

Rule 504. Lawyer - Client.**(a) Definitions.**

(a)(1) "Client" means a person, public officer, corporation, association, or other organization or entity, either public or private, who is rendered legal services by a lawyer or who consults a lawyer ~~or a lawyer referral service~~ to obtain legal services.

(a)(2) "Lawyer" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation. For purposes of this Rule, "lawyer" shall also mean a licensed paralegal practitioner, a lawyer referral service, or any other person or entity authorized by the State of Utah to provide legal services.

(a)(3) "Licensed paralegal practitioner" means a person authorized by the Utah Supreme Court to provide legal services under Rule 15-701 of the Supreme Court Rules of Professional Practice.

(a)(43) "Lawyer referral service" means an organization, either non-profit or for-profit, that is providing intake or screening services to clients or prospective clients for the purpose of referring them to legal services.

(a)(45) "Legal services" means the provision by a lawyer ~~or lawyer referral service~~ of:

(a)(54)(A) professional counsel, advice, direction or guidance on a legal matter or question;

(a)(54)(B) professional representation on the client's behalf on a legal matter; or

(a)(54)(C) referral to a lawyer.

(a)(65) "Lawyer's representative" means a person or entity employed to assist the lawyer in the rendition of legal services.

(a)(67) "Client's representative" means a person or entity authorized by the client to:

(a)(67)(A) obtain legal services for or on behalf of the client;

(a)(76)(B) act on advice rendered pursuant to legal services for or on behalf of the client;

(a)(76)(C) provide assistance to the client that is reasonably necessary to facilitate the client's confidential communications; or

(a)(76)(D) disclose, as an employee or agent of the client, confidential information concerning a legal matter to the lawyer.

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(a)(87) "Communication" includes:

(a)(78)(A) advice, direction or guidance given by the lawyer, or the lawyer's representative ~~or a lawyer referral service~~ in the course of providing legal services; and

(a)(87)(B) disclosures of the client and the client's representative to the lawyer, or the lawyer's representative ~~or a lawyer referral service~~ incidental to the client's legal services.

(a)(98) "Confidential communication" means a communication not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of rendition of legal services to the client or to those reasonably necessary for the transmission of the communication.

(b) Statement of the Privilege. A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications if:

(b)(1) the communications were made for the purpose or in the course of obtaining or facilitating the rendition of legal services to the client; and

(b)(2) the communications were:

(b)(2)(A) between (i) the client or the client's representative and (ii) the lawyer, the lawyer's representatives, or a lawyer representing others in matters of common interest; or

(b)(2)(B) between clients or clients' representatives as to matters of common interest but only if each clients' lawyer or lawyer's representatives was also present or included in the communications; ~~or~~

~~**(b)(2)(C)** between (i) the client or the client's representatives and (ii) a lawyer — referral service; or **(b)(2)(D)** between (i) the client's lawyer or lawyer's representatives and (ii) the client's lawyer referral service.~~

(c) Who May Claim the Privilege. The privilege may be claimed by:

(c)(1) the client;

(c)(2) the client's guardian or conservator;

(c)(3) the personal representative of a client who is deceased;

(c)(4) the successor, trustee, or similar representative of a client that was a corporation, association, or other organization, whether or not in existence; and

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(c)(5) the lawyer ~~or the lawyer referral service~~ on behalf of the client.

(d) **Exceptions to the Privilege.** Privilege does not apply in the following circumstances:

(d)(1) Furtherance of the Crime or Fraud. If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

(d)(2) Claimants through Same Deceased Client. As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction;

(d)(3) Breach of Duty by Lawyer or Client. As to a communication relevant to an issue of breach of duty by the lawyer to the client;

(d)(4) Document Attested by Lawyer. As to a communication relevant to an issue concerning a document to which the lawyer was an attesting witness; or

(d)(5) Joint Clients. As to the communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients.

Effective ~~May~~ November 1, 20__18

2018 Advisory Committee Note. These amendments are limited to the scope of the attorney-client privilege. Nothing in the amendments is intended to suggest that for other purposes, such as application of the Utah Rules of Professional Conduct or principles of attorney liability, an attorney forms an attorney-client relationship with a person merely by making a referral to another lawyer, even if privileged confidential communications are made in the process of that referral.