



CORPORATE & COMMERCIAL · 50-STATE REFERENCE CHART

Recording the Calls You Are On: One Party or All?

A 50-State, District of Columbia, and Federal Chart on Call-Recording Consent Law — Governing Statutes and Leading Precedent, Current Through August 2026

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HOW TO USE THIS CHART — AND ITS LIMITS. This chart answers one narrow question for each jurisdiction: may a private person lawfully record a telephone call to which he or she is a party, without the other participants' consent? It states the general rule only. Every entry is subject to statutory exceptions, expectation-of-privacy elements, and criminal- or tortious-purpose provisos; recording for the purpose of committing a crime or tort is unlawful everywhere. The classifications reflect statutes and published decisions as of August 2026 and are highly fact-sensitive — do not act on this chart without advice on your specific facts.

THE INTERSTATE-CALL TRAP. On a call that crosses state lines, more than one state's law can apply, and courts — most prominently the California Supreme Court in *Kearney v. Salomon Smith Barney, Inc.* — have applied the stricter state's rule to out-of-state recorders. The safe operating practice for any multistate caller is to follow the strictest state on the line: announce the recording at the outset and proceed only if all parties stay on the call.

Is it true that you can record the calls you are on “in all but twelve states”? Broadly, yes — but the shorthand needs precision. Under federal law and in thirty-four states plus the District of Columbia, one-party consent suffices: because the recorder is a party, the recorder's own consent makes the recording lawful. Nine states clearly do not allow it — they require the consent (or, in Montana, the knowledge, and in Washington, the announced notice) of every party to the call. Seven more states are qualified: the statute and the case law diverge (Michigan, New Mexico, Delaware), civil and criminal rules differ (Connecticut), the offense turns on secrecy rather than consent (Massachusetts), the phone and in-person rules differ (Oregon), or there is no state statute at all (Vermont). The familiar twelve-state list is thus a fair rule of thumb — it counts most of the nine strict states and several of the qualified ones — but compliance decisions should be made from the chart, not the rule of thumb.

The federal baseline. The federal Wiretap Act permits a person to record a wire, oral, or electronic communication where the person “is a party to the communication or where one of the parties to the communication has given prior consent,” unless the recording is made for the purpose of committing a criminal or tortious act. 18 U.S.C. § 2511(2)(d). Federal law, however, sets a floor rather than a ceiling: it does not preempt stricter state requirements, so a call lawful to record under federal law may still be a felony under the law of a participant’s state.

Reading the chart. Jurisdictions are grouped by answer: allowed (one-party consent), not allowed (all-party consent), and qualified. The precedent column cites the leading decision of the state’s highest court construing the recording statute or the participant’s right to record; where that court has not spoken, the best available authority is cited and flagged. Statutory citations and case names are hyperlinked to publicly available texts of the cited laws and decisions for reading and verification. Citations follow Bluebook form.

