
**8/77 D Withdrawal from representation upon
nonpayment of fees: Substituting
attorney's obligation**

An attorney who withholds legal services because the client refuses to pay all or part of the fees owed is engaging in unethical conduct especially if the client is prejudiced by such inaction. The attorney's proper remedy is to seek withdrawal from the case. In withdrawing he must take reasonable steps to avoid prejudice to the client, including giving the client due notice, allowing time for employment of new counsel and delivering all papers and any property to which the client is entitled. If any fee is unpaid, the attorney's remedy is at law.

The substituting attorney should not proceed until employment of the first attorney is terminated but need not wait until the first attorney has been paid. In fact, to do so may prejudice the client.