

1 **Rule 1.4. Communication.**

2 (a) A lawyer shall:

3 (a)(1) promptly inform the client of any decision or circumstance with respect to which the client's
4 informed consent, as defined in Rule 1.0(e), is required by these Rules;

5 (a)(2) reasonably consult with the client about the means by which the client's objectives are to be
6 accomplished;

7 (a)(3) keep the client reasonably informed about the status of the matter;

8 (a)(4) promptly comply with reasonable requests for information; and

9 (a)(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer
10 knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

11 (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make
12 informed decisions regarding the representation.

13 Comment

14 [1] Reasonable communication between the lawyer and the client is necessary for the client
15 effectively to participate in the representation.

16 Communicating with Client

17 [2] If these Rules require that a particular decision about the representation be made by the client,
18 paragraph (a)(1) requires that the lawyer promptly consult with and secure the client's consent prior to
19 taking action unless prior discussions with the client have resolved what action the client wants the lawyer
20 to take. For example, a lawyer who receives from opposing counsel an offer of settlement in a civil
21 controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance
22 unless the client has previously indicated that the proposal will be acceptable or unacceptable or has
23 authorized the lawyer to accept or to reject the offer. See Rule 1.2(a).

24 [3] Paragraph (a)(2) requires the lawyer to reasonably consult with the client about the means to be
25 used to accomplish the client's objectives. In some situations—depending on both the importance of the
26 action under consideration and the feasibility of consulting with the client—this duty will require
27 consultation prior to taking action. In other circumstances, such as during a trial when an immediate
28 decision must be made, the exigency of the situation may require the lawyer to act without prior
29 consultation. In such cases the lawyer must nonetheless act reasonably to inform the client of actions the
30 lawyer has taken on the client's behalf. Additionally, paragraph (a)(3) requires that the lawyer keep the
31 client reasonably informed about the status of the matter, such as significant developments affecting the
32 timing or the substance of the representation.

33 [4] A lawyer's regular communication with clients will minimize the occasions on which a client will
34 need to request information concerning the representation. When a client makes a reasonable request for
35 information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt
36 response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the

37 request and advise the client when a response may be expected. ~~Client telephone calls~~ A lawyer should
38 ~~be promptly returned~~ respond to or acknowledge acknowledge client communications.

39 Explaining Matters

40 [5] The client should have sufficient information to participate intelligently in decisions concerning the
41 objectives of the representation and the means by which they are to be pursued, to the extent the client is
42 willing and able to do so. Adequacy of communication depends in part on the kind of advice or assistance
43 that is involved. For example, when there is time to explain a proposal made in a negotiation, the lawyer
44 should review all important provisions with the client before proceeding to an agreement. In litigation a
45 lawyer should explain the general strategy and prospects of success and ordinarily should consult the
46 client on tactics that are likely to result in significant expense or to injure or coerce others. On the other
47 hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding
48 principle is that the lawyer should fulfill reasonable client expectations for information consistent with the
49 duty to act in the client's best interests and the client's overall requirements as to the character of
50 representation. In certain circumstances, such as when a lawyer asks a client to consent to a
51 representation affected by a conflict of interest, the client must give informed consent, as defined in Rule
52 1.0(e).

53 [6] Ordinarily, the information to be provided is that appropriate for a client who is a comprehending
54 and responsible adult. However, fully informing the client according to this standard may be impracticable,
55 for example, where the client is a child or suffers from diminished capacity. See Rule 1.14. When the
56 client is an organization or group, it is often impossible or inappropriate to inform every one of its
57 members about its legal affairs; ordinarily, the lawyer should address communications to the appropriate
58 officials of the organization. See Rule 1.13. Where many routine matters are involved, a system of limited
59 or occasional reporting may be arranged with the client.

60 Withholding Information

61 [7] In some circumstances, a lawyer may be justified in delaying transmission of information when the
62 client would be likely to react imprudently to an immediate communication. Thus, a lawyer might withhold
63 a psychiatric diagnosis of a client when the examining psychiatrist indicates that disclosure would harm
64 the client. A lawyer may not withhold information to serve the lawyer's own interest or convenience or the
65 interests or convenience of another person. Rules or court orders governing litigation may provide that
66 information supplied to a lawyer may not be disclosed to the client. Rule 3.4(c) directs compliance with
67 such rules or orders.