Jurisdiction	May a party record the call?	Governing law	Leading precedent
ALLOWED — ONE-PARTY CONSENT SUFFICES (34 STATES, THE DISTRICT OF COLUMBIA & FEDERAL LAW)			
Federal	Yes — the recorder’s own consent suffices, unless the recording is made for a criminal or tortious purpose. Federal law is a floor, not a ceiling: it does not displace stricter state laws.	18 U.S.C. § 2511(2)(d); civil action, 18 U.S.C. § 2520	United States v. White , 401 U.S. 745 (1971)
District of Columbia	Yes — party or one-party consent; criminal/tortious-purpose proviso applies.	D.C. Code § 23-542(b)(3)	Thomas v. United States , 171 A.3d 151 (D.C. 2017)
Alabama	Yes — the statute reaches only recording without the consent of at least one party.	Ala. Code §§ 13A-11-30(1), 13A-11-31	— <i>No reported decision of the Alabama appellate courts squarely construes the consent provision; the rule rests on the statutory text.</i>
Alaska	Yes — the eavesdropping statute prohibits only third-party interception.	Alaska Stat. § 42.20.310(a)	Palmer v. State , 604 P.2d 1106 (Alaska 1979) <i>A 2025 bill (S.B. 85) proposing all-party consent has not been enacted.</i>
Arizona	Yes — a party to the communication, or a person with a party’s consent, is exempt.	Ariz. Rev. Stat. §§ 13-3005, 13-3012(9)	State v. Hauss , 688 P.2d 1051 (Ariz. Ct. App. 1984) <i>(Court of Appeals — the Arizona Supreme Court has not squarely construed the exemption.)</i>
Arkansas	Yes — lawful if the recorder is a party or one party consents.	Ark. Code Ann. § 5-60-120	King v. State , 2019 Ark. 114, 571 S.W.3d 476
Colorado	Yes — one participant’s consent removes the recording from the wiretap and eavesdropping offenses.	Colo. Rev. Stat. §§ 18-9-303, 18-9-304	People v. Morton , 539 P.2d 1255 (Colo. 1975)
Georgia	Yes — parties to a conversation may record and divulge it.	Ga. Code Ann. §§ 16-11-62(1), 16-11-66(a)	Fetty v. State , 268 Ga. 365, 489 S.E.2d 813 (1997) <i>Separate consent rules protect minors (§ 16-11-66(b)).</i>
Hawaii	Yes — party or one-party consent, absent a criminal or tortious purpose.	Haw. Rev. Stat. § 803-42(b)(3)(A)	State v. Lester , 64 Haw. 659, 649 P.2d 346 (1982)
Idaho	Yes — party or one-party consent, absent a criminal or tortious purpose.	Idaho Code § 18-6702(2)(d)	State v. Thompson , 114 Idaho 746, 760 P.2d 1162 (1988) <i>(Applies the Act generally; no decision squarely construes the participant exception.)</i>

Jurisdiction	May a party record the call?	Governing law	Leading precedent
Indiana	Yes — “interception” requires lack of consent by the sender or receiver; a recording party is a consenting sender or receiver.	Ind. Code §§ 35-31.5-2-176, 35-33.5-5-5	Apter v. Ross , 781 N.E.2d 744 (Ind. Ct. App. 2003) (Court of Appeals — the Indiana Supreme Court has not squarely construed the rule.)
Iowa	Yes — party or one-party consent, absent a criminal, tortious, or other injurious purpose.	Iowa Code § 808B.2(2)(c) ; see also Iowa Code § 727.8	State v. Fox , 493 N.W.2d 829 (Iowa 1992)
Kansas	Yes — breach of privacy requires interception without the consent of the sender or receiver.	Kan. Stat. Ann. § 21-6101(a)(1)	State v. Roudybush , 235 Kan. 834, 686 P.2d 100 (1984)
Kentucky	Yes — eavesdropping requires interception without the consent of at least one party.	Ky. Rev. Stat. Ann. §§ 526.010, 526.020	Carrier v. Commonwealth , 607 S.W.2d 115 (Ky. Ct. App. 1980) (Court of Appeals — the Kentucky Supreme Court has not squarely construed the rule.)
Louisiana	Yes — party or one-party consent, absent a criminal, tortious, or other injurious purpose.	La. Stat. Ann. § 15:1303(C)(4)	State v. Reeves , 427 So. 2d 403 (La. 1982)
Maine	Yes — “intercept” expressly excludes hearing or recording by the sender or receiver, or with a party's prior authority.	Me. Stat. tit. 15, § 709(4) ; offenses, id. § 710	— No Law Court decision squarely construes the participant exclusion; the rule rests on the statutory text.
Minnesota	Yes — party or one-party consent, absent a criminal or tortious purpose.	Minn. Stat. § 626A.02, subd. 2(d)	Copeland v. Hubbard Broad., Inc. , 526 N.W.2d 402 (Minn. Ct. App. 1995) (Court of Appeals — the Minnesota Supreme Court has not squarely construed the exception.)
Mississippi	Yes — the statute exempts recording by a participant or with one party's consent.	Miss. Code Ann. § 41-29-531(e)	— No reported Mississippi appellate decision squarely construes the participant exception; the rule rests on the statutory text.
Missouri	Yes — party or one-party consent for wire (telephone) communications, absent a criminal or tortious purpose.	Mo. Rev. Stat. § 542.402.2(3)	Lee v. Lee , 967 S.W.2d 82 (Mo. Ct. App. 1998) (Court of Appeals — the Missouri Supreme Court has not squarely construed the exception.)
Nebraska	Yes — party or one-party consent, absent a criminal or tortious purpose.	Neb. Rev. Stat. § 86-290(2)(c)	— No Nebraska Supreme Court decision squarely construes the consent exception; the rule rests on the statutory text.
New Jersey	Yes — party or one-party consent, absent a criminal or tortious purpose.	N.J. Stat. Ann. § 2A:156A-4(d)	State v. Diaz , 308 N.J. Super. 504, 706 A.2d 264 (App. Div. 1998) (Appellate Division — the New Jersey Supreme Court has not squarely construed the private-party exemption.)
New York	Yes — eavesdropping requires interception by a person who is not a sender or receiver and lacks either's consent.	N.Y. Penal Law §§ 250.00, 250.05	People v. Badalamenti , 27 N.Y.3d 423, 54 N.E.3d 32 (2016)
North Carolina	Yes — lawful if the recorder is a party or one party has consented.	N.C. Gen. Stat. § 15A-287(a)	State v. Levan , 326 N.C. 155, 388 S.E.2d 429 (1990)
North Dakota	Yes — party or one-party consent, absent a criminal or tortious purpose.	N.D. Cent. Code § 12.1-15-02	— No North Dakota Supreme Court decision squarely construes the consent exception; the rule rests on the statutory text.
Ohio	Yes — party or one-party consent, absent a criminal or tortious purpose.	Ohio Rev. Code Ann. § 2933.52(B)(4)	State v. Gerald , 68 Ohio St. 2d 120, 429 N.E.2d 141 (1981)

