

**ATTACHMENT B – Proposed Amended Standards 2.2, 2.5, 2.13, 2.15, and 2.21
(Redline Version)**

2.2 COMMINGLING AND OTHER TRUST ACCOUNT VIOLATIONS

- (a) Actual suspension of three months is the presumed sanction for 1) commingling, 2) failure to deposit funds received for a client or other person to whom the lawyer owes a contractual, statutory, or other legal duty, including advances for fees, costs and expenses, in a client trust account when that conduct does not involve misappropriation, or 3) failure to promptly pay out entrusted funds.
- (b) Suspension or reproof is the presumed sanction for any other violation of ~~Rule 4-~~ 100 rule 1.15, including, but not limited to violations of 1.15(d).

Eff. January 1, 1986. Revised: January 1, 2001; January 1, 2014; July 1, 2015.

2.5 REPRESENTATION OF ADVERSE INTERESTS AND CONFLICTS OF INTEREST

- (a) Actual suspension is the presumed sanction when a ~~member-lawyer accepts or continues simultaneous representation of clients with actual adverse interests, where the member: (1) fails to obtain informed written consent of each client, and (2)~~ violates rule 1.7, subparagraphs (a), (b), and (d), or other law prohibiting an attorney from simultaneously representing conflicting interests and causes significant harm to any of the clients.
- (b) Actual suspension is the presumed sanction when a ~~member-lawyer either violates rule 1.9(a) or 1.9(b) and accepts employment that is actually adverse to a client or former client, where the member: (1) fails to obtain informed written consent, (2) breaches the duty to maintain confidential information material to the employment, and (3)~~ causes significant harm to the ~~client or~~ former client.
- (c) Suspension or reproof is the presumed sanction for all other conflicts of interest violations or breaches of the duty of loyalty not covered by other subparagraphs of this Standard, depending on the magnitude of the violation and the harm to the client or clients. This includes, but is not limited to rules 1.7(c), 1.8.2, 1.8.6, 1.10, 1.11, 1.12, 1.18(c) and (d). Actual suspension is the presumed sanction if there is harm.
- (d) Actual suspension is the presumed sanction for a violation of the former rules addressing conflicts, including, but not limited to 3-310, 3-320, and 3-600, where the lawyer causes significant harm to the client or former client.

Eff. July 1, 2015.

2.6 BREACH OF CONFIDENTIALITY OR MISUSE OF CONFIDENTIAL INFORMATION

- (a) Suspension is the presumed sanction when a ~~member~~ lawyer intentionally reveals client confidences or ~~secrets.~~ secrets, or uses a current, former, or prospective client's information to the disadvantage of the client, depending on the magnitude of the harm to the current, former, or prospective client or clients, ~~unless the current, former, or prospective client gives informed consent.~~
- (b) Repeal is the presumed sanction when a ~~member~~ lawyer recklessly or through gross negligence reveals client confidences ~~or secrets.~~ secrets, or uses a current, former, or prospective client's information to the disadvantage of the client, depending on the magnitude of the harm to the current, former, or prospective client or clients, ~~unless the current, former, or prospective client gives informed consent.~~
- (c) Suspension or repeal is the presumed sanction when a lawyer violates rule 4.4 regarding a lawyer's duties concerning inadvertently transmitted writings depending on the harm to the party whose information is inadvertently disclosed.

Eff. July 1, 2015.

2.13 SEXUAL RELATIONS WITH CLIENTS

- (a) Disbarment is the presumed sanction when a ~~member~~ lawyer ~~requires or demands sexual relations with a client incident to or as a condition of professional representation~~ expressly or impliedly conditions the performance of legal services for a current or prospective client upon the client's willingness to engage in sexual relations with the attorney or employs coercion, intimidation, or undue influence in entering into sexual relations with a client.
- (b) Suspension or repeal is the presumed sanction for any other violation of ~~Rule 3-120.~~ rule 1.8.10 or section 6106.9.

Eff. January 1, 1986. Revised: January 1, 2001; January 1, 2014; Renumbered & Revised July 1, 2015.

2.15 CRIMINAL CONVICTIONS INVOLVING MORAL TURPITUDE

- (a) Summary disbarment is the ~~presumed~~ sanction for final conviction of a felony and either: (1) an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude, or (2) the facts and circumstances of the offense involved moral turpitude. ~~in which an element of the offense involves the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involves moral turpitude.~~

~~(b) Disbarment is the presumed sanction for final conviction of a felony in which the facts and circumstances surrounding the offense involve moral turpitude, unless the most compelling mitigating circumstance clearly predominate, in which case actual suspension of at least two years is appropriate.~~

(b)(c) Disbarment or actual suspension is the presumed sanction for final conviction of a misdemeanor involving moral turpitude.

Eff. January 1, 2014. Renumbered & Revised July 1, 2015.

[NEW] 2.21 CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE

Disbarment or actual suspension is the presumed sanction for conduct that is prejudicial to the administration of justice in violation of rule 8.4(d). The degree of sanction depends on the magnitude of the misconduct, the extent to which the misconduct harmed the victim or the administration of justice, and the extent to which the misconduct related to the lawyer's practice of law.