

Digest of Ethics Advisory Panel
Opinion #91-15, Request #121
Issued May 23, 1991

An attorney seeks Panel advice concerning the ethical propriety of the attorney's withdrawal from representation of a client who is dissatisfied with the attorney's services and refuses to pay the attorney's fees. The attorney indicates the client engaged the attorney's services after discharging three prior lawyers in connection with a divorce action. The trial of the case is now completed. The client believes her husband is responsible for the attorney's fees.

The Panel takes the position that the attorney may properly withdraw from further representation of this client under Rhode Island Rule of Professional Conduct 1.16. Rule 1.16 provides in pertinent part:

(b) . . . a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(4) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.

The Panel is of the opinion that the attorney may properly withdraw from representation of the client if she continues to refuse to compensate the attorney for the services rendered and the attorney gives the client reasonable warning that the attorney will withdraw unless the obligation is fulfilled.

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.