

## **Client's Statement of Rights & Responsibilities\***

### **Notification to Clients of Their Rights and Responsibilities**

#### **Preamble**

Good communication is essential to an effective attorney-client relationship. A lawyer should be assured that a new or prospective client has a full understanding of the nature of the attorney-client relationship, including what the client can reasonably expect from the lawyer and what the lawyer can reasonably expect from the client. If the client does not have such an understanding, the lawyer shall take reasonable steps to educate the client about the relationship.

The Client's Statement of Rights and Responsibilities set out below is designed to provide an outline of the lawyer's expectations of the client and the client's expectations of the lawyer. The lawyer may use the Client's Statement of Rights and Responsibilities to inform a new or prospective client of those expectations. The Client's Statement of Rights and Responsibilities is not, however, the exclusive method by which a lawyer might so inform the client.

The Client's Statement of Rights and Responsibilities shall not be used as a basis for litigation or for sanctions or penalties. The Client's Statement of Rights and Responsibilities does not supersede or detract from the Rules of Professional Conduct, nor does the Client's Statement of Rights and Responsibilities alter existing standards of conduct against which lawyer negligence may be determined.

*\*For purposes of compliance with the Rhode Island Supreme Court Rules of Professional Conduct, Rule 1.4 as amended.*

## **A. Application**

When a lawyer has not regularly represented a client, the lawyer shall provide the prospective client with a statement of the client's rights and responsibilities. The lawyer shall give this information to the client prior to the signing of a written retainer agreement and shall obtain a signed acknowledgement of its receipt. The rights set forth in this statement are intended to be consistent with the standards mandated by the Rules of Professional Conduct. This statement does not supersede the obligations imposed by the Rules of Professional Conduct, and is intended as an explanation to the client of their rights under the Rules and their responsibilities in the attorney-client relationship. The text of the rules remains authoritative.

## **B. Statement of Rights and Responsibilities**

The statement shall contain the following:

### **A Client's Statement of Rights and Responsibilities**

In an attorney/client relationship, each party has certain rights. A right that both parties have is to be treated at all times with courtesy and respect. This statement first explains your rights as a client when you hire an attorney, and immediately afterwards what your attorney has the right to expect of you. This statement is intended to promote better communication and prevent misunderstandings between you and your attorney.

#### **As the client in a legal matter, you have the right to expect that:**

1. Your attorney will handle your legal matter competently.
  - When hiring an attorney, you have the right to ask questions about the attorney's education, training, and experience and expect that your attorney will remain current with recent developments in the law that relate to your matter.

2. Your attorney will charge you a reasonable fee and explain how it will be computed and when payments are expected from you.
  - If you are not a regular client, your attorney will give you a written statement before, or as soon as the work begins indicating the basis or rate of the fee you will be charged.
  - If you are asked to pay a retainer, your attorney will explain how it will be spent and, if you ask, will provide you with a periodic written statement detailing how it has been spent.
  - If your attorney is working on a contingent-fee basis, your attorney will put in writing, in advance, what the attorney's percentage will be, whether you will be billed for costs and expenses, and whether deductions will be taken from your settlement prior to calculating the fee.
3. Your attorney will work diligently for you and pursue the lawful means necessary to present or defend your case.
4. Your attorney will strive to resolve your legal matter promptly and will inform you if for any reason it cannot be resolved in a timely fashion.
5. Your attorney will respond to reasonable questions about the progress of your legal matter and will explain office policies to you to ensure satisfactory communication with you, including:
  - How to reach your attorney.
  - When and how your telephone calls will be returned.
  - How to obtain copies of paper/documents from your legal file.
6. Your attorney will exercise independent, professional judgment on your behalf free from any conflict of interest.

7. Most of your communications with your attorney are confidential. Your attorney will explain to you when the statements you make or secrets you reveal about your case cannot be kept confidential.
8. You have the right to make final decisions regarding your legal matter.
  - Your attorney will discuss the negotiation process with you and will agree to a settlement offer only if you have approved it.
9. Your attorney will explain to you, in advance, any major expenses anticipated in your legal matter.
10. Your attorney will tell you if other lawyers will be involved in your representation and how the cost to you for their involvement will be calculated.
11. When your fee is not a single, set amount, your attorney will give you periodic billings detailing your fees, costs, and expenses.
12. If legal fees will be applied against a settlement, your attorney will provide you with a final statement after the matter is concluded detailing what costs and expenses are being applied against your settlement and the amount you will receive.

**As your legal advisor, your attorney has the right to expect that:**

1. You will make a full and honest disclosure of all of the facts - good and bad - that relate to your legal matter and you will inform your attorney about any new facts or circumstances that may affect your case as they arise.
2. You will adhere to your fee agreement with your attorney, pay your bills for all work that has been performed, and pay for all costs advanced for you. If you have any questions about your bill, you will discuss them with your attorney.
3. You will seek your attorney's advice before discussing any information relating to your legal matter with others.

4. You will tell your attorney if you have any concerns or reservations about the advice you are being given.
5. You will be on time for all court hearings and appointments with your attorney or let your attorney know in advance if you cannot be on time.
6. If you cannot reach your attorney when you telephone the office, you will leave your name and phone number and a brief message.
7. You will complete the tasks requested by your attorney in a timely fashion or let your attorney know when you cannot.
8. You will discuss your expectations about what you want to accomplish in your legal matter with your attorney. When your expectations are not being met, you will talk to your attorney about it.

You have the right to change attorneys if you are dissatisfied with the representation you are receiving. However, in certain circumstances, you will need the court's permission. It is also important for you to know that your attorney may decide to stop representing you. This may be due to your not meeting your obligations to your attorney or for some other reason. This too may require court permission.

This Client's Statement of Rights and Responsibilities is based on the Rhode Island Rules of Professional Conduct for attorneys. If you have any questions about this statement of your rights and obligations, you should contact the Rhode Island Bar Association at 41 Sharpe Drive, Cranston, Rhode Island 02920 telephone: (401) 421-5740.