

Rules Governing the Conduct of Lawyers
Summary of Substantial Changes
Adopted by the Judges of the Superior Court
in 2006

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October 2006

Effective Date
for Revisions: January 1, 2007 except for revisions to Rule 1.15, effective September 1, 2006, and except for new Practice Book sections 2-28A and 2-28B and new subsection 2-27(e), effective July 1, 2007.

I. Summary of the Most Important Changes

Rule 1.6
(Confidentiality
of Information): The lawyer *must* reveal information to prevent the client from committing not only a criminal act likely to result in death or substantive bodily harm, but now also a fraudulent act that is likely to do so. This differs from the ABA Model Rule, which says *may* reveal.

The lawyer *may* reveal information to the same extent for a client's act likely to result in substantial injury to the financial interest or property of another.

The Rule now expressly says the lawyer can divulge information to seek legal advice about compliance with these Rules and to comply with other laws or a court order. Such a law may be clients' funds audits under § 2-27.

Rule 1.8
(Conflicts –
Prohibited
Transactions): The lawyer-client business transaction provisions (§a) are tightened to include in the written consent the lawyer's role, including whether the lawyer is representing the client in the transaction; the provisions are loosened to exclude former clients two years after the representation ended.

Rule 1.17
(Sale of Law
Practice): This is a new Rule. It establishes provisions for selling all or part of a practice, including notice to clients. The entire practice must be sold to one or more buyers; and seller must cease private practice of law. Fees cannot be increased because of the sale.

Rule 1.18
(Duties to
Prospective
Clients):

This is a new Rule. It resolves the ambiguous situation that previously existed.

Rules 7.2
(Advertising):

The major change in Rule 7.2 is the requirement that the lawyer must comply with the reporting requirements of new Practice Book § 2-28A, discussed below in the coverage of changes in Practice Book rules.

Rule 8.5
(Disciplinary
Authority):

The Rule clarifies that a Connecticut lawyer can be disciplined here for conduct anywhere.

P.B. §2-27
(Clients' Funds)

Section 2-27 now requires lawyers to produce clients' funds records on request immediately after overdraft notification or on the filing of a grievance. This section also sets up a procedure for random inspections and audits of all clients' funds (not just IOLTA) accounts, to go into effect on July 1, 2007.

P.B. §§ 2-28A, 2-28B
(Attorney
Advertising):

These are entirely new Sections effective July 1, 2007.

Section 2-28A requires the filing of most advertising with the Statewide Bar Counsel prior to or at the time of its first dissemination to the public.

There are various exceptions to the filing requirements for the following advertisements: those with only Rule 7.2(i) information, telephone directory or law list advertising, announcements of new lawyers, new addresses and the like, and communications sent only to existing or former clients and various professional and nonprofit groups, or requested by a prospective client.

Section 2-28B provides a procedure for a lawyer to request an advance advisory opinion by the Statewide Grievance Committee concerning the propriety of an advertisement.

II. Summary of All Significant Changes

Rules of Professional Conduct

- Preface:** Deleted entirely. Previously the Commentaries were approved only “in principle” by the judges. This change may increase the importance of the Commentaries somewhat. Also, deleted is that the Rules only provide a framework and that there are other moral and ethical considerations.
- Many of the Commentaries use the word “must.” While the Commentaries are not the Rules, they are authoritative interpretations of the Rules, so lawyers ignore the Commentaries at their peril.
- Preamble:** There is now considerably more emphasis on the importance of professionalism. Now, lawyers who are inactive in practice of law, or who are acting in a non-professional capacity, clearly may violate Rule 8.4, e.g. by engaging in fraudulent business transactions. Also, the preamble requires that lawyers maintain a professional, courteous and civil attitude toward all persons involved in the legal system.
- Scope:** Language stating that a Rule violation “should not give rise to a cause of action” was amended to “should not *itself* give rise to a cause of action.” Other language clarifies that violation of a Rule may be evidence of a breach of a standard of conduct.
- It is now clear that violation of a Rule does not necessarily warrant any non-disciplinary remedy, such as disqualification in litigation.
- Rule 1.0
(Terminology):** Definitions are now in Rule 1.0 rather than in the introductory section, which may give it more heft. The following new Terminology is present, and is subject to extensive Commentary:
- “Client” now generally includes an authorized representative of the client.
- “Confirmed in writing” is defined to mean a writing by either the lawyer or the other person.
- “Consult” is deleted and integrated into “Informed Consent.”
- “Firm” is given a broad definition and the Commentary shows that lawyers who hold themselves out to the public as a firm will be deemed in fact to be a firm.

