

ST.	RULE	TEXT
AL	Alabama R. Prof. Conduct 1.8(g) (Michie's 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
AS	Alaska R. Prof. Conduct 1.8(g) (Matthew Bender 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
AR	Arizona R. Prof. Conduct 1.8(g) (Michie 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement. <sup>1</sup>
AK	Arkansas Model R. Prof. Conduct Rule 1.8 (2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
CA	Cal. Bar R. Prof. Conduct Rule 3-	(D) A member who represents two or more clients shall not enter into an aggregate settlement of the claims or against the clients without the informed written consent of each client. <sup>2</sup>

<sup>1</sup> Attorney suspended for agreeing to an aggregate settlement and failure to contact all plaintiffs and obtain consent of all plaintiffs. *In re North*, 2001 Ariz. LEXIS 45 (Ariz. Sup. Ct. March 28, 2001).

<sup>2</sup>DRAFTER'S NOTES

1992-- Rule 3-310 is not intended to prohibit a member from representing parties having antagonistic positions on the same legal question that has arisen in different cases, unless representation of either client would be adversely affected.

Other rules and laws may preclude making adequate disclosure under this rule. If such disclosure is precluded, informed written consent is likewise precluded. (See, e.g., *Business and Professions Code section 6068*, subsection (e).)

<b>ST.</b>	<b>RULE</b>	<b>TEXT</b>
	310(D) (Lexis 2002)	
CO	Col. Ct. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
CT	Conn. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
DE	Del. R. Prof. Conduct 1.8(g) (Matthew Bender 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
DC	D.C. R. Prof. Conduct 1.8(f) (Lexis 2002)	(f) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
FL	Flor. R. Prof. Conduct 1.4(g) (Lexis 2002)	(g) Settlement of Claims for Multiple Clients. A lawyer who represents 2 or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

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Paragraph (D) is not intended to apply to class action settlements subject to court approval.

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GA	Ga. State Bar R. 5-106(A) (Lexis 2002)	(A) A lawyer who represents two [2] or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against his clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement.
	Ga. State Bar Rule 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims for or against the clients, nor in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all claims or pleas involved and of the participation of each person in the settlement.
	G. State Bar Standard 39 (Lexis 2002)	A lawyer who represents two [2] or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against his clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement. A violation of this Standard may be punished by a public reprimand. <sup>3</sup>
HI	Hi. R. Prof Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
IL	IL R. Prof. Conduct 1.8(e) (Lexis 2002)	(e) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregate agreement as to guilty or nolo contendere pleas, unless each client consents after disclosure, including disclosure of

<sup>3</sup> Settlement of Aggregated Claims

[6] For example, Paragraph (g) requires consent after consultation. This requirement is not met by blanket consent prior to settlement that the majority decision will rule.

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		<p>the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p>
	<p>N. D. Ill. Local Rule 83.51.8. (Lexis 2002)</p>	<p>(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after disclosure, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p>
<p>IN</p>	<p>Ind. R. Prof. Conduct 1.8(g) (Burns 2002)</p>	<p>(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p>
<p>IA</p>	<p>Iowa Code Prof. Resp. DR 5-106(A) (Lexis 2002)</p>	<p>(A) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against the clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement.</p>
<p>KS</p>	<p>Kan. Sup. St. R. 1.8(g) (Lexis 2001)</p>	<p>(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p>
<p>KY</p>	<p>Ken. Sup. Ct. R. 1.8(g) (Lexis 2002)</p>	<p>(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p>

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LA	La. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
ME	Me. Bar R. 3.4(c)(3)(Lexis 2002)	(3) Settling Similar Claims. A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against those clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client has consented after being advised of the existence and nature of all the claims or pleas involved, and of the share of each person and the total amount of the settlement of a civil matter, or the participation of each person in the agreement in a criminal case.
MD	Md. R. Prof. Conduct 1.8(g)(Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement. <sup>4</sup>

<sup>4</sup> Representation of several parties to a settlement. -- The Rule does not require that a settlement be set aside because certain parties were not aware of the precise eventual shares of an aggregate settlement that they were to receive, where the total settlement amount was well known, a method for formulating the eventual shares had been agreed to, the resulting settlement would be known to the parties, and there was no obvious injustice in upholding the settlement. *Scamardella v. Illiano*, 126 Md. App. 76, 727 A.2d 421 (1999). Applied in *Attorney Grievance Comm'n v. Singleton*, 311 Md. 1, 532 A.2d 157 (1987); *Attorney Grievance Comm'n v. Werner*, 315 Md. 172, 553 A.2d 722 (1989).

Quoted in *Medical Mut. Liab. Ins. Soc'y v. Evans*, 330 Md. 1, 622 A.2d 103 (1993); *Attorney Grievance Comm'n v. Webster*, 348 Md. 662, 705 A.2d 1135 (1998); *Ashcraft & Gerel v. Shaw*, 126 Md. App. 325, 728 A.2d 798 (1999); *In re Merry-Go-Round Enters.*, 244 Bankr. 327 (Bankr. D. Md. 2000).

Cited in *Stueber v. Arrowhead Farm Estates Ltd. Partnership*, 69 Md. App. 775, 519 A.2d 816 (1987); *Attorney Grievance Comm'n v. Snyder*, -- Md. --, 793 A.2d 515 (2002).

