

**ABA Model Rules of Professional Conduct:
*Attorney-Client Relationship***

Old Model Rule 1.3: Diligence and Zeal:

“A lawyer shall represent a client zealously and diligently within the bounds of the law.”

New Model Rule 1.3: Diligence:

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

New Model Rule 1.3 Comment:

“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.* . . . 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.”

NOTE re: interpretation and application of New Model Rule 1.3:

The old rule was interpreted to require a lawyer always to serve as a “hired gun,” doing everything possible, within the bounds of law, to accomplish the client’s goal, no matter how aggressive or repugnant. The new rule not only removes that alleged requirement, but the comment specifically clarifies that lawyers are not required to do so.

DISCUSSION / EXAMPLES:

- What is “offensive tactics”?

Model Rule 2.1: Advisor

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to **other considerations** such as **moral**, economic, **social** and political factors, that may be relevant to the client's situation.

NOTE re: interpretation and application of Model Rule 2.1:

The new model rule comment specifically permits attorneys to address *non-legal considerations* relevant to a client's situation. This gives attorneys freedom to speak to spiritual, moral, and ethical issues that are relevant. So, for instance, in a dispute situation, one could advise clients on the importance of forgiveness and reconciliation. In a potential divorce situation, one could advise on the covenantal model of marriage, the harmful effect of divorce on children, the deleterious financial impact of a divorce, etc.

DISCUSSION / EXAMPLES:

- "Holistic" lawyering: the proper use of non-legal considerations in giving legal counsel