

**THE LAW SOCIETY OF SASKATCHEWAN**

**CODE OF  
PROFESSIONAL  
CONDUCT**

Adopted by The Law Society of Saskatchewan  
in Convocation on September 26, 1991,  
to be effective on October 1, 1991

## **CHAPTER XII**

### **WITHDRAWAL**

---

#### **RULE**

The lawyer owes a duty to the client not to withdraw services except for good cause and upon notice appropriate in the circumstances.<sup>1</sup>

#### *Commentary*

#### Guiding Principles

1. Although the client has a right to terminate the lawyer-client relationship at will, the lawyer does not enjoy the same freedom of action. Having once accepted professional employment, the lawyer should complete the task as ably as possible unless there is justifiable cause for terminating the relationship.<sup>2</sup>
2. The lawyer who withdraws from employment should act so as to minimize expense and avoid prejudice to the client, doing everything reasonably possible to facilitate the expeditious and orderly transfer of the matter to the successor lawyer.<sup>3</sup>
3. Where withdrawal is required or permitted by this Rule, the lawyer must comply with all applicable rules of court as well as local rules and practice.

#### Obligatory Withdrawal

4. In some circumstances, the lawyer will be under a duty to withdraw. The obvious example is following discharge by the client. Other examples are (a) if the lawyer is instructed by the client to do something inconsistent with the lawyer's duty to the court and, following explanation, the client persists in such instructions; (b) if the client is guilty of dishonourable conduct in the proceedings or is taking a position solely to harass or maliciously injure another; (c) if it becomes clear that the lawyer's continued employment will lead to a breach of these Rules such as, for example, a breach of the Rules relating to conflict of interest; or (d) if it develops that the lawyer is not competent to handle the matter. In all these situations there is a duty to inform the client that the lawyer must withdraw.<sup>4</sup>