



ABA Issues Formal Opinion on Duty to Provide Info to Former Clients

On January 21, 2026, the American Bar Association’s Standing Committee on Ethics and Professional Responsibility issued [ABA Formal Opinion 520](#), which deals with a lawyer’s obligation to convey information to a former client or successor counsel. The opinion, a copy of which is attached, states that:

. . . “to protect a client’s interests” it is sometimes necessary for a lawyer who terminated, or is terminating, a representation to convey information that was not recorded and maintained in the client’s file. Ordinarily, if the importance of the information is evident, the lawyer should convey the information before or promptly upon terminating the representation, whether by putting the information in writing, transmitting it in a conversation with successor counsel, or communicating it in some other manner. . . . When a request makes it evident that unrecorded information is necessary to protect the former client’s interests in the matter, the former counsel must convey such information if it is reasonably practicable to do so.

The opinion sets forth limits on this duty to a former client.

- “This duty is limited, however, by the provision that complying with the request actually be necessary ‘to protect the client’s interests’ in the matter undertaken by the lawyer and that compliance be ‘reasonably practicable.’”
- “The request must also be for information already acquired in the context of work already performed for the former client.
- “Lawyers do not have an obligation under Rule 1.16(d) to provide information that is readily accessible elsewhere or by other means.”
- “Lawyers also do not have an obligation to provide information when the request concerns a different matter from the one in which the lawyer represented the former client.”
- “[L]awyers are not required to generate further work product such as producing affidavits or memos, because that would normally exceed the “reasonably practicable” limitation.”
- “[O]nce a representation is over, a lawyer obviously has no obligation to respond to a request for information by performing further legal services, such as providing legal advice to the former client, in the absence of an explicit agreement to do so.”

The opinion, a copy of which is attached, provides specific examples that may be useful to lawyers and clients in assessing the duty. Thanks to our eminent partner, [Manny Newburger](#), for authoring this Tip of the Month.

If you have questions or want to talk in more detail, get in touch with one of our senior risk management counsel at [Attorneys Risk Management](#), and click on the “Request a Risk Management Consultation” button.

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