

Committee Opinion
December 12, 1978

LEGAL ETHICS OPINION 317

WITHDRAWAL FROM EMPLOYMENT
– ADVANCEMENT OF FEES BY
ATTORNEYS.

Where an attorney has incurred out of pocket costs on pending litigation and is requested to withdraw without reimbursement in favor of another attorney before trial, the attorney must seek leave of court to withdraw in accord with II: DR:2-108(A)(3) and (C), and pursue collection of his fee through the courts. It is ethically permissible to advance costs only if the client specifically agrees to reimburse the attorney for suit expenses regardless of whether the litigation is successful.

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Legal Ethics Committee Notes. – Rule 1.8(e)(2) allows a lawyer to pay litigation costs and expenses on behalf of an indigent client.

Editor’s Note. – Overruled in part by L E Op. No. 1546. See footnote 1 of the opinion for scope.