisements and written communications shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually</p>

	<p>perform the services advertised principally practice law. If the office location is outside the city or town, the county in which the office is located must be disclosed.</p> <p>(j) A lawyer shall not, directly or indirectly (whether through an advertising cooperative or otherwise), pay all or any part of the costs of an advertisement by a lawyer not in the same firm or by any for-profit entity other than the lawyer's firm, unless the advertisement discloses the name and principal office address of each lawyer or law firm involved in paying for the advertisement and, if any lawyer or law firm will receive referrals from the advertisement, the circumstances under which referrals will be made and the basis and criteria on which the referral system operates.</p> <p>(k) A lawyer shall not, directly or indirectly, advertise that the lawyer or his or her law firm will only accept, or has a practice limited to, particular types of cases unless the lawyer or his or her law firm handles, as a principal part of his, her or its practice, all aspects of the cases so advertised from intake through trial. If a lawyer or law firm advertises for a particular type of case that the lawyer or law firm ordinarily does not handle from intake through trial, that fact must be disclosed. A lawyer or law firm shall not advertise as a pretext to refer cases obtained from advertising to other lawyers.</p>
Rule 7.3	<p>*only partial adoption of changes.</p> <p>(a) and (b) are similar to the MR but worded differently. Title Identical to MR.</p> <p>(a) A lawyer shall not solicit in-person or by intermediary professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer. The term "solicit" includes contact in-person, by telephone or by real-time electronic communication, but, subject to the requirements of Rule 7.1 and Rule 7.3(b), does not include written communications, which may include targeted, direct mail advertisements.</p> <p>(b) A lawyer may contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment unless:</p> <ol style="list-style-type: none"> (1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer; (2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or (3) the communication involves coercion, duress, or harassment. <p>Does not include MR (c) or (d).</p>
Rule 7.4	<p>(a)(1) is MR (b)</p> <p>(a)(2) is MR (c)</p> <p>(a)(3) and (a)(4) replace MR (d):</p> <p>(a)(3) a lawyer who has been certified by an organization approved by the Supreme Court of Pennsylvania as a certifying organization in accordance with</p>

	<p>paragraph (b) may advertise the certification during such time as the certification of the lawyer and the approval of the organization are both in effect;</p> <p>(a)(4) a lawyer may communicate that the lawyer is certified in a field of practice only when that communication is not false or misleading and that certification is granted by the Supreme Court of Pennsylvania.</p> <p>adds as (b): Upon recommendation of the Pennsylvania Bar Association, the Supreme Court of Pennsylvania may approve for purposes of paragraph (a) an organization that certifies lawyers, if the Court finds that:</p> <p>(1) advertising by a lawyer of certification by the certifying organization will provide meaningful information, which is not false, misleading or deceptive, for use of the public in selecting or retaining a lawyer; and</p> <p>(2) certification by the organization is available to all lawyers who meet objective and consistently applied standards relevant to practice in the area of the law to which the certification relates.</p> <p>The approval of the certifying organization shall be for such period not longer than five (5) years as the Court shall order, and may be renewed upon recommendation of the Pennsylvania Bar Association.</p>
Rule 7.5	(a): adds at the end: If otherwise lawful a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.
Rule 7.6	did not include this rule
Rule 7.7	<p>adds as Rule 7.7 Lawyer Referral Service</p> <p>(a) A lawyer shall not accept referrals from a lawyer referral service if the service engaged in communication with the public or direct contact with prospective clients in a manner that would violate the Rules of Professional Conduct if the communication or contact were made by the lawyer.</p> <p>(b) A “lawyer referral service” is any person, group of persons, association, organization or entity that receives a fee or charge for referring or causing the direct or indirect referral of a potential client to a lawyer drawn from a specific group or panel of lawyers.</p>
Rule 8.1	Identical
<p>Rule 8.2</p> <p>*Amendment effective 12/5/16</p>	<p>Adds to end: and/or the Rules Governing Standards of Conduct for Magisterial District Judges, as applicable.</p>
Rule 8.3	Identical
Rule 8.4	Identical
Rule 8.5	(b)(1): Adds “shall be applied” after “tribunal” and before “unless”

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