

MRPC PREFACE

American Bar Association
Model Rules of Professional Conduct

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PREFACE

For more than one hundred years, the American Bar Association has provided leadership in legal ethics and professional responsibility through the adoption of professional standards that serve as models of the regulatory law governing the legal profession.

On August 27, 1908, the Association adopted the original Canons of Professional Ethics. These were based principally on the Code of Ethics adopted by the Alabama Bar Association in 1887, which in turn had been borrowed largely from the lectures of Judge George Sharswood, published in 1854 as *Professional Ethics*, and from the fifty resolutions included in David Hoffman's *A Course of Legal Study* (2d ed. 1836). Piecemeal amendments to the Canons occasionally followed.

In 1913, the Standing Committee on Professional Ethics of the American Bar Association was established to keep the Association informed about state and local bar activities concerning professional ethics. In 1919 the name of the Committee was changed to the Committee on Professional Ethics and Grievances; its role was expanded in 1922 to include issuing opinions “concerning professional conduct, and particularly concerning the application of the tenets of ethics thereto.” In 1958 the Committee on Professional Ethics and Grievances was separated into two committees: a Committee on Professional Grievances, with authority to review issues of professional misconduct, and a Committee on Professional Ethics with responsibility to express its opinion concerning proper professional and judicial conduct. The Committee on Professional Grievances was discontinued in 1971. The name of the Committee on Professional Ethics was changed to the Committee on Ethics and Professional Responsibility in 1971 and remains so.

In 1964, at the request of President Lewis F. Powell Jr., the House of Delegates of the American Bar Association created a Special Committee on Evaluation of Ethical Standards (the “Wright Committee”) to assess whether changes should be made in the then-current Canons of Professional Ethics. In response, the Committee produced the Model Code of Professional Responsibility. The Model Code was adopted by the House of Delegates on August 12, 1969, and subsequently by the vast majority of state and federal jurisdictions.

In 1977, the American Bar Association created the Commission on Evaluation of Professional Standards to undertake a comprehensive rethinking of the ethical premises and problems of the legal profession. Upon evaluating the Model Code and determining that amendment of the Code would not achieve a comprehensive statement of the law governing the legal profession, the Commission commenced a six-year study and drafting process that produced the Model Rules of Professional Conduct. The Model Rules were adopted by the House of Delegates of the American Bar Association on August 2, 1983.

Between 1983 and 2002, the House amended the Rules and Comments on fourteen different occasions. In 1997, the American Bar Association created the Commission on Evaluation of the Rules of Professional Conduct (“Ethics 2000 Commission”) to comprehensively review the Model Rules and propose amendments as deemed appropriate. On February 5, 2002 the House of Delegates adopted a series of amendments that arose from this process.

In 2000, the American Bar Association created the Commission on Multijurisdictional Practice to research, study and report on the application of current ethics and bar admission rules to the multijurisdictional practice of law. On August 12, 2002 the House of Delegates adopted amendments to Rules 5.5 and 8.5 as a result of the Commission's work and recommendations.

In 2002, the American Bar Association created the Task Force on Corporate Responsibility to examine systemic issues relating to corporate responsibility arising out of the unexpected and traumatic bankruptcy of Enron and other Enron-like situations that had shaken confidence in the effectiveness of the governance and disclosure systems applicable to public companies in the United States. In August 11-12, 2003, the House of Delegates adopted amendments to Rules 1.6 and 1.13 as a result of the Task Force's work and recommendations.

In 2009, the American Bar Association created the Commission on Ethics 20/20 to perform a thorough review of the ABA Model Rules of Professional Conduct and the U.S. system of lawyer regulation in the context of advances in technology and global legal practice developments. On August 6, 2012 and February 11, 2013 the House of Delegates adopted a series of amendments to the Rules and Comments as a result of the Commission's work and recommendations.

The American Bar Association continues to pursue its goal of assuring the highest standards of professional competence and ethical conduct. The Standing Committee on Ethics and Professional Responsibility, charged with interpreting the professional standards of the Association and recommending appropriate amendments and clarifications, issues opinions interpreting the Model Rules of Professional Conduct and the Model Code of Judicial Conduct. The opinions of the Committee are published by the American Bar Association in a series of bound volumes containing opinions from 1924 through 2013 and as individual PDFs starting with the 1984 opinions.

Requests that the Committee issue opinions on particular questions of professional and judicial conduct should be directed to the American Bar Association, Center for Professional Responsibility, 321 N. Clark Street, Chicago, Illinois 60654.