Jurisdiction	May a party record the call?	Governing law	Leading precedent
Oklahoma	Yes — party or one-party consent, absent a criminal or tortious purpose.	Okla. Stat. tit. 13, § 176.4(5)	Isaacson v. Isaacson , No. 11-6201 (10th Cir. Apr. 19, 2012) (unpublished) (Federal — no Oklahoma appellate decision squarely construes the participant exception.)
Rhode Island	Yes — a party to the communication, or a person with one party's prior consent, is exempt.	11 R.I. Gen. Laws § 11-35-21(c)	State v. O'Brien , 774 A.2d 89 (R.I. 2001)
South Carolina	Yes — party or one-party consent, absent a criminal or tortious purpose.	S.C. Code Ann. § 17-30-30(C)	State v. Whitner , 399 S.C. 547, 732 S.E.2d 861 (2012) Bills proposing all-party consent (H. 3593/3594) remain in committee, not enacted.
South Dakota	Yes — lawful if the recorder is a party or one party has consented.	S.D. Codified Laws § 23A-35A-20	State v. Braddock , 452 N.W.2d 785 (S.D. 1990)
Tennessee	Yes — party or one-party consent, absent a criminal or tortious purpose.	Tenn. Code Ann. § 39-13-601(b)(5)	State v. Munn , 56 S.W.3d 486 (Tenn. 2001)
Texas	Yes — party or one-party consent, absent a criminal or tortious purpose; the same rule governs the statutory civil claim.	Tex. Penal Code Ann. § 16.02(c)(4) ; Tex. Civ. Prac. & Rem. Code Ann. §§ 123.001–.004	Long v. State , 535 S.W.3d 511 (Tex. Crim. App. 2017)
Utah	Yes — party or one-party consent (which may be implied from notice), absent a criminal or tortious purpose.	Utah Code Ann. § 77-23a-4(7)(b)	State v. Wood , 2023 UT 63
Virginia	Yes — party or one-party consent, absent a criminal or tortious purpose.	Va. Code Ann. § 19.2-62(B)(2)	Cogdill v. Commonwealth , 219 Va. 272, 247 S.E.2d 392 (1978)
West Virginia	Yes — party or one-party consent, absent a criminal or tortious purpose.	W. Va. Code § 62-1D-3(e)	State v. Mullens , 650 S.E.2d 169 (W. Va. 2007)
Wisconsin	Yes — party or one-party consent, absent a criminal or tortious purpose; separate limits govern later use and disclosure.	Wis. Stat. § 968.31(2)(c) ; see also Wis. Stat. § 968.29	State v. Duchow , 2008 WI 57, 749 N.W.2d 913
Wyoming	Yes — party or one-party consent, absent a criminal or tortious purpose.	Wyo. Stat. Ann. § 7-3-702(b)(iv)	Almada v. State , 990 P.2d 476 (Wyo. 1999)
NOT ALLOWED — ALL-PARTY CONSENT REQUIRED (9 STATES)			
California	No — every party must consent. Section 632 protects “confidential communications”; § 632.7 reaches any call involving a cellular or cordless phone. California applies its rule to out-of-state businesses recording calls with Californians.	Cal. Penal Code §§ 632, 632.7 ; civil action, id. § 637.2	Kearney v. Salomon Smith Barney, Inc. , 39 Cal. 4th 95, 137 P.3d 914 (2006) See also Smith v. LoanMe, Inc. , 11 Cal. 5th 183 (2021) (§ 632.7 reaches parties, not just eavesdroppers).
Florida	No — all parties must consent wherever the speakers have a reasonable expectation of privacy; ordinary business calls should be treated as covered.	Fla. Stat. § 934.03(2)(d) ; civil action, id. § 934.10	State v. Inciarrano , 473 So. 2d 1272 (Fla. 1985) See also McDade v. State , 154 So. 3d 292 (Fla. 2014). A 2024 amendment added a narrow exception for a minor's guardian recording evidence of abuse (ch. 2024-131, Laws of Fla.).
Illinois	No — recording a “private conversation” (one with a reasonable expectation of privacy) without all parties' consent is a felony, even for a participant; open, announced recording falls outside the ban.	720 Ill. Comp. Stat. 5/14-2(a) (as amended 2014)	People v. Clark , 2014 IL 115776 Clark (with People v. Melongo) struck the prior blanket statute, prompting the current expectation-of-privacy standard.

