

3.3 Comparison Chart

[with thanks to Stephanie Stewart]

3.3 Candor Toward the Tribunal

Georgia Rule 3.3	ABA Model Rule 3.3 (current)
(a)(1) A lawyer shall not knowingly make a false statement of material fact or law to a tribunal	(a)(1) A lawyer shall not knowingly make a false statement of fact or law to a tribunal
(a)(2) A lawyer shall not knowingly fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client	or <i>fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer</i>
(a)(3) A lawyer shall not knowingly fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel	(a)(2) <i>Identical</i>
(a)(4) A lawyer shall not knowingly offer evidence that the lawyer knows to be false.	(a)(3) <i>Identical</i>
If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures	If a lawyer, <i>the lawyer's client, or a witness called by the lawyer</i> , has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, <i>including, if necessary, disclosure to the tribunal</i>
<i>No comparable provision</i>	(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal
(b) The duties stated above continue to the conclusion of the proceedings, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6	(c) <i>Identical</i>
(c) A lawyer may refuse to offer evidence that the lawyer reasonably believes is false	(a)(3) A lawyer may refuse to offer evidence, <i>other than testimony of a defendant in a criminal matter</i> , that the lawyer reasonably believes is false
(d) In an ex parte proceeding, other than grand jury proceedings, a lawyer shall inform the tribunal of all material facts known to the lawyer <i>that the lawyer reasonably believes are necessary</i> to enable the tribunal to make an informed decision, whether or not the facts are adverse	(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse