


AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON INSURANCE DISCLOSURE

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (See also, Oregon: Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|--|---|---|---|---|--|
| AL | | | | | |
| AK Adopted effective 7/15/93; Amended effective 4/15/2000. | Alaska Rules of Professional Conduct, Rule 1.4 | | | N/A | |
| AZ Effective 1/1/07 | | Supreme Court Rule 32(c), effective January 1, 2007. http://www.supreme.state.az.us/rules/ramd_pdf/R-04-0025.pdf | | Yes. State Bar of Arizona website. | |
| AR | | | | | On January 21, 2006 the House of Delegates of the Arkansas Bar Association voted not to adopt a disclosure rule. |
| CA Effective 1/1/2010 | Rule 3-410. Disclosure of Professional Liability Insurance. California Rules of professional Conduct.  Supreme Ct Order adopting RPC 3-410 | | | N/A | |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-------------------------------|---|---|---|---|---|
| | | | | | |
| CO Effective 1/1/09 | | X http://www.courts.state.co.us/Media/Press_Docs/attorney%20reg%20insurance%20disclosure%20FINAL.pdf | | X C.R.C.P. 227: (c) Availability of Information. The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website. | Colorado: Supreme Court requires Colorado lawyers to disclose insurance status <i>Private-practice attorneys must make disclosure in annual registration.</i> DENVER – Beginning Jan. 1, 2009, all |
| CT | | | | | At its February 23, 2009 meeting, the Connecticut Superior Court Rules Committee voted unanimously to deny a proposal to adopt an insurance disclosure rule. http://www.jud.ct.gov/Committees/rules/rules_minutes_022309.pdf |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (See also, Oregon: Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|--|---|--|---|--|---|
| DE Beginning with 1007 Annual Registration Form. | | Registration Form | | 2007 Registration Form no longer available to public. 2009 Registration Form: http://courts.delaware.gov/forms/download.aspx?id=27968 | |
| DC | | | | | |
| FL | | | | | Have declined to adopt the Model Court Rule. |
| GA | | | | | |
| HI Effective 12/1/07 | | RSCH 2.17(d) http://www.state.hi.us/jud/ctrules/rsch.htm#Rule_17 | | N/A | |
| ID Effective 10/1/06 | | Idaho Bar Commission Rule 302(7), effective October 1, 2006 | | Available to the public upon request. | |
| IL Effective 10/1/04 | | Amended Illinois Supreme Court Rule 756 | | Yes http://www.iardc.org/malpracticeinfo.html | |
| KS Effective 9/6/05 | | Supreme Court Rule 208A | | Yes, by means designated by the Court. | http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=281 |
| KY | | | | | On or about November 14, |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-------------------------------|---|--|---|---|---|
| | | | | | 2006 the KY Sup. Ct. declined to adopt a disclosure rule. |
| LA | | | | | |
| ME | | | X | | The Advisory Committee on the Rules of Professional Conduct is studying the proposed rule on insurance disclosure. On Maine's annual registration forms, there is a question regarding insurance. No detail is required. It is merely do you have professional liability insurance, 'yes' or 'no' |
| MD | | | | | |
| MA Effective 9/1/06 | | Rule 4:02 Effective Sept. 1, 2006. http://www.massrep.orts.com/courtrules/sjcrules.htm#4:02 | | Yes. | |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|---|---|---|---|---|--|
| MI Beginning with the notice issued for fiscal year 2003-2004 | | Administrative Order No. 2003-5, dated August 6, 2003 http://www.icle.org/contentfiles/milawnews/Rules/Ao/2003-27_08-06-03%20_or.html | | No. | |
| MN Effective 10/1/06 | | Rule 6 of the Rules of the Supreme Court on Lawyer Registration. Annual Reporting of Professional Liability Insurance Coverage (Effective October 1, 2006) http://www.courts.state.mn.us/documents/0/Public/Clerks_Office/July%202006%20Lawyer%20Registration%20Amend.doc | | Yes. Rule 7. Access to Lawyer Registration Records | |
| MO | | | | | Not currently being considered. |
| NE Effective 11/1/03 | http://casemaker.nebar.com/pdfs/nsbainfo/rules.pdf | Rules Creating, Controlling, and Regulating Nebraska State Bar Association, Article III, Membership, paragraph (f). | | Shall be made available to the public. | |
| NV Adopted 9/13/05 and effective 11/13/05 | http://www.leg.state.nv.us/CourtRules/scr.html | Amended Supreme Court Rule 79 (Adopted September 13, 2005 and effective November 13, 2005) | | Yes. It will be part of the lawyer's public record available by phone or email inquiry. | |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|--------------------------------|---|--|---|---|---|
| | | | | | |
| NH Effective 3/1/03 | New Hampshire Rules of Professional Conduct, Rule 1.19. (Disclosure of Information to the Client) http://www.courts.state.nh.us/supreme/orders/20072507.pdf | | | N/A | |
| NM Effective 11/2/09 | Rule 16-104 Rules of Professional Conduct http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=16 | | | | |
| NY | | | Under consideration. | | |
| NC Adopted 10/1/03 | | North Carolina-Rules and Regulations, Subchapter A, Organization of the North Carolina State Bar, Section .0204, Certificate of Insurance Coverage | | On the Bar's website: http://www.ncbar.com/home/member_directory.asp and http://www.ncbar.com/InsuranceDisclosures/e.asp | The North Carolina State Bar Association has proposed that the Rule Requiring Certification of Insurance Coverage be eliminated. http://www.ncbar.gov/rules/proprul.asp |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|--------------------------------|--|--|---|---|---|
