



Why You MUST Withdraw From Your Cases

Withdrawing at the end of a case isn't a nicety, it's a necessity. Why? Consider these scenarios:



Joe Lawyer represents Sam Client in his dissolution and obtains a General Judgment in his client's favor. Joe wraps up work on the case and closes his file, but does not withdraw from representation. Two years later, the opposing party serves Joe with a Motion to Modify. Joe has lost contact with his former client and has no way to reach him.

Jane Attorney represents Marie Client in a family law matter. Mid-way into the case, Marie fires Jane, but Jane fails to withdraw. Marie's husband files a motion and serves it on Jane Attorney as attorney of record for Marie Client. Jane fails to advise her former client she has been served. Neither Jane nor her client appear at the hearing. The ex-husband's motion includes a request for sanctions and attorneys fees which the court awards against Marie Client **and Jane Attorney**.

Could this happen to you? Absolutely! These *aren't* hypotheticals. So what went wrong and how can we fix it?

- If your services are terminated, advise the client of any upcoming deadlines or other matters that may require his/her attention.
- If you are served or receive mail on a matter where you no longer represent the client, don't ignore it.
- Use a file closing checklist that prompts you to withdraw and take other appropriate steps when disengaging. (A sample checklist is available on the [PLF Web site](#). Select Practice Aids and Forms, then File Management.)
- If you are unsure what to do or how to proceed, contact our office: 503-639-6911 or 800-452-1639. We designate two claims attorneys to be on call each business day to take informational inquiries. This service is free and part of your [PLF](#) coverage.

While the Public Affairs Committee of the Oregon State Bar is proposing legislation that would [streamline withdrawal](#) in family law matters, it won't be considered until 2011. Even then, it will still be necessary to file a notice with the court.

Avoid remaining attorney of record when you no longer represent a client. Follow *all* the steps necessary to disengage and withdraw. Our file closing checklist will help ensure that all the i's are dotted and the t's crossed.

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