



Dear Ethics Lawyer™

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

We represented a difficult client in a litigation matter for a little over a year until it became apparent that they were not being truthful with us, and they also fell months behind on paying our fees. We withdrew from the representation after complying with applicable court rules as required by Model Rule 1.16(c) as adopted in our jurisdiction. Now, a few months later, we have received a demand from our former client to provide to new counsel they have engaged “a memorandum that includes a complete summary of all work we had performed; and all facts we had gathered, with citation and copies of sources; and legal arguments and strategies with case and statutory citation.”

We understand we have some responsibility for “steps...reasonably practicable to protect a client’s interests,” as required by Model Rule 1.16(d), but this seems way beyond what is specified there. We are prepared to hand over the client file. But responding to this would require us to create an extensive memorandum, refreshing ourselves on matters we’ve set aside, and doing additional work—for free. What is our duty here?

A: You correctly focus on Rule 1.16(d) as the source of post-withdrawal duties. Please look for authority under that rule in your particular jurisdiction, but you may also consider newly issued ABA Formal Op. 520 (Jan. 21, 2026), which addresses the issue of whether a lawyer or firm has an obligation to respond to a post-withdrawal request for information that is not memorialized in file materials, or a request to elaborate on or provide explanations beyond those materials. It notes that Rule 1.4 requires a lawyer to promptly comply with reasonable client requests for information, but that it does not apply after the representation ends.

The opinion describes certain limited circumstances in which the lawyer may have a duty to provide non-memorialized information to the client or successor counsel, such as certain criminal defense information; or other material information communicated to or known to the lawyer but not reflected in the file and necessary to protect the client’s interests. It opines that this could include information that should have been memorialized in the file but was not; reasons or strategy considerations for actions the withdrawing lawyer undertook; impressions of credibility of witnesses; or un-memorialized client communications. Formal Op. 520, at 5.

On the other hand, the lawyer has no duty to find and provide information readily accessible elsewhere or by other means. *Id.* Nor does the lawyer have a duty to provide information for purposes of a new matter, such as when a client requests information about a completed transaction handled by the lawyer for purposes of a lawsuit against the opposing party for which the lawyer has not been engaged. *Id.* Moreover, the limited post-withdrawal duty also does not require the lawyer to generate further work product, provide information not already in the lawyer's possession, respond to excessive or repetitive requests, educate former clients or successor counsel on the law, or perform additional legal services. *Id.* at 5-6.

The Ethics Lawyer

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by [Mark Hinderks](#), former managing partner and counsel to an AmLaw 132 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.