

1 **Rule 1.4. Communication.**

2 (a) A licensed paralegal practitioner shall:

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

5 (a)(2) reasonably consult with the client about the means by which the client's  
6 objectives are to 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 licensed paralegal  
10 practitioner's conduct when the licensed paralegal practitioner knows that the client  
11 expects assistance not permitted by the Licensed Paralegal Practitioner Rules of  
12 Professional Conduct or other law.

13 (b) A licensed paralegal practitioner shall explain a matter to the  
14 extent reasonably necessary to permit the client to make informed decisions regarding the  
15 representation.

16 Comment

17 [1] Reasonable communication between the licensed paralegal practitioner and the  
18 client is necessary for the client effectively to participate in the representation.

19 Communicating with Client

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

29 [3] Paragraph (a)(2) requires the licensed paralegal practitioner to reasonably consult  
30 with the client about the means to be used to accomplish the client's objectives. In some

31 situations—depending on both the importance of the action under consideration and the  
32 feasibility of consulting with the client—this duty will require consultation prior to taking  
33 action. Additionally, paragraph (a)(3) requires that the licensed paralegal practitioner keep  
34 the client reasonably informed about the status of the matter, such as significant  
35 developments affecting the timing or the substance of the representation.

36 [4] A licensed paralegal practitioner's regular communication with clients will minimize  
37 the occasions on which a client will need to request information concerning the  
38 representation. When a client makes a reasonable request for information, however,  
39 paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is  
40 not feasible, that the licensed paralegal practitioner, or a member of the licensed paralegal  
41 practitioner's staff, acknowledge receipt of the request and advise the client when a  
42 response may be expected. A licensed paralegal practitioner should promptly respond to or  
43 acknowledge client communications.

#### 44 Explaining Matters

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

58 [6] Ordinarily, the information to be provided is that appropriate for a client who is a  
59 comprehending and responsible adult. However, fully informing the client according to this  
60 standard may be impracticable, for example, where the client suffers from diminished

61 capacity. See Rule 1.14. ~~When the client is an organization or group, it is often impossible or~~  
62 ~~inappropriate to inform every one of its members about its legal affairs; ordinarily, the~~  
63 ~~licensed paralegal practitioner should address communications to the appropriate officials~~  
64 ~~of the organization. See Rule 1.13.~~

65 ~~Withholding Information~~

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

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