“Fraud” is given a narrower definition, namely, the definition of fraud under the general laws of the state.

“Informed Consent” is defined to include “adequate information,” “explanation about the material risks” and “reasonably available alternatives.” The prior operative phrase was “consents after consultation.” The replacement of this phrase is found throughout the Rules.

“Partner” includes a member of an association practicing law (e.g., presumably a LLC).

How a lawyer can be “screened” is set out in detail.

“Tribunal” is defined broadly to include arbitration and legislative and administrative adjudications.

“Writing” is given an up-to-date technological definition and includes recorded oral communications.

Rule 1.1.

(Competence):

No changes in the Rule. The Commentary indicates that a lawyer should comply with all CLE requirements.

Rule 1.2

(Scope of

Representation):

The title of this rule adds “and Allocation of Authority Between Client and Lawyer.”

Any limitation on the scope of representation must now be reasonable, e.g. not so great that the legal advice provided cannot be relied upon.

The Commentary now says that the client may give the lawyer revocable advance authority to take specific action without further consultation; and it says lawyer may withdraw from representation in event of “fundamental disagreement” following attempts to resolve such.

The Commentary provides further indication of what constitutes permissible limited representation of a client by a lawyer.

The Rule itself (not just the Commentary) says the lawyer can take action impliedly authorized by the client.

Rule 1.3

(Diligence): The Rule is unchanged. The Commentary raises from “should” to “must” the need to control one’s workload and to advise the client about the possibility of appealing an adverse decision.

Professionalism is emphasized in the Commentary.

A sole practitioner should prepare a plan for the clients’ files in the event of the practitioner’s death or disability.

Rule 1.4

(Communication): The Rule is now much more specific: inform clients promptly of decisions, consult with clients, keep clients reasonably informed, properly comply with reasonable requests for information, and consult with clients about client requests.

The Commentary now explicitly says that requests for information should be promptly responded to, or at least acknowledged; and that “Client telephone calls should be promptly returned or acknowledged.”

Rule 1.5

(Fees): The Rule now states explicitly that expenses as well as fees must be reasonable. The scope of the representation and the expenses for which the client will be responsible, in addition to the basis and rate of the fee, must now be communicated to the client, in writing, except where the client is regularly represented and the basis is the same.

Changes to fee agreements must be communicated, in writing, *before* the changes take effect.

A contingency fee agreement must now be signed by the client and specifically state what expenses the client will be responsible for regardless of the outcome.

The client must now be advised *in writing* of any fee division between lawyers.

The Rule has always prohibited a contingency fee in dissolution cases, but the Commentary now excludes the recovery of post-judgment balances from the prohibition.

Rule 1.6
(Confidentiality
of Information):

The Rule is considerably different from the ABA Model Rule and the Commentary is largely rewritten.

The lawyer *must* reveal information to prevent the client from committing not only a criminal act likely to result in death or substantive bodily harm, but now also a fraudulent act that is likely to do so. This differs from the ABA Model Rule, which says *may* reveal.

The lawyer *may* reveal information to the same extent for a client's act likely to result in substantial injury to the financial interest or property of another.

