



The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I've undertaken the representation of a client in a series of business dealings. It turns out that the client is simply a jerk. He treats me and others with a lack of respect, and sometimes in a demeaning manner. That said, he always eventually follows my advice, although complaining about it, and promptly pays his bills. I can't say that he has breached any obligations of our engagement letter agreement, and he has not asked me to do anything illegal or unethical, at least yet. I just don't like him and am tired of working with him, as is the rest of my team.

We just started a new matter, but after another one of his rants today, I've had enough. Can we just quit representing him and withdraw from the matter, even though he hasn't breached any obligations or done anything legally wrong?

A: Yes, with an important caveat. Model Rule 1.16 sets forth a few things that require withdrawal of the lawyer from an attorney-client relationship, and a longer list of things that permit withdrawal. At the top of the permissive withdrawal list is subsection (b)(1) which states that a lawyer may withdraw if "withdrawal can be accomplished without material adverse effect on the interests of the client." This does not require a reason, and ethically the lawyer can simply quit, subject to the caveat about timing – the withdrawal cannot be done if it would yield a material adverse effect for the client. In the context of a business representation, for instance, this limitation could arise if the withdrawal were attempted at a time such that it would disrupt closing of a deal or cause loss of a business opportunity.

Please examine the matter you are currently to make sure that your withdrawal at this time would not cause material adverse effect. Otherwise, you are free to withdraw.

The Ethics Lawyer

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by Mark Hinderks, former managing partner and counsel to an AmLaw 125 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction—the result may be completely different.



This email is being provided to you as a service of the Legal Ethics Project. To opt out, see below.

To add others in your organization to the mailing list, please contact mark.hinderks@stinson.com.

[Manage Profile or Unsubscribe](#) | [Subscribe as a New Contact](#) | [Forward to a friend](#)

KANSAS CITY
1201 Walnut Street
Suite 2900
Kansas City, MO 64106

MINNEAPOLIS
50 South Sixth Street
Suite 2600
Minneapolis, MN 55402

Thirteen locations nationwide

© 2024 STINSON LLP. All Rights Reserved. The choice of a lawyer is an important decision and should not be based solely on advertisements.