



# CLASS 6

Professional Responsibility and Legal Ethics

# Mandatory Withdrawal from a Case

- Continued representation will result in a violation of:
- any of the other Rules of Professional Conduct
- OR
- any state or federal law
  - The attorney is no longer able to serve the client competently, because of a physical or mental condition or because the attorney lacks the requisite skill to competently represent the client's interest
- The attorney is fired by the client



# Permissive Withdrawal from a Case

- The client is committing criminal or fraudulent actions, using the attorney's services
- The client has used the attorney's services to commit a crime or fraud
- The client insists on pursuing a legal strategy or action that is either
  - illegal
  - immoral, or
  - unwise in achieving the client's interests
- The client refuses to live up to his or her obligations toward the attorney (usually money)
- The representation is very difficult for the attorney for financial reasons
- The representation has been made very difficult by client non-cooperation
- Other "good cause" to withdraw



# QUIZ TIME!



# Other Considerations Involved in Withdrawing from a Representation

- May not withdraw if the court does not allow the withdrawal (i.e., it's in the middle of the case and withdrawing will irreparably hurt the client).
- When withdrawing in any case, the attorney must:
  - give a reasonable amount of notice, allowing time to get together replacement counsel
  - return anything rightfully belonging to the client, such as unused expense money
  - handing over all files relating to the representation to the client or new counsel



# Other Considerations involved in withdrawing from a Representation (cont.)

- When selling a law practice (with representation of clients):
  1. The new firm must be practicing in the same area of law and geography
  2. The client must be made aware of the sale and that she has the right to get new counsel and of any other relevant information regarding the transaction

