



Center for Public  
Representation

August 30, 2025

American Bar Association  
Center for Professional Responsibility  
c/o Standing Committee on Ethics and  
Professional Responsibility  
321 North Clark Street  
Chicago, IL 60654

Via email to  
[modelruleamend@americanbar.org](mailto:modelruleamend@americanbar.org)

Dear Committee Members:

The Center for Public Representation (CPR) is pleased to submit comments in support of the second discussion draft of proposed amendments<sup>1</sup> to the American Bar Association's (ABA)'s Model Rule of Professional Conduct 1.14. CPR commends The Center for Professional Responsibility's adoption of our suggested revisions to the first discussion draft,<sup>2</sup> which will ensure that the Model Rule more fully embraces the notion that people with cognitive disabilities, regardless of their support needs, have the capacity to make legal decisions, with supports and accommodations, including Supported Decision-Making. CPR believes reform to Rule 1.14 is overdue. We ask the Committee to swiftly adopt the proposed amendments in the second discussion draft and take this critical step towards dismantling the bias people with disabilities face to accessing legal counsel and fully enjoying their legal rights.

## Background

CPR is a nationally recognized legal advocacy center committed to protecting and advancing the rights of people with disabilities. CPR utilizes legal strategies, systemic reform initiatives, and policy advocacy to enforce civil rights to empower people with disabilities to exercise choice in all aspects of their lives.

CPR previously submitted detailed comments in support of the initial discussion draft of the proposed amendments of Model Rule 1.14. Alongside our robust support of the those proposed amendments, CPR offered two recommendations for revisions: (1) a change to proposed Comment 3 to clarify that many people

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<sup>1</sup> A.B.A. CTR. FOR PRO. RESP., *Memorandum to A.B.A. Entities, Cts, Bar Assoc., Individuals, and Entities re Seeking Comment on Second Discussion Draft Possible Amendments to A.B.A. Model R. of Pro. Conduct 1.14*, [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/mrpc-1-14-comments/final-merged-1-14-release-for-comment-july2025.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc-1-14-comments/final-merged-1-14-release-for-comment-july2025.pdf) (hereinafter "ABA Memorandum and Second Discussion Draft").

<sup>2</sup> CENTER FOR PUBLIC REPRESENTATION, *Supported Decision-Making: Comments in Support of Amendments to Model Professional Rule 1.14*, <https://supporteddecisions.org/wp-content/uploads/2025/06/CPR-Comments-in-Support-MRPC-1.14-Amendments-FINAL.pdf> (last visited August 24, 2025).

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with substantial decision-making limitations can make legal decisions and (2) an amendment to Comment 10 to ensure that attorneys consider what existing supports and services will enhance a client’s decision-making, what factors may impede it, and whether additional accommodations could be made available before determining whether protective action is needed.<sup>3</sup> Nonetheless, CPR broadly endorsed the amendments based upon our decades of work representing and advocating alongside people with disabilities.

**CPR Fully Supports the Proposed Amendments Contained in Second Discussion Draft and Urges the Committee to Swiftly Adopt These Amendments**

CPR is pleased that the Committee adopted both of our recommended revisions to Comments 3 and 10 in its second discussion draft and supports the reasoning offered for proposed amendments in the ABA’s Memorandum and Second Discussion Draft.<sup>4</sup> We also support the additional amendment to Comment 10 that clarifies an attorney’s responsibility to carefully scrutinize existing evaluations from healthcare professionals before relying on them to justify taking protective action on behalf of a client. We agree that attorneys should “recognize that the evaluation may have been done for a different purpose and under different circumstances, and that the evaluator may have evaluated the client based on standards that differ from the relevant legal standard.”<sup>5</sup> This proposed amendment to Comment 10 highlights that an attorney has an obligation not to indiscriminately rely on the evaluation alone to justify protective action. This amendment is critical to prevent the misuse of evaluations conducted for other purposes – like evaluations to support eligibility for public benefits, such as Medicaid Waivers or Supplemental Security Income (SSI) – or evaluations conducted by professionals who are not qualified to make determinations about a client’s alleged incapacity.<sup>6</sup>

The current proposed reform to Rule 1.14 represents a foundational step to tackle the discrimination and bias people with disabilities experience when retaining counsel. These reforms are critical to advancing the recognition that people with disabilities are capable legal actors. Across CPR’s long history of working alongside people with disabilities, we have remained committed to ensuring that they are able to enjoy and fully exercise their legal rights. In light of that commitment, we urge the Committee to swiftly adopt these amendments.

If you have any questions regarding these comments, please do not hesitate to contact me at the email address provided below. Thank you for your consideration.

Sincerely,



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<sup>3</sup> *Id.* at 4, 6-7.

<sup>4</sup> ABA Memorandum and Second Discussion Draft, *supra* note 1.

<sup>5</sup> *See id.* at 3.

<sup>6</sup> See also NAT’L COUNCIL ON DISABILITY, *Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination* at 79-80 (2018) <https://www.ncd.gov/assets/uploads/docs/ncd-guardianship-report-accessible.pdf> (noting that in one case an orthopedic surgeon was designated to evaluate a person with intellectual disabilities’ capacity even though they did not have the appropriate expertise and experience to perform that evaluation).