

## **Alabama Rules of Professional Conduct**

### **Advocate**

#### **Rule 3.2.**

#### **Expediting Litigation.**

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

#### **Comment (As Amended Effective June 23, 2008)**

Dilatory practices bring the administration of justice into disrepute. Although there will be occasions when a lawyer may properly seek a postponement for personal reasons, it is not proper for a lawyer to routinely fail to expedite litigation solely for the convenience of the advocates. Nor will a failure to expedite be reasonable if done for the purpose of frustrating an opposing party's attempt to obtain rightful redress or response. It is not a justification that similar conduct is often tolerated by the bench and bar. The question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay. Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client.

#### **Comparison with Former Alabama Code of Professional Responsibility**

DR 7-101(A)(1) stated that a lawyer does not violate the duty to represent a client zealously "by being punctual in fulfilling all professional commitments." DR 7-102(A)(1) provided that a lawyer "shall not... file a suit, assert a position, conduct a defense [or] delay a trial... when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another."

**Note from the reporter of decisions:** The order amending Rule 1.8, the Comment to Rule 1.8, Rule 1.10(a), the Comment to Rule 1.10, Rule 1.12, Rule 1.14, the Comment to Rule 1.14, the Comment to Rule 3.2, Rule 3.6, the Comment to Rule 3.7, Rule 3.9, and Rule 4.4 is published in that volume of *Alabama Reporter* that contains Alabama cases from 983 So.2d.