The Rule now expressly says the lawyer can divulge information to seek legal advice about compliance with these Rules and to comply with other laws or a court order. Such a law may be clients' funds audits under § 2-27.

Lawyers may now "prevent" and "mitigate", as well as "rectify," the *consequences* of a client's crime or fraud in the course of which the lawyer's services were used.

The Commentary warns about disclosing information which would lead to discovery of confidential information by another, including use of hypotheticals when discussing a case with another lawyer.

The Commentary now explicitly states that the lawyer must act competently to prevent inadvertent disclosure of information, including using means of communication which affords reasonable expectation of privacy.

Rule 1.7
(Conflicts –
Current Clients):

The important change in the Rule is that the lawyer must confirm *in writing* that the client waived a waivable conflict, in the absence of a written document from the client. The waiver must be after "informed consent." See Terminology at the beginning of the Rules.

The Commentary is extensively revised. Conflicts are more broadly addressed. Special considerations attending common representations are elaborated. Difficulties attending waiver of future conflicts are described.

The Commentary includes most of Rule 2.2, now repealed, about the lawyer acting as intermediary between two or more clients.

Rule 1.8
(Conflicts –
Prohibited
Transactions):

The lawyer-client business transaction provisions (§a) are tightened to include in the written consent the lawyer’s role, including whether the lawyer is representing the client in the transaction; the provisions are loosened to exclude former clients two years after the representation ended.

The gift-to-the-lawyer provisions (§c) are tightened to prohibit also *soliciting* any substantial gift from a client; the provisions are loosened to exclude a larger group of relatives, namely, grandchildren, grandparents, and those with “a close familial relationship” with the lawyer.

A new prohibition (§j) is sex with the client unless there was sex before the start of the representation.

A new section (§k) makes it clear that all the prohibitions in 1.8 except for sex with the client apply to all the lawyers in the firm.

The prohibition on related lawyers representing adverse clients has been removed.

The Commentary says lawyers may not subsidize lawsuits, but explicitly allows the lawyer to lend money to even a non-indigent client for various litigation expenses, including medical examinations, since they are indistinguishable from contingency fees and help ensure court access. But loans for client living expenses are not permitted.

The Commentary says that a lawyer may seek to be the executor of client’s estate, subject to certain qualifications.

Rule 1.9
(Conflicts –
Former Clients):

As with Rule 1.7, a conflict waiver by a former client must now be confirmed by the lawyer in writing. The waiver must be after “informed consent.” See Terminology at the beginning of the Rules.

The Commentary elaborates on what it means for matters to be “substantially related”. Commentary has been transferred from Rule 1.10 and revised.

Rule 1.10
(Imputed
Conflicts):

Imputed disqualification is somewhat softened to exclude a situation where “the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of

the client by the remaining lawyers in the firm.” The extensively revised Commentary discusses this new provision.

Commentary about lawyers moving between firms and about confidentiality has been moved to Rule 1.9.

Note that a violation of this or the other conflict rules does not necessarily require a court to grant an opponent’s motion for disqualification. See “Scope,” discussed above.

Rule 1.11 & 1.12
(Government
Employees and
Former Judges):

As with Rules 1.7 and 1.9, waiver of conflicts must be on informed consent and confirmed in writing. Law clerks are permitted to negotiate for employment with parties and their lawyers. Lawyers who are mediators and third party arbitrators are subject to this Rule.

Rule 1.13
(Organization
as Client):

The Rule in general now explicitly requires the lawyer to go up the chain of command to the very top of the organization if the lawyer knows that a person associated with organization is acting illegally, or intends to, and there is likely substantial harm to the organization.

If the top of the organization fails to act in a timely and appropriate manner, the lawyer in certain circumstances may, but is not required to, blow the whistle by making disclosure outside the organization, but only to the extent believed necessary to prevent “substantial injury” to the organization.

The foregoing does not apply to a lawyer hired to investigate alleged violations of the law. A lawyer discharged because of activity relating to the foregoing must inform the organization’s highest authority.

