

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Repealed: October 25, 2002

OPINION NO. 4

WITHDRAWAL FOR NON-PAYMENT OF FEES

It is professional misconduct for a lawyer, having accepted a fee to represent a client, to refuse to proceed with the client's matter until any remaining fee is paid in full unless the client has failed to honor an agreement or obligation to the lawyer as to expenses or fees. If the attorney raises the client's failure to honor a fee agreement as a defense for his failure to proceed, the agreement must be established by clear and convincing evidence or be in writing, signed by the attorney and the client.

It is professional misconduct for a lawyer to withdraw from representation in a proceeding before any tribunal without first giving reasonable notice to the client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and obtaining permission to withdraw from the tribunal where required. See Rule 1.16, Minnesota Rules of Professional Conduct, concerning a lawyer's obligations upon the termination of representation.

Adopted: October 12, 1973.

Amended: December 4, 1987.

Repealed: October 25, 2002.