| ND Effective 8/1/09 | http://www.court.state.nd.us/rules/Conduct/frameset.htm | Amended Rule 1.15 of the North Dakota Rules of Professional Conduct | | Yes | |
| OH Effective 7/1/01 | Ohio Rules of Professional Conduct, Rule 1.4(c) http://www.sconet.state.oh.us/Atty-Svcs/ProfConduct/rules/default.asp#Rule_1_4 | | | N/A | Lawyers who hire themselves out to do research and writing for other lawyers need not comply. (Ohio Supreme Court Bd. of Commissioners on Grievances and Discipline, Op. 2005-1, 2/4/05). |
| OK | | | | | No action taken to adopt a rule. |
| OR | | | | | All lawyers required to maintain professional liability insurance. |
| PA Effective 7/1/06 | Pennsylvania adopted RPC 1.4(c), effective 7/1/2006. http://www.aopc.org/OpPosting/Supreme/out/50drd.1attach.pdf | | | N/A | |
| RI Effective 4/15/07 | | Rule 1(b) of Article IV "Periodic Registration of Attorneys". (Effective April 15, 2007) | | http://www.courts.state.ri.us/supreme/pdf-files/ORDER_Amendments_to_RI_Supreme_Court_Article_IV_Rule_1 | |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-------------------------------|---|--|---|---|--|
| | | | | (Attorney registration).pdf | |
| SC | | | X | | <p>The Professional Responsibility Committee for the South Carolina Bar will be receiving the report and recommendation from the Legal Malpractice Insurance Disclosure subcommittee during its meeting planned for the last week in August 2010. Assuming the full committee is in agreement with the report and recommendation from the subcommittee, the proposal will be submitted for approval by the SC Bar's House of Delegates. Again assuming agreement by the House of Delegates, a Petition to adopt a rule requiring disclosure on the lawyer's annual bar license renewal form will be submitted to the South Carolina Supreme Court.</p> |
| SD Effective 1/1/99 | South Dakota Model Rules of Professional Conduct, Rule 1.4 (Communication) | (SD also requires lawyers to disclose on their annual registration statements.) http://www.sdbar.org/memberspublic/Information/2007_Certificate.pdf | | N/A | SD has 7 years of certification to the Supreme Court - 97% have at least \$100,000 in coverage, together with name and policy number of the policy. Over the past 7 years, the percentage has never dropped below 96% nor been higher than 97.5% in any given year. |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-------------------|---|--|--|---|--|
| TX | | | | | By letter dated April 14, 2010 to the President of the State Bar of Texas, the Supreme Court of Texas declined to adopt an insurance disclosure rule. http://www.supreme.courts.state.tx.us/advisories/pdf/WBJ_Letter_Mandatory_Insurance_Disclosure_041410.PDF |
| UT | | | Rule 1.4 Proposed Amendment - Disclosure of Malpractice Insurance Rule 1.4. Communication. http://webster.utahbar.org/news/2005/07/ | | Required to disclose on registration statement but no Rule enacted. Bar will collect date on coverage for a 2-year period (2009-2011). |
| VT | | | On December 28, 2006 the Civil Rules Committee proposed that the Vermont Supreme Court consider adoption of a rule requiring insurance disclosure, not in the Vermont Rules of Professional Conduct, but as part of the Rules for Licensing of Attorneys. In adopting the rule, consideration should be given to requiring disclosure of the liability limits and deductibles of the coverage. | | |
| VA Amended | | Rules of the Virginia Supreme Court, Part | | Yes, on Bar's website: (See, | Virginia State Bar is seeking comments on a |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-----------------------------------|---|---|---|--|---|
| effective 7/1/89; 1/1/90; 4/1/90. | | 6 § 4 Paragraph 18. Financial Responsibility | | www.vsb.org , under the headings Public Information, Attorney Records Search, Attorneys without Malpractice Insurance). Total Members Answering PL Questions: 25,921 - FY2005 Private Practice – No Insurance: 1,892 (11%) Private Practice – With Insurance: 14,703 (89%) | proposed Rule requiring legal malpractice insurance. Comments are due by September 26, 2008. http://www.vsb.org/site/news/item/proposed-insurance-requirement/ |
| WA Effective 7/1/07 | | Admission to Practice Rule 26 - Insurance Disclosure. (Effective July 1, 2007) http://www.courts.wa.gov/court_Rules/proposed/2005Dec/APR26.doc . | | Yes. | |
| WV Effective 5/6/05 | | State Bar By-Laws – Article III (A) - Financial Responsibility Disclosure http://www.state.wv.us/wvsca/rules/ArticleIII.htm | | Yes. ... shall be made available to the public by such means as may be designated by the West Virginia State Bar. | |
| WI | | | | | |

| | Requires Disclosure Directly to Client (7) (AK, CA, NH, NM, OH, PA and SD) | Requires Disclosure On Annual Registration Statement¹ (18) (AZ, CO, DE, HI, ID, IL, KS, MA, MI, MN, NE, NV, NC, ND, RI, VA, WA and WV) | Considering Adoption (5) (ME, NY, SC, UT and VT) | Information Made Available to Public | Other Info (<i>See also, Oregon:</i> Professional liability insurance mandated) (AR, CT, FL, KY and TX have decided not to adopt the Model Court Rule) |
|-----------|---|--|---|---|--|
| WY | | | | | |

Copyright © 2010 American Bar Association. All rights reserved. Nothing contained in this chart is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. We make every attempt to keep these charts as accurate as possible. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, jholtaway@staff.abanet.org