Rule 1.14
(Client with
Diminished
Capacity):

The Rule increases the lawyer’s authority to divulge confidential information to others in the client’s best interest. The Commentary is very helpful and much more detailed than before. Dealing with an emergency, including when the client cannot communicate, is addressed.

Rule 1.15
(Safekeeping
Property):

(Changes to 1.15 are in effect as of September 1, 2006)

There is now an explicit provision for how long records of clients' funds accounts and records of other client property shall be preserved: seven years (§b).

A small amount of the lawyer's own funds may be put into clients' funds for the sole purpose of paying bank service charges (§c), or to obtain waiver of fees and service charges. (Section (g)(7))

Absent a written agreement for an alternative, fees and expenses paid in advance must be put into the clients' funds account, to be withdrawn only when earned or incurred (§d).

Generally, property of "third persons" is required to be treated in the same way as client property.

The Rule went into effect quickly because of major changes in the IOLTA program (§g) to broaden the spectrum of financial institutions that can participate but to limit the eligible institutions to those that pay certain minimum interest rates on the accounts. This increase in interest payments will substantially increase the IOLTA program's funding and other organizations providing legal services to poor people.

Rule 1.16
(Declining or
Terminating
Representation):

Mostly unchanged. However, a lawyer is no longer permitted to withdraw based on client's seeking an "imprudent" *objective*, but only when client seeks repugnant *action* with which the lawyer fundamentally disagrees. Commentary removes section on Optional Withdrawal, including that past misuse of lawyer's services was a justifiable basis for withdrawal even though such would prejudice client.

Rule 1.17
(Sale of Law
Practice):

This is a new Rule. It establishes provisions for selling all or part of a practice, including notice to clients. The entire practice must be sold to one or more buyers; and seller must cease private practice of law. Fees cannot be increased because of the sale.

Rule 1.18
(Duties to
Prospective
Clients):

This is a new Rule. It resolves the ambiguous situation that previously existed. Prospective clients receive some but not all the protection afforded clients. A client unilaterally communicating information without reasonable expectation that lawyer would discuss a relationship is not protected. A lawyer will not be disqualified unless the information received could be “significantly harmful” if used. A lawyer who interviews a prospective client will not disqualify the whole firm when the opponent comes knocking later on, since the lawyer can be screened from participation -- provided the prospective client is given notice

Rule 2.1
(Advisor):

No significant changes. Commentary now says Rule 1.4 (Communication) may require informing client about Alternative Dispute Resolution.

Rule 2.2
(Intermediary):

Repealed. The word “Intermediary” has been banished from the Rules. the issues are somewhat faintly addressed by Commentary to Rule 1.7, under Special Considerations in Common Representation. See also new Rule 2.4 Lawyer as Third Party Neutral.

Rule 2.3
(Evaluation for
Use by Third
Persons):

A lawyer now shall not give an evaluation for third person use on a matter that the lawyer knows or should know would likely adversely and materially affect a client without the client’s informed consent. The process of getting informed consent is detailed in the Commentary.

Rule 2.4
(Lawyer as
Neutral):

This is a new Rule that sets requirements for lawyers as third-party neutrals in alternate dispute resolution type situations, where the disputants are not clients. The Commentary says the ADR process is governed by the Rules.

Rule 3.1
(Meritorious
Claims):

The Rule is clarified to state the obvious, that a position must be nonfrivolous in both *law and fact*.

Rule 3.2
(Expediting
Litigation):

No significant changes.

Rule 3.3
(Candor):

A lawyer now cannot make a false statement of fact or law to a tribunal even if it is immaterial, and must correct a false statement of material fact or law the lawyer previously made to the tribunal.

