

Rule 504. ~~Lawyer~~Legal Professional - Client.

1 (a) Definitions.

2 (a)(1) "Legal services" means the provision of:

3 (a)(1)(A) professional counsel, advice, direction or guidance on a legal matter or  
4 question;

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6 (a)(1)(B) professional representation on the client's behalf on a legal matter; or

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8 (a)(1)(C) referral to a ~~lawyer~~legal professional.

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10 (a)(2) \_\_\_\_\_ "Client" means a person, public officer, corporation, association, or  
11 other organization or entity, either public or private, who is rendered legal services  
12 ~~by a lawyer or who consults a lawyer or a lawyer referral service to obtain legal~~  
13 ~~services.~~

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15 (a)(~~3~~2) "Lawyer" means a person authorized, or reasonably believed by the client to  
16 be authorized, to practice law in any state or nation.

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18 (a)(~~4~~3) "Legal professional" means a lawyer or any other person or entity  
19 authorized, or reasonably believed by the client to be authorized, in the State of Utah  
20 to provide legal services.

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22 (a)(5) —"~~Lawyer~~Legal Professional referral service" means an organization,

23 either non-profit or for-profit, that ~~is providing~~provides intake or screening services  
24 to clients or prospective clients for ~~the purpose of referring them to~~ legal services.-

25 ~~(a)(4) "Legal services" means the provision by a lawyer or lawyer referral service~~  
26 ~~of:~~

27 ~~(a)(4)(A) professional counsel, advice, direction or guidance on a legal matter or~~  
28 ~~question;~~

29 ~~(a)(4)(B) professional representation on the client's behalf on a legal matter; or~~

30 ~~(a)(4)(C) referral to a lawyer.~~

31 ~~(a)(5) (a)(6) \_\_\_\_\_~~ "Lawyer's Legal professional's representative means a person or  
32 entity employed to assist the ~~lawyer~~legal professional in the rendition of legal  
33 services.

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36 (a)(76) "Client's representative" means a person or entity authorized by the client  
37 to:

38 (a)(76)(A) obtain legal services for or on behalf of the client;  
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40 (a)(76)(B) act on advice rendered pursuant to legal services for or on behalf of  
41 the client;  
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43 (a)(76)(C) provide assistance to the client that is reasonably necessary to  
44 facilitate the client's confidential communications; or  
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46 (a)(76)(D) disclose, as an employee or agent of the client, confidential  
47 information concerning a legal matter to the lawyerlegal professional.  
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49 (a)(87) "Communication" includes:

50 (a)(87)(A) advice, direction or guidance given by the lawyerlegal professional,  
51 the lawyer's legal professional's representative, or a lawyer referral service in  
52 the course of providing legal services; and  
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54 (a)(87)(B) disclosures of the client and the client's representative to the  
55 lawyerlegal professional, the lawyer's legal professional's representative, or a  
56 lawyer referral service incidental to the client's legal services.  
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58 (a)(98) "Confidential communication" means a communication not intended to be  
59 disclosed to third persons other than those to whom disclosure is in furtherance of  
60 rendition of legal services to the client or to those reasonably necessary for the  
61 transmission of the communication.  
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63 (b) **Statement of the Privilege.** A client has a privilege to refuse to disclose, and to  
64 prevent any other person from disclosing, confidential communications if:

65 (b)(1) the communications were made for the purpose or in the course of obtaining  
66 or facilitating the rendition of legal services to the client; and  
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68 (b)(2) the communications were:

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70 (b)(2)(A) between (i) the client or the client's representative and (ii) the  
71 lawyerlegal professional, the lawyer's legal professional's representatives, or a  
72 lawyerlegal professional representing others in matters of common interest; ~~or~~

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74 (b)(2)(B) between clients or clients' representatives as to matters of common  
75 interest but only if each clients' lawyer-legal professional or lawyer's-legal  
76 professional's representatives was also present or included in the  
77 communications;

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79 (b)(2)(C) between (i) the client or the client's representatives and (ii) a  
80 ~~lawyer~~—legal professional referral service; or

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82 (b)(2)(D) between (i) the client's lawyer-legal professional or lawyer's-legal  
83 professional's representatives and (ii) ~~the client's lawyer~~ a legal professional  
84 referral service.

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86 (c) **Who May Claim the Privilege.** The privilege may be claimed by:

87 (c)(1) the client;

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89 (c)(2) the client's guardian or conservator;

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91 (c)(3) the personal representative of a client who is deceased;

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93 (c)(4) the successor, trustee, or similar representative of a client that was a  
94 corporation, association, or other organization, whether or not in existence; and

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96 (c)(5) the lawyer-legal professional or the lawyer referral service on behalf of the  
97 client.

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99 (d) **Exceptions to the Privilege.** Privilege does not apply in the following  
100 circumstances:

101 (d)(1) **Furtherance of the Crime or Fraud.** If the services of the lawyer-legal  
102 professional were sought or obtained to enable or aid anyone to commit or plan to  
103 commit what the client knew or reasonably should have known to be a crime or  
104 fraud;

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106 (d)(2) **Claimants through Same Deceased Client.** As to a communication relevant  
107 to an issue between parties who claim through the same deceased client, regardless  
108 of whether the claims are by testate or intestate succession or by  
109 inter vivos transaction;

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(d)(3) Breach of Duty by ~~Lawyer~~Legal Professional or Client. As to a communication relevant to an issue of breach of duty by the ~~lawyer~~legal professional to the client;

(d)(4) Document Attested by ~~Lawyer~~Legal Professional. As to a communication relevant to an issue concerning a document to which the ~~lawyer~~legal professional was an attesting witness; or

(d)(5) Joint Clients. As to the communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a ~~lawyer~~legal professional retained or consulted in common, when offered in an action between any of the clients.

Effective ~~November~~ November 1, 2022~~18~~

2021 Advisory Committee Note. Licensed paralegal practitioners (as currently described in and governed by Chapter 15 of the Utah Supreme Court Rules of Professional Practice) and those approved to provide legal services by the Utah Supreme Court’s Office of Legal Services Innovation (see <https://www.utahinnovationoffice.org/>) are among those considered “legal professionals” under this rule.

**2018 Advisory Committee Note.** These amendments are limited to the scope of the attorney-client privilege. Nothing in the amendments is intended to suggest that for other purposes, such as application of the Utah Rules of Professional Conduct or principles of attorney liability, an attorney forms an attorney-client relationship with a person merely by making a referral to another lawyer, even if privileged confidential communications are made in the process of that referral.