

COMMITTEE: Ethics Committee

DATE: July 2013

BC CODE RULES 3.7-1, 3.7-2 AND 3.7-7: GROUNDS FOR WITHDRAWAL

The Committee was asked whether, if a lawyer can comply with the obligations set out in rules 3.7-2 and 3.7-7, there is, in addition, a duty to also consider whether the criteria in rule 3.7-1 have also been met: the lawyer must have good cause for withdrawal and must be able to give reasonable notice to the client.

In the Committee's opinion, it is reasonable to assume that a lawyer would have good cause to withdraw if there has been a serious loss of confidence between the lawyer and client in rule 3.7-2, or any of the events contemplated by rule 3.7-7 (a), (b) or (c) are relevant. Moreover, it is undesirable to force a lawyer to continue to act for a client even if the lawyer has been unable to give the client reasonable notice if the lawyer has fulfilled the criteria set out in rule 3.7-2 or one of the criteria in rule 3.7-7. The Committee concluded that compliance with either rule 3.7-2 or 3.7-7 alone is sufficient to permit a lawyer to withdraw.

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