

1 Rule 1.3. Diligence.

2 A lawyer shall act with reasonable diligence and promptness in representing a client.

3 Comment

4 [1] A lawyer should pursue a matter on behalf of a client despite opposition,
5 obstruction or personal inconvenience to the lawyer and ~~may~~ take whatever lawful and
6 ethical measures are required to vindicate a client's cause or endeavor. A lawyer ~~should~~
7 must act with commitment and dedication to the interests of the client and with zeal in
8 advocacy upon the client's behalf. ~~However, a~~ lawyer is not bound, however, to press
9 for every advantage that might be realized for a client. For example, A lawyer ~~has~~ may
10 have authority to exercise professional discretion in determining the means by which a
11 matter should be pursued. See Rule 1.2. ~~A~~ The lawyer's duty to act with reasonable
12 diligence does not require the use of offensive tactics or preclude the treating of all
13 persons involved in the legal process with courtesy and respect.

14 [2] A lawyer's work load ~~should~~ must be controlled so that each matter can be
15 handled ~~adequately~~ competently.

16 [3] ~~Clients resent~~ Perhaps no professional ~~procrastination~~ shortcoming is more
17 widely resented than procrastination. A client's interests often can be adversely affected
18 by the passage of time or the change of conditions; in extreme instances, as when a
19 lawyer overlooks a statute of limitations, the client's legal position may be destroyed.
20 Even when the client's interests are not affected in substance, however, unreasonable
21 delay can cause a client needless anxiety and undermine confidence in the lawyer's
22 trustworthiness. A lawyer's duty to act with reasonable promptness, however, does not
23 preclude the lawyer from agreeing to a reasonable request for a postponement that will
24 not prejudice the lawyer's client.

25 [4] Unless the relationship is terminated as provided in Rule ~~1.14~~ 1.16, a lawyer
26 should carry through to conclusion all matters undertaken for a client. If a lawyer's
27 employment is limited to a specific matter, the relationship terminates when the matter
28 has been resolved. If a lawyer has served a client over a substantial period in a variety
29 of matters, the client sometimes may assume that the lawyer will continue to serve on a
30 continuing basis unless the lawyer gives notice of withdrawal. Doubt about whether a
31 client-lawyer relationship still exists should be clarified by the lawyer, preferably in

32 writing, so that the client will not mistakenly suppose the lawyer is looking after the
33 client's affairs when the lawyer has ceased to do so. For example, if a lawyer has
34 handled a judicial or administrative proceeding that produced a result adverse to the
35 client and the lawyer and the client have not agreed that the lawyer will handle the
36 matter on~~but has not been specifically instructed concerning pursuit of an~~ appeal, the
37 lawyer ~~should advise~~ must consult with the client about ~~of~~ the possibility of appeal
38 before relinquishing responsibility for the matter. See Rule 1.4(a)(2). Whether the
39 lawyer is obligated to prosecute the appeal for the client depends on the scope of the
40 representation the lawyer has agreed to provide to the client. See Rule 1.2.

41 [5] To prevent neglect of client matters in the event of a sole practitioner's death or
42 disability, the duty of diligence may require that each sole practitioner prepare a plan, in
43 conformity with applicable rules, that designates another competent lawyer to review
44 client files, notify each client of the lawyer's death or disability, and determine whether
45 there is a need for immediate protective action. Cf. Rule 27 of the Utah Rules for
46 Lawyer Discipline and Disability (providing for court appointment of a lawyer to inventory
47 files and take other protective action in absence of a plan providing for another lawyer to
48 protect the interests of the clients of a deceased or disabled lawyer).

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