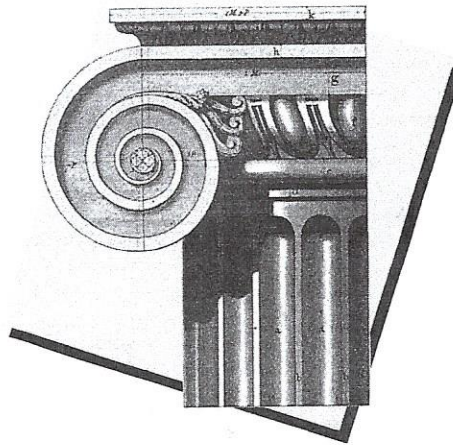


2023 EDITION

MODEL RULES OF PROFESSIONAL CONDUCT



ABA[®]
AMERICAN BAR ASSOCIATION
Center for Professional
Responsibility

AMERICAN CENTER FOR PROFESSIONAL CONDUCT

The Center for Professional Conduct is the American Bar Association's "home" for lawyer ethics, client protection, legal malpractice, and the Center has served as locus for the Commission on Multidisciplinary Jurisdictional Practice, the Commission on Professional Conduct (Ethics), the Model Code of Judicial Conduct, and the Model Code of Professional Responsibility. The Center comprises numerous programs and works relating to professional conduct.

- Develops rules of professional conduct, discipline, and client protection throughout the country;
- Produces numerous publications including *Professional Conduct: The Paralegal's Guide to Ethics, Discipline, and Client Protection*, *The Paralegal's Guide to Judicial, and Client Protection*, *Industry Group, the Code of Professional Conduct*;
- Issues formal opinion rules;
- Operates the National Center for Professional Conduct, a national repository of disciplinary actions received public discipline;
- Offers on-site consultation and training to their discipline system;
- Presents the National Forum on Professional Conduct Conference, and numerous other programs.

Center membership is open to all lawyers and law student members in all practice areas. For more information on publications and CLE events.

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Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. This book is intended for educational and informational purposes only.

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adequate to make an informed decision that includes a disclosure of the situation, any explanation to the client or other person of the proposed course of conduct, the other person's options and alternatives, and appropriate for a lawyer to advise the client of other counsel. A lawyer need not disclose facts or implications already known to the client. Nevertheless, a lawyer who does not perform such duties assumes the risk that the client's consent is invalid. Informed consent and the explanation provided are required to include whether the client or other person is independent and in making decisions for the client or other person is independent. Normally, a lawyer giving the consent. Normally, a lawyer should explain more than others, and a lawyer who is independently represented by the client should be assumed to have given informed consent.

Rules 1.7(b) and 1.8(a) usually require an affirmative consent. In general, a lawyer may not assume the client's silence. Consent may be obtained from a client or other person who has the capacity to understand the matter. A number of Rules are required to be confirmed in writing. See Rules 1.7(b) and 1.8(a) and "confirmed in writing," see Rule 1.8(a) and (g). For example, see, e.g., Rules 1.8(a) and (g). For example, see, e.g., Rules 1.8(a) and (g). For example, see, e.g., Rules 1.8(a) and (g).

where screening of a person is required to remove imputation of a conflict of interest. The affected parties that consent to the personally disqualified lawyer retained by the lawyer should acknowledge

the obligation not to communicate with any of the other lawyers in the firm with respect to the matter. Similarly, other lawyers in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other information, including information in electronic form, relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer relating to the matter, denial of access by the screened lawyer to firm files or other information, including information in electronic form, relating to the matter and periodic reminders of the screen to the screened lawyer and all other firm personnel.

[10] In order to be effective, screening measures must be implemented as soon as practical after a lawyer or law firm knows or reasonably should know that there is a need for screening.

CLIENT-LAWYER RELATIONSHIP

RULE 1.1: COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment

Legal Knowledge and Skill

[1] In determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question, the preparation and study the lawyer is able to give the matter and whether it is feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question. In many instances, the

required proficiency is that of a general practitioner. Expertise in a particular field of law may be required in some circumstances.

