

MINUTES

COMMITTEE: Ethics Committee

DATE: July 4, 1996

10. CHAPTER 10, RULE 3; WHETHER IT IS PROPER FOR A FIRM TO WITHDRAW WHERE IMPORTANT FIRM CLIENT OBJECTS TO THE REPRESENTATION

A lawyer related the following circumstances: The lawyer acted at first instance for a client (“the client”) and achieved a successful result. The unsuccessful litigant on the other side of the action has appealed. The appeal has not been heard and the appellant’s factum has not yet been filed. Since the initial success, the lawyer has joined a new firm. One of the new firm’s major clients (“Major Client”) has objected to the lawyer continuing to represent the client, although the lawyer’s judgment is that he is not in a conflict and would not be prevented by a court from continuing to act for the client if the court were called upon to decide that issue. Major Client has a financial relationship with the unsuccessful litigant. The lawyer wants to know whether it is proper for him to withdraw from acting for the client under these circumstances.

The Committee was of the view that, although it is regrettable that a lawyer would have to withdraw under these circumstances, the withdrawal would not be done for an improper purpose or be unfair to the client within the meaning of the Rules and would, therefore, not be improper.

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