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MA	Ma. Sup. Jud. Ct. Rule 3:07(g), Ma. R. Prof. Conduct 1.8(g)(2002) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claim of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
MN	Minn. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, unless each client consents after consultation, including disclosure of the existence and nature of all the claims and of the participation of each person in the settlement.
MS	Miss. R. Prof. Conduct 1.8(g)(Lexis)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
MO	Mo. S.Ct. Rule 4-1.8(g) Rev. Stat. Mo.	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to

Mere representation of multiple parties does not alone pose conflict requiring separate counsel. *Allegretti-Freeman v Baltis* (1994, 3d Dept) 205 App Div 2d 859, 613 NYS2d 449.

Law firm would not be disqualified on ground that it represented multiple plaintiffs in 17 separate but related actions to recover damages for structural defects in homes sold to them, even though firm's loyalty to plaintiffs could become divided should certain plaintiffs desire to accept settlement offer, which would violate agreement between plaintiffs (drafted by firm) that conditioned acceptance of settlement offers on approval of all other plaintiffs, where such scenario had not yet arisen and might not arise, interests of all plaintiffs were essentially same, and disqualification would pose great hardship for plaintiffs and increase their litigation expenses. *Allegretti-Freeman v Baltis* (1994, 3d Dept) 205 App Div 2d 859, 613 NYS2d 449.

Lawyer may not represent in separate actions 2 plaintiffs against same defendant where there will be insufficient assets available for full satisfaction of all claims unless it is obvious lawyer can adequately represent both plaintiffs, and both plaintiffs consent after full disclosure. NYSBA, Comm on Prof Ethics Op. No. 639, 12/7/92 (28-92).

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	(Lexis) (2002)	guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
MT	Mt. R. Prof. Conduct 1.8(g)(Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
NE	Neb. R. Prof Resp. 5-106(A) (Lexis 2002)	(A) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against the clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement.
NV	Nev. Supr. Ct. Rule 1.6(A) (Lexis 2002)	(A) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against the clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement.
NH	New Hamp. R. Prof Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or, in a criminal case, an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
NJ	New J. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or no contest pleas, unless each client consents after consultation, including disclosure of the

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NM	New Mex. R. Prof Conduct 16-108(G) (Lexis 2002)	G. Representation of two or more clients. A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
NY	NY Code of Prof. Resp. 5-106(a) (Lexis 2002)	(a) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against the clients, unless each client has consented after full disclosure of the implications of the aggregate settlement and the advantages and risks involved, including the existence and nature of all the claims involved and the participation of each person in the settlement. <sup>6</sup>
NC	North Car. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case, an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
ND	North Dak. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients, other than in class actions, shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty pleas, unless, after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement, each client consents.
OH	Ohio Disciplinary R. 5-106(A) (Lexis 2002)	(A) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against his clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the

<sup>5</sup> “An ‘aggregate settlement’ includes any attempt to allocate the recovery of damages among two or more persons out of single limits insurance coverage.” *Straubinger v. Schmitt, et al.*, 2002 N.J. Super. LEXIS 113 (March 5, 2002).



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		settlement.
OK	Ok. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
OR	Oregon Disciplinary R. 5-105(A) (Lexis 2002)	(A) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregate agreement as to guilty or nolo contendere pleas, unless each client consents after full disclosure, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
PA	Penn. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
RI	Rhode Is. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
SC	S.C. Code Ann. § Title 407, 1.8(g) (2001) (Lexis 2001)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
	S.C. Appellate Court Rules 407, Rule 1.8(g) (Lexis 2001)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of

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TN	Tenn. Sup. Ct. Rule 8, DR 5-106(A) (2002) (Lexis 2002)	(A) A lawyer who represents two or more clients shall not make or participate in the making of an aggregate settlement of the claims of or against those clients, unless each client has consented to the settlement after being advised of the existence and nature of all the claims involved in the proposed settlement, of the total amount of the settlement, and of the participation of each person in the settlement.
TX	Tex. R. Prof. Conduct 1.8(f) (Lexis 2002)	(f) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement to guilty or nolo contendere pleas, unless each client has consented after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the nature and extent of the participation of each person in the settlement. <sup>7</sup>
UT	Utah R. Prof Conduct 1.8(g) (Michie 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
VT	Verm. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
VA	Vir. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of

<sup>7</sup> “A lawyer engaging in clear and serious violation of duty to a client may be required to forfeit some or all of the lawyer’s compensation for the matter.” *Burrow v. Arce*, 997 S.W.2d 229, 241 (Tex. Sup. Ct. 1999), involving a \$190 million settlement and a \$60 million attorneys fee on behalf of 126 plaintiffs in which plaintiffs allege, *inter alia*, that the attorneys entered into an aggregate settlement of all plaintiffs’ claims without plaintiffs’ authority or approval.

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		the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
WA	Wash. R. Prof Conduct 1.8(g) (Lexis 2002)	A lawyer who is representing a client in a matter: . . . (g) Shall not, while representing two or more clients, participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and the participation of each person in the settlement.
WV	West Vir. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
WI	Wis. Sup. Ct. R. 20:1.8(g) (Lexis 2002)	(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.
WY	Wyo. R. Prof. Conduct 1.8(g) (Lexis 2002)	(g) A lawyer who represents two (2) or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client consents after consultation, including disclosure of the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.