Previously, if a lawyer offered material evidence and later came to know of its falseness, the lawyer had to take remedial action. Now the lawyer must do so if the client or a witness called by the lawyer offered material evidence the lawyer later learned was false, apparently even if the lawyer did not offer that evidence. The remedial action now includes “if necessary, disclosure to the tribunal,” even if that would violate Rule 1.6, according to the Commentary.

The Commentary applies the rule for tribunals to depositions.

A lawyer representing a client who knows that *anyone* intends to engage, is engaging, or has engaged in criminal or fraudulent conduct in the proceedings must also now take remedial measures.

The old §(c) language permitting a lawyer to refuse to offer evidence the lawyer reasonably believes is false has been deleted. (Presumably anything that is not prohibited is still permitted.)

The Rule now requires a lawyer who learns before judgment that a juror has violated the trial court’s instructions to the jury to report that fact to the trial judge.

The Commentary is extensively revised. It now makes it clear that a lawyer cannot offer a criminal defendant’s testimony the lawyer knows to be false. However, this rule may be trumped where courts have required counsel to present the accused as a witness or to give a narrative statement if the accused so desires, even if counsel knows the testimony or statement will be false. In addition, if the lawyer only reasonably believes, but does not know (See Rule 1.0), that a criminal defendant’s testimony will be false, then lawyer must honor the client’s decision. When and how a lawyer may seek permission to withdraw are described, including revealing Rule 1.6 information.

Rule 3.4
(Fairness to
Opponent):

No significant changes.

- Rule 3.5
(Impartiality
and Decorum): Section (3) addresses a new subject: restricting lawyer communications with jurors after they are discharged.
- Rule 3.6
(Trial
Publicity): The examples of what a lawyer is permitted to say are moved from the Rule to the Commentary. The “safe harbor” has been made a little less safe by use of the qualification that the examples “would not *ordinarily* be considered prejudicial” [emphasis added].
- Rule 3.7
(Lawyer as
Witness): No significant changes in the Rule. The Commentary encourages the tribunal to prohibit the representation permitted in §b if the trier of fact (presumably a jury) would be confused.
- Rule 3.8
(Special
Responsibilities
of Prosecutor): No changes yet. Changes were proposed by the Rules Committee of the Superior Court in April 2006 and are currently under consideration by the judges.
- Rule 3.9
(Nonadjudicative
Proceedings): No significant changes to the Rule. The Commentary limits the definition of “nonadjudicative proceedings” essentially to official hearings.
- Rule 4.1
(Truthfulness): No significant changes. The Commentary relating to crime and fraud by client is expanded.
- Rule 4.2
(Communications): No changes yet. Changes were proposed by the Rules Committee of the Superior Court in April 2006 and are currently under consideration by the judges.
- Rule 4.3
(Unrepresented
Person): The Rule now applies only to civil matters and prohibits giving of advice to an unrepresented person whose interests conflict with those of the client. Negotiating a settlement with such a person is countenanced by the Commentary.

Rule 4.4
(Respect for
Rights of
Third Persons):

Section (b) is new and states in full:

(b) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

The Commentary says that the purpose of the notice is to allow the sender to take protective measures, and that "document" includes email and other electronic modes of transmission.

Rule 5.1
(Supervisory
Lawyers):

The duty of a supervising lawyer is no longer limited to a partner, but extends to other lawyers in a law firm, legal services organization, and a corporate or government law department with comparable managerial authority.

Rule 5.2
(Subordinate
Lawyer):

Section §(b) has been deleted. It said there would be no violation by a subordinate lawyer, if the lawyer was acting on a supervisor's resolution of an arguable question of professional duty. Protection is still found in the second paragraph of the Commentary, where it is said that the supervisor role "should protect" the subordinate if the question is "reasonably arguable". However, the Chief Disciplinary Counsel of the Statewide Grievance Committee, Mark Dubois, is of the opinion that this paragraph of the Commentary is now simply a historical artifact with no support in the Rule.