Jurisdiction	May a party record the call?	Governing law	Leading precedent
Maryland	No — a participant may record only where all parties have given prior consent.	Md. Code Ann., Cts. & Jud. Proc. § 10-402(c)(3)	Agnew v. State , 461 Md. 672, 197 A.3d 27 (2018)
Montana	No — recording without the knowledge of all parties is prohibited, but advance warning that the call is being recorded satisfies the statute.	Mont. Code Ann. § 45-8-213(1)(c)	State v. DuBray , 2003 MT 255, 77 P.3d 247
Nevada	No — despite the statute's one-party wording, the Supreme Court of Nevada requires all parties' consent to record a telephone call. (In-person conversations are one-party, Nev. Rev. Stat. § 200.650.)	Nev. Rev. Stat. § 200.620: civil action. id. § 200.690	Lane v. Allstate Ins. Co. , 114 Nev. 1176, 969 P.2d 938 (1998)
New Hampshire	No — all parties must consent, though consent may be implied where the circumstances show a party actually knew the call was being recorded.	N.H. Rev. Stat. Ann. § 570-A:2	State v. Locke , 761 A.2d 376 (N.H. 1999) <i>See also Fischer v. Hooper</i> , 732 A.2d 396 (N.H. 1999) (implied consent is a fact question).
Pennsylvania	No — intercepting or recording a call without the prior consent of all parties is a felony.	18 Pa. Cons. Stat. §§ 5703, 5704(4): civil action. id. § 5725	Commonwealth v. Spence , 91 A.3d 44 (Pa. 2014) <i>See also Agnew v. Dupler</i> , 553 Pa. 33, 717 A.2d 519 (1998) (expectation-of-privacy element for oral communications).
Washington	No — a private call may not be recorded without the consent of all parties; consent is deemed obtained if the recorder announces the recording to all parties in a reasonably effective manner and records the announcement.	Wash. Rev. Code § 9.73.030: civil action. id. § 9.73.060	State v. Roden , 179 Wash. 2d 893, 321 P.3d 1183 (2014) <i>See also Lewis v. State</i> , Dep't of Licensing, 157 Wash. 2d 446, 139 P.3d 1078 (2006) (only "private" conversations protected).
QUALIFIED — SPLIT AUTHORITY, HYBRID RULES, OR NO STATUTE (7 STATES)			
Connecticut	Qualified — a participant commits no crime recording their own call, but recording a private telephone conversation without all parties' consent (written consent, verbal notice on the recording, or a beep tone) creates civil liability for damages and attorney's fees.	Conn. Gen. Stat. § 52-570d (civil); id. §§ 53a-187, 53a-189 (criminal)	State v. Skok , 315 Conn. 1, 106 A.3d 277 (2015) <i>Practical rule for businesses: treat Connecticut as all-party.</i>
Delaware	Qualified — the modern wiretap act permits a party to record its own call, but an older, never-repealed privacy statute uses all-party wording, and the Delaware Supreme Court has not reconciled the two.	Del. Code Ann. tit. 11, § 2402(c)(4); but see id. § 1335(a)(4)	United States v. Vespe , 389 F. Supp. 1359 (D. Del. 1975) (Federal — reading Delaware law to permit participant recording.) <i>Conservative practice: obtain all-party consent.</i>
Massachusetts	Qualified — the crime is "secret" recording: a participant may not secretly record a call, but a recording made with all parties' actual knowledge (e.g., announced at the outset) is lawful even without affirmative consent.	Mass. Gen. Laws ch. 272, § 99	Commonwealth v. Hyde , 434 Mass. 594, 750 N.E.2d 963 (2001) <i>See also Curtatone v. Barstool Sports, Inc.</i> , 487 Mass. 655, 169 N.E.3d 480 (2021) (openly made recording not "secret").
Michigan	Qualified — the Court of Appeals has long held the eavesdropping statute reaches only third parties, so a participant may record; the Michigan Supreme Court accepted, then declined to answer, a certified question on the point (2021), leaving Sullivan controlling but the question formally open. A March 2026 federal decision applied the participant exception.	Mich. Comp. Laws § 750.539c	Sullivan v. Gray , 117 Mich. App. 476, 324 N.W.2d 58 (1982) (Court of Appeals.) <i>Conservative practice: obtain all-party consent.</i>

