

# Complaints Authorization Committee

## *Practice Standard*

### **Withdrawal**

*Complaints Authorization Committee Meeting February 6, 2002  
Bencher's Notes May 2002*

The Complaints Authorization Committee reminds members that Rule in chapter XII of the Code of Professional Conduct prescribes that *The lawyer owes a duty to the client not to withdraw services except for good cause and upon notice appropriate in the circumstances.* The commentaries include discussion of the circumstances which may lead to withdrawal, what constitutes appropriate notice and the solicitor's duties following withdrawal. In particular, commentary 3 prescribes *Where withdrawal is permitted or required by this Rule, the lawyer must comply with all applicable rules of court as well as local rules and practice.*

The Complaints Authorization Committee directs members to Supreme Court Rule 23 - Change of Solicitors and in particular to 23.06 which prescribes, in part, *the solicitor may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor acting for the party, and the Court may so order, but unless and until the solicitor files the order on every party, the solicitor shall be considered the solicitor of the party until the conclusion of the proceeding.*

The Complaints Authorization Committee recommends that upon withdrawal, members ensure compliance with the above referenced Rules. Members are reminded that failure to do so may result in disciplinary sanctions.