[2] A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.

[3] In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to or consultation or association with another lawyer would be impractical. Even in an emergency, however, assistance should be limited to that reasonably necessary in the circumstances, for ill-considered action under emergency conditions can jeopardize the client's interest.

[4] A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation. This applies as well to a lawyer who is appointed as counsel for an unrepresented person. See also Rule 6.2.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c).

Retaining or Contracting With Other Lawyers

[6] Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer should ordinarily obtain informed consent

from the client and must reason that the services will contribute to the client's best interests. See also Rules 1.2 (allocation of fees with client), 1.5(e) (fee sharing with other lawyers on authorized practice of law). The lawyer should enter into a contract with other lawyers or law firms, upon the circumstances, including the nature of the nonfirm lawyers; the nature of the nonfirm lawyers; and the legal and ethical environments of the lawyers. The lawyer should also consider the performance, particularly relating to the client's interests.

[7] When lawyers from multiple firms provide services to the client on a particular matter, they should consult with each other and the client regarding the representations and the allocation of fees. See Rule 1.2. When making allocations of fees to a tribunal, lawyers and parties should consider the matter of law beyond the scope of the representation.

Maintaining Competence

[8] To maintain the requisite level of competence, a lawyer should keep abreast of changes in the law and its practice, the benefits and risks associated with new technology, and other developments, and should study and education and continuing education requirements to which the lawyer is subject.

Definitional Cross-Reference
"Reasonably" See Rule 1.0(h)

RULE 1.2: SCOPE OF REPRESENTATION AND ALLOCATION OF FEES BETWEEN LAWYERS

(a) Subject to paragraph (b), a lawyer shall represent a client's decisions concerning the representation, and, as required by Rule 1.2, shall act on behalf of the client in the representation. A lawyer shall not

general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.

[13] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the limitations on the lawyer's conduct. See Rule 1.4(a)(5).

Definitional Cross-References

"Fraudulent" See Rule 1.0(d)

"Informed consent" See Rule 1.0(e)

"Knows" See Rule 1.0(f)

"Reasonable" See Rule 1.0(h)

RULE 1.3: DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

Comment

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

[2] A lawyer's work load must be controlled so that each matter can be handled competently.

[3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected

by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness. A lawyer's duty to act with reasonable promptness, however, does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the lawyer's client.

[4] Unless the relationship is terminated as provided in Rule 1.16, a lawyer should carry through to conclusion all matters undertaken for a client. If a lawyer's employment is limited to a specific matter, the relationship terminates when the matter has been resolved. If a lawyer has served a client over a substantial period in a variety of matters, the client sometimes may assume that the lawyer will continue to serve on a continuing basis unless the lawyer gives notice of withdrawal. Doubt about whether a client-lawyer relationship still exists should be clarified by the lawyer, preferably in writing, so that the client will not mistakenly suppose the lawyer is looking after the client's affairs when the lawyer has ceased to do so. For example, if a lawyer has handled a judicial or administrative proceeding that produced a result adverse to the client and the lawyer and the client have not agreed that the lawyer will handle the matter on appeal, the lawyer must consult with the client about the possibility of appeal before relinquishing responsibility for the matter. See Rule 1.4(a)(2). Whether the lawyer is obligated to prosecute the appeal for the client depends on the scope of the representation the lawyer has agreed to provide to the client. See Rule 1.2.

[5] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. Cf. Rule 28 of the American Bar Association Model Rules for Lawyer Disciplinary Enforcement (providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another lawyer to protect the interests of the clients of a deceased or disabled lawyer).

Definitional Cross-References

"Reasonable" See Rule 1.0(h)

RULE 1.4

(a) A lawyer shall:

(1) promptly inform the client of any circumstance with respect to which the client's consent, as defined in Rule 1.0(e), is required in order to undertake or continue representation of the client; and

(2) reasonably consult with the client about the means to be employed in carrying out the representation; and

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

(4) promptly comply with any reasonable request for information; and

(5) consult with the client about the lawyer's conduct when the lawyer expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain to the client, or cause to be explained to the client, the terms of the representation necessary to permit the client to make an informed decision regarding the representation.

