

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
6 be 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
11 law.

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

14 Comment

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

17 Communicating with Client

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

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

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

38 request and advise the client when a response may be expected. A lawyer should promptly respond to or
39 acknowledge client communications.

40 Explaining Matters

41 [5] The client should have sufficient information to participate intelligently in decisions concerning the
42 objectives of the representation and the means by which they are to be pursued, to the extent the client is
43 willing and able to do so. Adequacy of communication depends in part on the kind of advice or assistance
44 that is involved. For example, when there is time to explain a proposal made in a negotiation, the lawyer
45 should review all important provisions with the client before proceeding to an agreement. In litigation a
46 lawyer should explain the general strategy and prospects of success and ordinarily should consult the
47 client on tactics that are likely to result in significant expense or to injure or coerce others. On the other
48 hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding
49 principle is that the lawyer should fulfill reasonable client expectations for information consistent with the
50 duty to act in the client's best interests and the client's overall requirements as to the character of
51 representation. In certain circumstances, such as when a lawyer asks a client to consent to a
52 representation affected by a conflict of interest, the client must give informed consent, as defined in Rule
53 1.0(e).

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

61 Withholding Information

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