

ETHICS

**Dealing with the “difficult client”
consistent with Rules 32:1.2; 32:1.3 and
32:1.4**

**Greg W. Steensland
District Court Judge
4th Judicial District
State of Iowa**

Rule 32:1.2

SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by rule 32:1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(1) The client's informed consent must be confirmed in writing unless:

(i) the representation of the client consists solely of telephone consultation;

(ii) the representation is provided by a lawyer employed by a nonprofit legal services program or participating in a nonprofit or court-annexed legal services program and the lawyer's representation consists solely of providing information and advice or the preparation of court-approved legal forms; or

(iii) the court appoints the attorney for a limited purpose that is set forth in the appointment order.

(2) If the client gives informed consent in a writing signed by the client, there shall be a presumption that:

(i) the representation is limited to the attorney and the services described in the writing; and

(ii) the attorney does not represent the client generally or in any matters other than those identified in the writing.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law

- *Allocation of Authority between Lawyer & client*
- *Independence of Views*
- *Limited Scope of Representation*
- *Criminal & Fraudulent Transactions*

Rule 32:1.3

DILIGENCE

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

- *Iowa Supreme Court Attorney Disciplinary Bd. V. Nelson, 838 N.W.2d 528 (Iowa 2009):* Attorney's personal issues led to his effectively abandoning clients and his practice, in violation of 32:1.3 and 32:1.4

Rule 32:1.4

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 32:1.0(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 Iowa 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.

- *Communicating with Client*
- *Explaining Matters to Client*
- *Withholding Information*
- *Iowa Supreme Court Attorney Disciplinary Bd. V. Conroy*, 845 N.W.2d 59 (Iowa 2014); Attorney sanctioned for failure to notify six court-appointed criminal defendant clients of the progress of their cases, and failure to timely file documents in all of their cases.