Rule 5.3
(Non-Lawyer
Associates):

The Rule now applies also to one or more lawyers possessing managerial authority comparable to a partner, similar to the change in Rule 5.1. A new portion of the Commentary requires the lawyer made reasonable efforts to set internal policies and procedures.

Rule 5.4
(Independence):

This Rule now makes an exception to sharing fees with a nonlawyer if a lawyer purchases the practice of a deceased or disappeared lawyer.

Rule 5.5
(Unauthorized Practice of Law): No changes yet. Changes in this Rule are currently under consideration by the judges of the Superior Court.

Rule 5.6
(Restrictions on Right to Practice): No significant changes.

Rules 6.1
(Pro Bono Services) No changes in the Rule. The Commentary to Rule 6.1 says law firms should enable and encourage pro bono work by *all* lawyers in the firm.

Rules 6.2,
6.3, 6.4 No changes.

Rule 6.5
(Legal Services Programs): This is a new Rule. It addresses short term legal services given on such things as hot lines, advice-only clinics and pro bono counseling. It relieves a lawyer participating in such programs from Rules 1.7 and 1.9 unless the lawyer knows there is a conflict of interest, and from Rule 1.10 unless the lawyer knows another lawyer in the firm is disqualified. It allows short term and limited representation only with informed consent.

Rule 7.1
(Communications re: Lawyer's Services): The Rule now simply says that a lawyer cannot make false or misleading statements, and that such a violation may be by commission or omission. The specifics are moved to the Commentary. The Commentary now says that a disclaimer or qualification might preclude a finding of Rule violation.

Rules 7.2 & 7.3
(Advertising and
Personal Contact
with Prospective
Clients):

These Rules have been brought into the electronic age.

The major change in Rule 7.2 is the requirement that the lawyer must comply with the reporting requirements of new Practice Book § 2-28A, discussed below in the coverage of changes in Practice Book rules.

A new Rule 7.2 requirement for television advertising is that the name, address and telephone number of the lawyer admitted *in Connecticut* must be readable and be displayed in bold print for fifteen seconds or the duration of the commercial, whichever is less.

Rule 7.4 through
7.4C (Certification
as Specialist):

No changes.

Rule 7.5
(Firm Names
and Letterheads):

No changes.

Rule 8.1
Bar Admission
and Discipline):

No changes in the Rule. The Commentary clarifies what previously was implicit in the Rule, that it also requires correction of prior misstatements the lawyer may have made in the admission or disciplinary process.

Rule 8.2
(Judges):

No changes.

Rule 8.3
(Reporting
Professional
Misconduct):

The duty to report professional misconduct has been changed from the somewhat ambiguous “having knowledge” to “knows.” Rule 1.0 defines “knows” as “actual knowledge of the fact in question.” The express exemption of a lawyer while serving on a bar association professional ethics committee is deleted.

Rule 8.4

(Misconduct): It is now misconduct to state or imply an ability to achieve results by means that violate these Rules.

While the Rule does not expressly say so, the Commentary now says it is misconduct to attempt to violate the Rules or knowingly to assist or induce another to do so, or for a lawyer to assist, induce, or act in violation of the Rules through an agent. Advising the client to concerning legally permitted client acts is not a violation.

The Commentary now also indicates that a lawyer violates subsection (4) if the lawyer, in the course of representation, and when it is prejudicial to the administration of justice, knowingly manifests through words or conduct bias or prejudice concerning “race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status,” other than in legitimate advocacy on the subject.

Rule 8.5

(Disciplinary
Authority;

Choice of Law):

The Rule clarifies that a Connecticut lawyer can be disciplined here for conduct anywhere. It also now states that a lawyer not admitted here is subject to discipline here if providing or attempting to provide legal services here, and that lawyer may be disciplined both here and elsewhere for the same act.

The choice of law section (§b) is entirely new. For conduct before a tribunal, the law of the tribunal normally applies. Otherwise the law where the lawyer’s conduct occurred applies, unless the predominant effect of that conduct is elsewhere.

