

1       **Rule 1.4. Communication.**

2       (a) A lawyer shall:

3       (a)(1) promptly inform the client of any decision or circumstance with respect to which the client's  
4       informed consent, as defined in Rule 1.0(e), is required by these Rules;

5       (a)(2) reasonably consult with the client about the means by which the client's objectives are to be  
6       accomplished;

7       (a)(3) keep the client reasonably informed about the status of the matter;

8       (a)(4) promptly comply with reasonable requests for information; and

9       (a)(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer  
10       knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

11       (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make  
12       informed decisions regarding the representation.

13       Comment

14       [1] Reasonable communication between the lawyer and the client is necessary for the client  
15       effectively to participate in the representation.

16       Communicating with Client

17       [2] If these Rules require that a particular decision about the representation be made by the client,  
18       paragraph (a)(1) requires that the lawyer promptly consult with and secure the client's consent prior to  
19       taking action unless prior discussions with the client have resolved what action the client wants the lawyer  
20       to take. For example, a lawyer who receives from opposing counsel an offer of settlement in a civil  
21       controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance  
22       unless the client has previously indicated that the proposal will be acceptable or unacceptable or has  
23       authorized the lawyer to accept or to reject the offer. See Rule 1.2(a).

24       [3] Paragraph (a)(2) requires the lawyer to reasonably consult with the client about the means to be  
25       used to accomplish the client's objectives. In some situations—depending on both the importance of the  
26       action under consideration and the feasibility of consulting with the client—this duty will require  
27       consultation prior to taking action. In other circumstances, such as during a trial when an immediate  
28       decision must be made, the exigency of the situation may require the lawyer to act without prior  
29       consultation. In such cases the lawyer must nonetheless act reasonably to inform the client of actions the  
30       lawyer has taken on the client's behalf. Additionally, paragraph (a)(3) requires that the lawyer keep the  
31       client reasonably informed about the status of the matter, such as significant developments affecting the  
32       timing or the substance of the representation.

33       [4] A lawyer's regular communication with clients will minimize the occasions on which a client will  
34       need to request information concerning the representation. When a client makes a reasonable request for  
35       information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt  
36       response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the

37 | request and advise the client when a response may be expected. ~~Client telephone calls~~A lawyer should  
38 | ~~be promptly returned~~respond to or ~~acknowledged~~acknowledge client communications.

39 | Explaining Matters

40 | [5] The client should have sufficient information to participate intelligently in decisions concerning the  
41 | objectives of the representation and the means by which they are to be pursued, to the extent the client is  
42 | willing and able to do so. Adequacy of communication depends in part on the kind of advice or assistance  
43 | that is involved. For example, when there is time to explain a proposal made in a negotiation, the lawyer  
44 | should review all important provisions with the client before proceeding to an agreement. In litigation a  
45 | lawyer should explain the general strategy and prospects of success and ordinarily should consult the  
46 | client on tactics that are likely to result in significant expense or to injure or coerce others. On the other  
47 | hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding  
48 | principle is that the lawyer should fulfill reasonable client expectations for information consistent with the  
49 | duty to act in the client's best interests and the client's overall requirements as to the character of  
50 | representation. In certain circumstances, such as when a lawyer asks a client to consent to a  
51 | representation affected by a conflict of interest, the client must give informed consent, as defined in Rule  
52 | 1.0(e).

53 | [6] Ordinarily, the information to be provided is that appropriate for a client who is a comprehending  
54 | and responsible adult. However, fully informing the client according to this standard may be impracticable,  
55 | for example, where the client is a child or suffers from diminished capacity. See Rule 1.14. When the  
56 | client is an organization or group, it is often impossible or inappropriate to inform every one of its  
57 | members about its legal affairs; ordinarily, the lawyer should address communications to the appropriate  
58 | officials of the organization. See Rule 1.13. Where many routine matters are involved, a system of limited  
59 | or occasional reporting may be arranged with the client.

60 | Withholding Information

61 | [7] In some circumstances, a lawyer may be justified in delaying transmission of information when the  
62 | client would be likely to react imprudently to an immediate communication. Thus, a lawyer might withhold  
63 | a psychiatric diagnosis of a client when the examining psychiatrist indicates that disclosure would harm  
64 | the client. A lawyer may not withhold information to serve the lawyer's own interest or convenience or the  
65 | interests or convenience of another person. Rules or court orders governing litigation may provide that  
66 | information supplied to a lawyer may not be disclosed to the client. Rule 3.4(c) directs compliance with  
67 | such rules or orders.

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