Tip of the Month

SEPTEMBER 2016

When Withdrawing from Representation of a Client, Preserve Confidences and Secrets

ABA Model Rule 1.6 requires that lawyers preserve client confidences and secrets. When a lawyer withdraws from a case that is not pending before a tribunal, there is no need to disclose any confidential information. When the matter is before a tribunal and permission is required before the lawyer will be allowed to withdraw, avoid unnecessarily disclosing confidential information. While a motion to withdraw should set forth grounds for withdrawal, those grounds usually can be expressed in generic terms that reveal little in the way of client confidences or secrets. If the tribunal requires further detail, counsel should suggest an in camera hearing so that disclosure is not made to opposing counsel and the public at large. The lawyer should still reveal as little as possible during the hearing to accomplish the goal of withdrawal and make a record that disclosure is made at the request of the tribunal.