

1 Rule 2.1. Advisor.

2 In representing a client, a lawyer shall exercise independent professional judgment
3 and render candid advice. In rendering advice, a lawyer may refer not only to law but to
4 other considerations such as moral, economic, social and political factors, that may be
5 relevant to the client's situation.

6 Comment

7 Scope of Advice

8 [1] A client is entitled to straightforward advice expressing the lawyer's honest
9 assessment. Legal advice often involves unpleasant facts and alternatives that a client
10 may be disinclined to confront. In presenting advice, a lawyer endeavors to sustain the
11 client's morale and may put advice in as acceptable a form as honesty permits.
12 However, a lawyer should not be deterred from giving candid advice by the prospect
13 that the advice will be unpalatable to the client.

14 [2] Advice couched in ~~narrowly narrow~~ legal terms may be of little value to a client,
15 especially where practical considerations, such as ~~costs cost~~ or effects on other people,
16 are predominant. Purely technical legal advice, therefore, can sometimes be
17 inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations
18 in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical
19 considerations impinge upon most legal questions and may decisively influence how the
20 law will be applied.

21 [3] A client may expressly or impliedly ask the lawyer for purely technical advice.
22 When such a request is made by a client experienced in legal matters, the lawyer may
23 accept it at face value. When such a request is made by a client inexperienced in legal
24 matters, however, the lawyer's responsibility as advisor may include indicating that more
25 may be involved than strictly legal considerations.

26 [4] Matters that go beyond strictly legal questions may also be in the domain of
27 another profession. Family matters can involve problems within the professional
28 competence of psychiatry, clinical psychology or social work; business matters can
29 involve problems within the competence of the accounting profession or of financial
30 specialists. Where consultation with a professional in another field is itself something a
31 competent lawyer would recommend, the lawyer should make such a recommendation.

32 At the same time, a lawyer's advice at its best often consists of recommending a course
33 of action in the face of conflicting recommendations of experts.

34 Offering Advice

35 [5] In general, a lawyer is not expected to give advice until asked by the client.
36 However, when a lawyer knows that a client proposes a course of action that is likely to
37 result in substantial adverse legal consequences to the client, the lawyer's duty to the
38 client under Rule 1.4 may require that the lawyer ~~act~~ offer advice if the client's course of
39 action is related to the representation. Similarly, when a matter is likely to involve
40 litigation, it may be necessary under Rule 1.4 to inform the client of forms of dispute
41 resolution that might constitute reasonable alternatives to litigation. A lawyer ordinarily
42 has no duty to initiate investigation of a client's affairs or to give advice that the client
43 has indicated is unwanted, but a lawyer may initiate advice to a client when doing so
44 appears to be in the client's interest.

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