

Committee Opinion
November 3, 1981

LEGAL ETHICS OPINION 435

WITHDRAWAL FROM EMPLOYMENT.

An attorney agreed to represent a prisoner in a *habeas corpus* petition which the prisoner had file *pro se*. The attorney's representation was *pro bono publico*. After undertaking representation and noting appearance in court, the attorney formed the opinion that the claim was without merit and explained to his client the reasons for his conclusion. The attorney advised the client that he desired to withdraw, and the client agreed. Thereupon, the attorney sought permission from the court to withdraw, but did not advise the court of his reason for seeking withdrawal. The court would not permit withdrawal without an explanation. It was the Legal Ethics Committee's opinion that the attorney could not withdraw from representing the client because to do so would require the attorney to advise the court that, in his view, the petitioner's claim was meritless. Such a representation would foreseeably prejudice the rights of the attorney's client to a fair and impartial trial on the merits. [See II: DR:2-107(A)(2); DR:2-108(A)(1); (B)(2) & (4), & (C); DR:4-101(C)(2); DR:7-101(A)(3) & (B)(2); DR:7-102(A)(2); DR:7-05(C)(4).]

Committee Opinion
November 3, 1981