Practice Book Rules

Chapter 2 – Attorneys

§§ 2-27, 2-28,
2-42, 2-47A
and 2-53

(Clients’ Funds):

These sections have dramatic changes based on the large number of recent defalcations. Section 2-27 now requires lawyers to produce clients’ funds records on request immediately after overdraft notification or on the filing of a grievance. This section also sets up a procedure for random inspections and audits of all clients’ funds (not just IOLTA) accounts, to go into effect on July 1, 2007. Section 2-28 authorizes an application for interim supervision for failure to respond to a § 2-27(b) request. Section 2-42

increases the power and duty of statewide grievance counsel to apply for interim supervision in clients' funds matters.

Compliance with §§ 2-27 and 2-28 will not be construed to be a violation of the confidentiality provisions of Rule 1.6(a). (To avoid a possible violation of Rule 1.6, lawyers should be careful not to offer anything that is not properly and precisely requested under these sections.)

Section 2-47A is entirely new and requires automatic disbarment where a judge of the Superior Court finds that a lawyer has knowingly misappropriated a client's funds or other property held in trust.

Section 2-53(e) was added to state that an application for reinstatement for a § 2-47A disbarment cannot be considered until 12 years after disbarment *and* full restitution.

§§ 2-28A, 2-28B
(Attorney
Advertising):

These are entirely new Sections effective July 1, 2007.

Section 2-28A requires the filing of most advertising with the Statewide Bar Counsel prior to or at the time of its first dissemination to the public. Bar Counsel will review the filings on a random basis and attempt to resolve disputes about any Rule violations directly with the lawyer. If that fails, Bar Counsel will forward the matter to the Statewide Grievance Committee. If Grievance Committee finds a violation of the Rules, it shall require disciplinary counsel to file a presentment (not a grievance).

There are various exceptions to the filing requirements for the following advertisements: those with only Rule 7.2(i) information, telephone directory or law list advertising, announcements of new lawyers, new addresses and the like, and communications sent only to existing or former clients and various professional and nonprofit groups, or requested by a prospective client.

Section 2-28B provides a procedure for a lawyer to request an advance advisory opinion by the Statewide Grievance Committee concerning the propriety of an advertisement. Requests submitted within 60 days of July 1, 2007 must be answered within 45 days. Requests made subsequently must be answered within 30 days. If no answer is provided within the required time period, the ad will be deemed in compliance with the Rules.

§§ 2-35, 2-36
(Request for
Review):

After a three-member panel of the Statewide Grievance Committee issues its final decision under § 2-35 and the respondent has requested review by the whole Committee, disciplinary counsel now has 14 days to respond to the request, and the Committee as a whole now has 60 days from the expiration of that 14-day period to rule.

§§ 2-40, 2-41
(Felony
Presentments):

The main point of the revision is to make in-state and out-of-state convictions subject to the same general provisions and to make clearer what constitutes a serious crime.

§ 2-47
(Three-Strikes
Provision):

Automatic presentment will now occur if a fourth grievance complaint is pending at the time the third strike occurs within five years; previously the fourth complaint had to be *filed* after the third strike.

§ 2-50
(Disciplinary
Records):

No substantive changes; the record-keeping requirements of the Statewide Grievance Committee are made easier to understand.

§ 2-76
(Confidentiality):

Disciplinary counsel can now access the records of the client security fund and will have greater authority to disclose such records.

§ 2-82
(Admission of
Misconduct;
Discipline by
Consent):

Finally, clarifications and increases have been made in the authority of the disciplinary counsel, the Statewide Grievance Committee, and the Superior Court to process and settle grievances, such as by *Alford* pleas, by admissions of only some facts, by allowing grievance counsel to recommend dismissal of certain acts alleged but not admitted, and by allowing counsel to stipulate to consolidate complaints pending before the committee with presentments.