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In re: Proposed Amendments to the  
Utah Rules of Professional Conduct  
Based Upon ABA Ethics 2000 Model  
Rules of Professional Conduct

Case No. 20050704-SC

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ORDER

The Ethics 2000 Commission was created by the American Bar Association to review and amend the Model Rules of Professional Conduct. The Ethics 2000 Commission's revisions to the ABA Model Rules were completed in August 2003. Thereafter, this Court requested its Advisory Committee on the Rules of Professional Conduct ("the Advisory Committee") to consider the Ethics 2000 revisions and recommend what amendments, if any, should be made to the Utah Rules of Professional Conduct.

In the spring of 2005, the Ethics 2000 amendments proposed by the Advisory Committee were published for comment. Following the Court's review of the proposed amendments and consideration of the comments received, IT IS HEREBY ORDERED that the proposed Ethics 2000 amendments to the Utah Rules of Professional Conduct recommended by the Advisory Committee and published for comment are adopted and promulgated effective November 1, 2005, subject to the following additions or charges:

1. Rule 1.3, Comment [5] is amended to mirror the ABA Model Rule which limits the described duty to sole practitioners. The proposed Comment [5a] is deleted.
2. Rule 1.6(b)(6) is amended to state "(b)(6) to comply with other law or a court order."
3. Rule 1.13, Comment [13a] is amended to insert the following sentence: "A government lawyer following these legal duties in good faith will not be considered in violation of the ethical standards of this Rule."

4. Rule 1.13, Comment [13b] is added to provide:

"When the client is a governmental legislative body (such as the Utah Legislature, a city council, or a county council or commission), a lawyer representing that legislative body may concurrently represent the interests of the majority and minority leadership, members and members-elect, committee members, and staff to the legislative body. In representing the legislative body and the various interests therein, the lawyer is considered to be representing one client and the rules related to conflict of interest and required consent to conflicts do not apply."

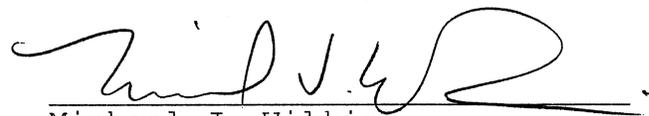
5. Rule 4.2(a), second sentence, is amended to state:

"Notwithstanding the foregoing, an attorney may, without such prior consent, communicate with another's client if authorized to do so by any law, rule, or court order. . ."

6. Proposed Utah Rule 7.4(d) is replaced with ABA Model Rule 7.4(d) and proposed Utah Comments [3] and [3a] are replaced with ABA Model Rule Comment [3].

FOR THE COURT:

September 19, 2005  
Date

  
Michael J. Wilkins  
Associate Chief Justice