Jurisdiction	May a party record the call?	Governing law	Leading precedent
New Mexico	Qualified — commonly charted as one-party, but the Supreme Court of New Mexico has read the statute to require the sender's consent, and the statute's private-party exceptions are limited; recording a call you merely receive carries risk.	N.M. Stat. Ann. § 30-12-1: civil action. id. § 30-12-11	Arnold v. State , 94 N.M. 381, 610 P.2d 1210 (1980) <i>Conservative practice: obtain all-party consent.</i>
Oregon	Qualified — telephone calls follow a one-party rule (a participant may record), but in-person conversations may not be recorded unless every participant is specifically informed; the in-person rule was upheld en banc against First Amendment challenge in 2025.	Or. Rev. Stat. § 165.540(1)(a) (telephone): id. § 165.540(1)(c) (in person)	State v. Neff , 246 Or. App. 186, 265 P.3d 62 (2011) (Court of Appeals.) See also <i>Project Veritas v. Schmidt</i> , 125 F.4th 929 (9th Cir. 2025) (en banc), cert. denied (2025).
Vermont	Qualified — Vermont has no wiretap statute, so the federal one-party rule supplies the only statutory standard; the Vermont Supreme Court has, however, found surreptitious participant recording inside a home unconstitutional in state-actor cases, signaling privacy-tort risk for private recorders.	No state interception statute; federal rule. 18 U.S.C. § 2511(2)(d)	State v. Geraw , 173 Vt. 350, 795 A.2d 1219 (2002) See also <i>State v. Brooks</i> , 157 Vt. 490, 601 A.2d 963 (1991) (no privacy expectation in public parking lot).

A note on the “qualified” group. For day-to-day compliance, the qualified states divide cleanly: treat Connecticut, Delaware, Massachusetts, Michigan, and New Mexico as all-party states (announce the recording), and treat Oregon and Vermont as one-party states for telephone calls — while remembering that Oregon’s in-person rule is different and that Vermont’s courts have signaled privacy protection in constitutional and tort settings. If a single practice must cover every jurisdiction, announce the recording at the top of every call and record the announcement; that satisfies the strictest regimes (Washington expressly, and the all-party states by conduct-implied consent or knowledge) while costing nothing in the one-party states.

