

12/5/12

## LEGAL BYTE

Greetings to my valued connections!

First, thank you to all of you who have endorsed me! I really appreciate it.

Another byte of law for your interest: Withdrawing from corporate representation?

Case: *Gamet v. Blanchard* (2001) 91 CA4th 1276, 1284 fn.5, 111 CR2d 439.

In California a corporation may not represent itself. This prohibition stems from the notion that a non-lawyer corporate representative who appears on behalf of the corporation would be practicing law without a license. So, if a corporation hires a lawyer and then, for example, decides not to pay the lawyer, is the lawyer stuck in the case?

No. The ban on corporate self-representation does not prevent a court from granting a motion to withdraw as attorney of record, even if it leaves the corporation without representation. Such an order puts pressure on the corporation to obtain new counsel, or risk forfeiting important rights through non-representation. It is the duty of the trial judge to advise the representative of the corporation of the necessity to be represented by an attorney.

My suggestion: regarding fees and costs, draft your retainer agreement so that you are paid most, if not all, the estimated fees and costs of trial no later than 30 days after the trial setting conference. Therefore, if you are not timely paid those estimated fees and costs, you have time to withdraw and not prejudice the corporate client.

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