Comment

[1] Reasonable communication is required to be necessary for the client effective.

Communicating with Client

[2] If these Rules require consultation be made by the client, the lawyer should promptly consult with and seek the client's consent unless prior discussions with the client indicate that the client wants the lawyer to proceed without the client's consent. If the lawyer offers to represent the client in a matter and the client does not object, the lawyer may proceed. If the lawyer proffers a plea bargain in a criminal case, the client should be informed of its substance unless the client indicates that the client's consent will be acceptable or unless the client indicates that the client will accept or to reject the offer. See Rule 1.4(b).

[3] Paragraph (a)(2) requires the lawyer to consult with the client about the means to be employed in carrying out the representation. In some situations—decisions that are under consideration and decisions that are not—this duty will require consultation with the client.

RULE 1.4: COMMUNICATION**(a) A lawyer shall:**

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

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

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

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

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

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

Comment

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

Communicating with Client

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

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The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.

[2] The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.

[3] The lawyer's obligations under this Rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this Rule.

RULE 3.2: EXPEDITING LITIGATION

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Comment

[1] Dilatory practices bring the administration of justice into disrepute. Although there will be occasions when a lawyer may properly seek a postponement for personal reasons, it is not proper for a lawyer to routinely fail to expedite litigation solely for the convenience of the advocates. Nor will a failure to expedite be reasonable if done for the purpose of frustrating an opposing party's attempt to obtain rightful redress or repose. It is not a justification that similar conduct is often tolerated by the bench and bar. The question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay. Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client.

of the important differences between a third-party neutral and a lawyer's role as a client representative. The availability of the attorney-client evidentiary privilege is not required under this paragraph. The nature of the dispute is involved and the subject matter of the dispute has particular features of the dispute-resolution process.

a third-party neutral subsequently representing a client in the same matter. The duties of both the individual lawyer and the lawyer as a whole are governed by Rule 1.12.

clients in alternative dispute-resolution processes. The Rules of Professional Conduct. When the lawyer appears before a tribunal, as in binding arbitration, the lawyer's duty of candor is governed by Rule 4.1. The lawyer's duty of candor toward both the third-party neutral and the tribunal is governed by Rule 4.1.

1.0(j)

ADVOCATE

FRIVOLIOUS CONTENTIONS

and a proceeding, or assert that there is a basis in law and fact for the filing of the proceeding, which includes a good faith belief that the filing or reversal of existing law or a criminal proceeding, or the filing of a proceeding, would result in incarceration, or a proceeding as to require that the proceeding be heard.

legal procedure for the fullest protection of the rights of the party not to abuse legal procedure.

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no longer competently represent the client. Also see Rule 1.16(b) for the circumstances in which a lawyer will be permitted to seek a tribunal's permission to withdraw. In connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating to the representation only to the extent reasonably necessary to comply with this Rule or as otherwise permitted by Rule 1.6.

Definitional Cross-References

- "Fraudulent" See Rule 1.0(d)
- "Knowingly" and "Known" and "Knows" See Rule 1.0(f)
- "Reasonable" See Rule 1.0(h)
- "Reasonably believes" See Rule 1.0(i)
- "Tribunal" See Rule 1.0(m)

RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

- (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists;
- (d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;
- (e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or

- (f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:
- (1) the person is a relative or an employee or other agent of a client; and
 - (2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

Comment

[1] The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedure, and the like.

[2] Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law in many jurisdictions makes it an offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen. Falsifying evidence is also generally a criminal offense. Paragraph (a) applies to evidentiary material generally, including computerized information. Applicable law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter or destroy material characteristics of the evidence. In such a case, applicable law may require the lawyer to turn the evidence over to the police or other prosecuting authority, depending on the circumstances.

[3] With regard to paragraph (b), it is not improper to pay a witness's expenses or to compensate an expert witness on terms permitted by law. The common law rule in most jurisdictions is that it is improper to pay an occurrence witness any fee for testifying and that it is improper to pay an expert witness a contingent fee.