How Consent or Notice Must Be Given: Timing, Form, and Conspicuousness

Consent must come first. Nearly every consent statute speaks of *prior* consent — the consent or notice must exist before the recording begins. See, e.g., [18 U.S.C. § 2511\(2\)\(d\)](#) (“prior consent”); [Md. Code Ann., Cts. & Jud. Proc. § 10-402\(c\)\(3\)](#) (same); [18 Pa. Cons. Stat. § 5704\(4\)](#) (same). A recording that starts before consent is obtained is unlawful in the all-party states from its first second, even if the other party consents later. Some statutes are explicit about mechanics: Washington requires that the announcement itself be captured in the recording, [Wash. Rev. Code § 9.73.030\(3\)](#); Montana requires that the warning be given in advance, [Mont. Code Ann. § 45-8-213\(1\)\(c\)](#); and Connecticut’s beep-tone alternative must sound throughout the call, [Conn. Gen. Stat. § 52-570d\(a\)](#).

No particular form is required — with one exception. Outside Connecticut, no state prescribes how consent must be given for ordinary calls: it may be written, electronic (including email), or spoken, and in most jurisdictions it may be *implied from conduct* — the familiar opening announcement (“this call is being recorded”), followed by the other party’s choice to remain on the line, supplies implied consent. See, e.g., [State v. Locke](#), 761 A.2d 376 (N.H. 1999); [State v. DuBray](#), 2003 MT 255, 77 P.3d 247; [State v. Wood](#), 2023 UT 63. Connecticut’s civil statute is the exception that proves the rule: it enumerates its safe harbors — prior consent “in writing,” verbal notification recorded at the start of the call, or an automatic tone repeated during the conversation. [Conn. Gen. Stat. § 52-570d\(a\)](#).

Advance written consent — a specific recording clause in an engagement letter, subscription document, or NDA — is effective everywhere consent operates, provided it is knowing and actually covers the calls being recorded; email confirmation (“you may record our calls”) works the same way. But a signed clause obtained months earlier does not excuse sloppy practice: the safer course is to treat written consent as a supplement to, not a substitute for, the on-call announcement.

Consent must be knowing and conspicuous — it cannot be buried. Courts refuse to infer consent casually. Under the federal act, knowledge that a line *could* be monitored is not consent to record, and consent “is not to be cavalierly implied.” [Watkins v. L.M. Berry & Co.](#), 704 F.2d 577, 581 (11th Cir. 1983); [Deal v. Spears](#), 980 F.2d 1153, 1157 (8th Cir. 1992) (warning that monitoring *might* occur held insufficient). Massachusetts turns on all parties’ *actual knowledge* that the recording is occurring, [Curtatone v. Barstool Sports, Inc.](#), 487 Mass. 655, 169 N.E.3d 480 (2021), and California requires disclosure at the outset of the call, [Kearney](#), 39 Cal. 4th at 118. The practical consequences: (i) an email-signature disclaimer (“calls with this firm may be recorded”) is the sender’s assertion, not the counterparty’s assent, and standing alone proves nothing; (ii) a recording provision buried in an NDA, subscription boilerplate, or website terms is unlikely to carry the recorder’s burden of proving knowing consent in the strict states, whose statutes are construed in favor of privacy; and (iii) if a written clause is used, it should be specific to call recording, conspicuous (its own captioned section, not fine print), and refreshed by an announcement when a recorded call actually begins. Silence or mere continued participation counts as consent only where the notice was clear enough that staying on the line can fairly be read as agreement.

THE UNIVERSAL PROTOCOL. Before recording begins, announce on the line that the call is being recorded; capture the announcement in the recording itself; and proceed only if all parties remain. That single practice satisfies the strictest regimes — Washington expressly, and the other all-party states through knowing, conduct-implied consent — and costs nothing in the one-party states. Advance written consent is useful belt-and-suspenders with repeat counterparties, but it supplements, never replaces, the announcement.

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