

1 Rule 1.1. Competence.

2 A lawyer shall provide competent representation to a client. Competent
3 representation requires the legal knowledge, skill, thoroughness and preparation
4 reasonably necessary for the representation.

5 Comment

6 Legal Knowledge and Skill

7 [1] In determining whether a lawyer employs the requisite knowledge and skill in a
8 particular matter, relevant factors include the relative complexity and specialized nature
9 of the matter, the lawyer's general experience, the lawyer's training and experience in
10 the field in question, the preparation and study the lawyer is able to give the matter and
11 whether it is feasible to refer the matter to, or associate or consult with, a lawyer of
12 established competence in the field in question. In many instances, the required
13 proficiency is that of a general practitioner. Expertise in a particular field of law may be
14 required in some circumstances.

15 [2] A lawyer need not necessarily have special training or prior experience to handle
16 legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer
17 can be as competent as a practitioner with long experience. Some important legal skills,
18 such as the analysis of precedent, the evaluation of evidence and legal drafting, are
19 required in all legal problems. Perhaps the most fundamental legal skill consists of
20 determining what kind of legal problems a situation may involve, a skill that necessarily
21 transcends any particular specialized knowledge. A lawyer can provide adequate
22 representation in a wholly novel field through necessary study. Competent
23 representation can also be provided through the association of a lawyer of established
24 competence in the field in question.

25 [3] In an emergency a lawyer may give advice or assistance in a matter in which the
26 lawyer does not have the skill ordinarily required where referral to or consultation or
27 association with another lawyer would be impractical. Even in an emergency, however,
28 assistance should be limited to that reasonably necessary in the circumstances, for
29 ill-considered action under emergency conditions can jeopardize the client's interest.

30 [4] A lawyer may accept representation where the requisite level of competence can
31 be achieved by reasonable preparation. This applies as well to a lawyer who is
32 appointed as counsel for an unrepresented person. See also Rule 6.2.

33 Thoroughness and Preparation

34 [5] Competent handling of a particular matter includes inquiry into and analysis of
35 the factual and legal elements of the problem and use of methods and procedures
36 meeting the standards of competent practitioners. It also includes adequate preparation.
37 The required attention and preparation are determined in part by what is at stake; major
38 litigation and complex transactions ordinarily require more extensive treatment than
39 matters of lesser complexity and consequence. An agreement between the lawyer and
40 the client regarding the scope of the representation may limit the matters for which the
41 lawyer is responsible. See Rule 1.2(c).

42 Maintaining Competence

43 [6] To maintain the requisite knowledge and skill, a lawyer should keep abreast of
44 changes in the law and its practice, engage in continuing study and education and
45 comply with all continuing legal education requirements to which the lawyer is subject.