[4] Paragraph (f) permits a lawyer to advise employees of a client to refrain from giving information to another party, for the employees may identify their interests with those of the client. See also Rule 4.2.

Definitional Cross-Reference
 "Knowingly" See Rule 1.0(f)
 "Reasonably" See Rule 1.0(h)
 "Reasonably believes" See Rule 1.0(i)
 "Tribunal" See Rule 1.0(m)

RULE 3.5: DECORUM

- A lawyer shall not:**
- (a) seek to influence a juror or other official by means prohibited by law;
 - (b) communicate ex parte with a juror or other official in a proceeding unless authorized to do so;
 - (c) communicate with a juror or other official in discharge of the jury if:
 - (1) the communication is prohibited by law;
 - (2) the juror has made known to the lawyer that he or she desires to communicate; or
 - (3) the communication is necessary to inform the juror of a matter of law or procedure, coercion, duress or harassment;
 - (d) engage in conduct intended to disrupt the proceedings.

Comment

[1] Many forms of improper conduct are prohibited by criminal law. Others are specifically prohibited by the rules of professional conduct, with which an advocate is required to avoid contributing to a violation.

[2] During a proceeding a lawyer should not communicate with persons serving in an official capacity, such as judges, masters or jurors, unless authorized to do so.

[3] A lawyer may on occasion communicate with a prospective juror after the jury has been selected, but must respect the desire of the juror not to be contacted. A lawyer may not engage in improper conduct intended to influence a juror.

[4] The advocate's function is to present the cause and to argue that the cause may be decided according to law. Improper or obstructive conduct is a core violation of the duty of candor.

such cases, when the third-party claim is not frivolous under applicable law, the lawyer must refuse to surrender the property to the client until the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party, but, when there are substantial grounds for dispute as to the person entitled to the funds, the lawyer may file an action to have a court resolve the dispute.

[5] The obligations of a lawyer under this Rule are independent of those arising from activity other than rendering legal services. For example, a lawyer who serves only as an escrow agent is governed by the applicable law relating to fiduciaries even though the lawyer does not render legal services in the transaction and is not governed by this Rule.

[6] A lawyers' fund for client protection provides a means through the collective efforts of the bar to reimburse persons who have lost money or property as a result of dishonest conduct of a lawyer. Where such a fund has been established, a lawyer must participate where it is mandatory, and, even when it is voluntary, the lawyer should participate.

RULE 1.16: DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Rules of Professional Conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
- (3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;

- (5) the client fails the lawyer regarding reasonable warning obligation is fulfilled
- (6) the representation financial burden on t unreasonably difficu
- (7) other good cau
- (c) A lawyer must cor to or permission of a tril When ordered to do so b representation notwiths the representation.
- (d) Upon termination steps to the extent reason interests, such as giving time for employment of and property to which th advance payment of fee or incurred. The lawyer to the extent permitted b

Comment

[1] A lawyer should not can be performed competent interest and to completion. Or pleted when the agreed-upo 1.2(c) and 6.5. See also Rule 1

Mandatory Withdrawal

[2] A lawyer ordinarily tion if the client demands the or violates the Rules of Pro is not obliged to decline or v such a course of conduct; a hope that a lawyer will not b

[3] When a lawyer has l drawal ordinarily requires ap Rule 6.2. Similarly, court app by applicable law before a l

m is not frivolous under applicable
under the property to the client
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the third party, but, when there
the person entitled to the funds,
it resolve the dispute.
under this Rule are independent
rendering legal services. For exam-
ple, though the lawyer does not ren-
der the property to the client, the
action provides a means through
which persons who have lost money
to participate where it is manda-
tory agent is governed by the ap-
plication of a lawyer. Where such a
lawyer should participate.

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a lawyer shall not
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CLIENT-LAWYER RELATIONSHIP

Rule 1.16

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Comment

[1] A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. See Rules 1.2(c) and 6.5. See also Rule 1.3, Comment [4].

Mandatory Withdrawal

[2] A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation.

[3] When a lawyer has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. See also Rule 6.2. Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending litigation.