

## PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

By

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Minnesota Office of Lawyers Professional Responsibility

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### OPINION NO. 4

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 employment in a proceeding before any tribunal unless and until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with the applicable laws and rules. A lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.

Adopted: October 12, 1973.