

DIGEST OF ETHICS ADVISORY PANEL

Opinion #92-49 Request #274

Issued July 23, 1929

An attorney seeks Panel advice with regard to the following situation. An attorney is owed fees from a client with whom the attorney has represented for many years. After numerous attempts to arrange payment of these fees, the attorney informed the client that the attorney would not represent the client on new cases until payment is rendered. The client directed the attorney to stop all representation and to cease all work. The attorney advised the client to retain another attorney in connection with the ongoing lawsuits. The attorney's motions to withdraw filed in Superior Court were denied because no substitute counsel had entered on behalf of the client. The files where withdrawal was denied are still in the attorney's possession. The attorney asks what is the attorney's obligation with respect to the files, in light of the fact that the client will not allow any work to be done on the files.

The Panel believes that Rule 1.16 "Declining or Terminating Representation" is applicable to this inquiry. Rule 1.16(c) states that "When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation." Although the client directed the attorney to cease work, the attorney must take all reasonable steps to continue to protect the client's interests. See, Comment to Rule 1.16.