

1 Rule 1.1. Competence.

2 A lawyer shall provide competent representation to a client. Competent representation
3 requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary
4 for the representation, and, for licensed paralegal practitioners, a determination of
5 whether a matter should be referred to a lawyer licensed to provide legal services
6 without restrictions or limitations.

7 Comment**8 Legal Knowledge and Skill**

9 [1] In determining whether a lawyer employs the requisite knowledge and skill in a
10 particular matter, relevant factors include the relative complexity and specialized
11 nature of the matter, the lawyer's general experience, the lawyer's training and
12 experience in the field in question, the preparation and study the lawyer is able to give
13 the matter and whether it is feasible to refer the matter to, or associate or consult with, a
14 lawyer of established competence in the field in question. In many instances, the
15 required proficiency is that of a general practitioner. Expertise in a particular field of
16 law may be required in some circumstances.

17 [2] A lawyer need not necessarily have special training or prior experience to handle
18 legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer
19 can be as competent as a practitioner with long experience. Some important legal skills,
20 such as the analysis of precedent, the evaluation of evidence and legal drafting, are
21 required in all legal problems. Perhaps the most fundamental legal skill consists of
22 determining what kind of legal problems a situation may involve, a skill that
23 necessarily transcends any particular specialized knowledge. A lawyer can provide
24 adequate representation in a wholly novel field through necessary study. Competent
25 representation can also be provided through the association of a lawyer of established
26 competence in the field in question.

27 [3] In an emergency a lawyer may give advice or assistance in a matter in which the
28 lawyer does not have the skill ordinarily required where referral to or consultation or
29 association with another lawyer would be impractical. Even in an emergency, however,
30 assistance should be limited to that reasonably necessary in the circumstances, for ill-
31 considered action under emergency conditions can jeopardize the client's interest.

32 [4] A lawyer may accept representation where the requisite level of competence can be
33 achieved by reasonable preparation. This applies as well to a lawyer who is appointed
34 as counsel for an unrepresented person. See also Rule 6.2.

35 **Thoroughness and Preparation**

36 [5] Competent handling of a particular matter includes inquiry into and analysis of the
37 factual and legal elements of the problem and use of methods and procedures meeting
38 the standards of competent practitioners. It also includes adequate preparation. The
39 required attention and preparation are determined in part by what is at stake; major
40 litigation and complex transactions ordinarily require more extensive treatment than
41 matters of lesser complexity and consequence. An agreement between the lawyer and
42 the client regarding the scope of the representation may limit the matters for which the
43 lawyer is responsible. See Rule 1.2(c).

44 **Retaining or Contracting With Other Lawyers**

45 [6] Before a lawyer retains or contracts with other lawyers outside the lawyer's own
46 firm to provide or assist in the provision of legal services to a client, the lawyer should
47 ordinarily obtain informed consent from the client and must reasonably believe that the
48 other lawyers' services will contribute to the competent and ethical representation of the
49 client. The reasonableness of the decision to retain or contract with other lawyers
50 outside the lawyer's own firm will depend upon the circumstances, including the
51 education, experience and reputation of the nonfirm lawyers; the nature of the services
52 assigned to the nonfirm lawyers; and the legal protections, professional conduct rules,
53 and ethical environments of the jurisdictions in which the services will be performed,
54 particularly relating to confidential information.

55 [7] When lawyers from more than one law firm are providing legal services to the client
56 on a particular matter, the lawyers ordinarily should consult with each other and the
57 client about the scope of their respective representations and the allocation of
58 responsibility among them. See Rule 1.2. When making allocations of responsibility in a
59 matter pending before a tribunal, lawyers and parties may have additional obligations
60 that are a matter of law beyond the scope of these Rules.

61 **Maintaining Competence**

62 [8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of
63 changes in the law and its practice, including the benefits and risks associated with
64 relevant technology, engage in continuing study and education and comply with all
65 continuing legal education requirements to which the lawyer is subject.

66 [9] Lawyers should be aware that their mental, emotional, and physical well-being may
67 impact their ability to represent clients and, as such, is an important aspect of
68 maintaining competence to practice law and compliance with the standards of
69 professionalism and civility. Resources supporting lawyer well-being are available
70 through the Utah State Bar.

71 [~~8a~~9a] This rule differs from the ABA Model Rule.