

DIGEST OF ETHICS ADVISORY PANEL
OPINION #88-15, REQUEST #10
ISSUED JUNE 24, 1988

An attorney seeks Panel advice as to whether it is appropriate for him to move to withdraw as attorney of record in Probate Court for the guardian of the estate of a minor child. The attorney advises the Panel that he has sent his client six letters in the past 15 months reminding the client of a guardian's obligations to file accounts as set forth in R.I.G.L. 1956 (1984 Reenactment) § 33-15-26. The attorney states that despite his urgings, his client has not filed the required accounts for the estate of the minor child.

Based on the attorney's representations, the Panel takes the position that the attorney may move to withdraw pursuant to DR 2-110(C)(1)(d). This rule provides, in pertinent part that

- (C) . . . if DR 2-110(B) [Mandatory withdrawal] is not applicable, a lawyer may not request permission to withdraw in matters pending before a tribunal, and may not withdraw in other matters unless such request or such withdrawal is because;
- (1) His client . . .
- (d) By other conduct renders it unreasonably difficult for the lawyer to carry out his employment effectively.

The Panel notes that the inquiring attorney is also bound by the general provisions governing withdrawal from employment as set forth in DR 2-110(A).

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.