

PROF. COND. R 1.18: DUTIES TO PROSPECTIVE CLIENT

This Rule outlines the duties to a prospective client. The lawyer who has learned information from a prospective client can't use or reveal that information, except as permitted by Prof. Cond. R. 1.9 . A lawyer can't represent a client with interests materially adverse to the prospective client in the same or substantially related matter. If a lawyer is disqualified from representation, no lawyer in a firm may knowingly undertake or continue representation.

However, when a lawyer received disqualifying information, representation is permissible if both the affected client and the prospective client have given informed consent, confirmed in writing, or the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client, with both requirements met that the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee and written notice is promptly given to the prospective client. See [ABA Formal Opinion 510](#) for further guidance.

This Rule emphasizes the importance of using a Client Inquiry Form to avoid receiving more disqualifying information than is reasonably necessary to determine whether to represent a prospective client.