Published on *Arkansas Judiciary* (https://courts.arkansas.gov)

Public Comment Period Open Regarding Proposed Changes to the Arkansas Rules of Professional Conduct

The Supreme Court has requested input from the public regarding proposed changes to the Rules of Professional Conduct in an April 10 per curiam opinion. The public comment period will end June 1, 2014.

You may submit comments in writing to

Leslie Steen, Supreme Court Clerk

ATTN: Arkansas Rules of Professional Conduct
625 Marshall Street
Little Rock, Arkansas 72201

Or via email to:

Les.Steen@arkansas.gov[1]

Stephanie.M.Harris@arkansas.gov[2]

The Per Curiam may be found here: http://opinions.aoc.arkansas.gov/WebLink8/Browse.aspx?startid=309694[3]

The Petition may be found here:
https://contexte.aoc.arkansas.gov/imaging/IMAGES/DMS/CK_Image.Present2?DMS_ID=W7Q9UJLX0A0JIZTQGOTRI15P2O4G94[4]

Below is a list of the Rules that are potentially affected. For complete details, please see the petition, which include the complete text of the rules and changes.

Rule 1.0 (terminology): addition of language on e-mail and electronic matter.

Rule 1.1 (competence): two new comments on using lawyers outside the firm.

Rule 1.4 (communication): change language from telephone calls to communications.

Rule 1.6 (confidentiality): A provision is added that permits some disclosure of information to detect and resolve conflicts of interests, and a provision requiring reasonable efforts to prevent the inadvertent or unauthorized disclosure of confidentiality. Three explanatory Comments are added.

Rule 1.8(c) (gift to lawyer): the word ?spouse? is inserted. The word was inadvertently omitted in 2005.

Rule 1.17 (sale of law practice): cross-references are inserted.

Rule 1.18 (duties to prospective client): Clarifying language and a comment are inserted. It removes any protection for a client who communicates with a lawyer ?for the purpose of disqualifying the lawyer.?

Rule 4.4 (respect for rights of third persons): the language is expanded and clarified to cover electronically stored information.

Rule 5.3 (responsibilities regarding non-lawyer assistance): two comments are added, discussing the use of non-lawyers outside the firm, such as investigative services, document management companies and printing and scanning services.

Rule 5.5 (unauthorized practice of law): minor changes in language.

Rules 7.1-7.3 (advertising and solicitation): [See discussion in the Petition] Changes: language on electronic communications and email is clarified or added; Comment 2 to Rule 7.1 on truthful statements in advertising (such as achievements on behalf of prior clients) is inserted; Rule 7.3(a) is rewritten for clarity; the term ?prospective client? is removed because it is inconsistent with Rule 1.18; Comment 1 to Rule 7.3 clarifies what is and is not an improper solicitation.

Petition Addressing Proposed Changes to the Rules of Professional Conduct[5]
IN RE ARKANSAS BAR ASSOCIATION PETITION PROPOSING AMENDMENTS TO THE ARKANSAS RULES OF PROFESSIONAL CONDUCT[6]

Source URL: https://courts.arkansas.gov/announcements/public-comment-period-open-regarding-proposed-changes-arkansas-rules-professional

Links:
[1] mailto:Les.Steen@arkansas.gov
[2] mailto:Stephanie.M.Harris@arkansas.gov
[3] http://opinions.aoc.arkansas.gov/WebLink8/Browse.aspx?startid=309694
[4] https://contexte.aoc.arkansas.gov/imaging/IMAGES/DMS/CK_Image.Present2?DMS_ID=W7Q9UJLX0A0JIZTQGOT
[5] https://courts.arkansas.gov/sites/default/files/Bar%20Petition%204-10-14_0.pdf
[6] https://courts.arkansas.gov/sites/default/files/PC%204-10-14_0.pdf