



2025 International Client Seminar

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“I’ve Had the Time of My Life”

*How Can In-House and Outside Counsel Collaborate
to Create Great Legal Duets?*

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Most Common Reasons for the Termination of the Attorney-Client Relationship . . . by the Client

In non-David Letterman Order, here are a few of the most common reasons cited by Clients as to why they need to move on to another lawyer:

1. Lack of Communication

- Counsel does not respond to calls, emails, or messages in a timely manner and fails to keep the Client informed about the progress of the case or legal matters.

2. Poor Quality of Work

- Counsel either does not have the necessary knowledge, skill, or experience to handle the case, or makes errors that could have been avoided, all of which can lead to negative outcomes for the Client.

3. Conflict of Interest – actual or perceived

- The Firm represents multiple clients with conflicting interests, or the Client feels that the attorney's personal or financial interests are influencing the representation.

4. Unethical Behavior or Misconduct

- Pretty self-explanatory . . . but Clients also can lose trust if they believe Counsel has breached confidentiality or shared information without consent.

5. High Fees or Unclear Billing Practices

- When fees are not justified by the work performed or billing practices in general are unclear or inconsistent.

7. Personal Differences or Poor Rapport

- Clients and Counsel don't need to be Best Friends Forever (BFF), but Clients want to feel comfortable with their Counsel, believe that they are interested in their case, and understand their needs and concerns.

8. Failure to Set Expectations

- When Counsel fails to set clear expectations regarding the outcome of the case, timeline, or costs, or overpromises and under-delivers, it leads to frustration.

9. Mismatched Expectations About Legal Strategy

- Unresolved disagreements as to the direction or approach of the case or Counsel making major decisions without sufficient Client input.

10. Lack of Results or Progress

- Clients may not expect to win every case, but repeated delays and lack of progress and consistent failure to achieve desired outcomes may lead to the Client seeing new representation.

Most Common Reasons for the Termination of the Attorney-Client Relationship . . . by the Attorney!

Hey – it happens. Every now and then the break-up is initiated by outside counsel. Below are the most common reasons why:

1. Failure to Pay Fees

- No explanation required.

2. Client's Dishonesty

- If a Client withholds critical information or asks and insists Counsel to engage in fraudulent or unethical behavior, Counsel may not only want to withdraw, they may have an ethical duty to do so.

3. Conflict of Interest

- If and when a Firm discovers that continuing to represent a particular client would create an actual conflict of interest, they may be ethically required to fire the client and withdraw from the case. Personal or business conflicts also may make continued representation problematic.

4. Client's Unreasonable Demands

- There is nothing wrong with having high expectations, but Clients who expect results that are legally or practically impossible, or who repeatedly push for unreasonable legal strategies, may lead Counsel to believe the relationship is untenable.

5. Lack of Cooperation or Communication

- Clients who do not return phone calls or emails or who consistently ignore Counsel's professional advice.

6. Abusive Behavior

- Counsel may draw the line when Clients engage in threatening, or disrespectful behavior toward the attorney or their staff.

7. Inability to Work Effectively Together

- Likelihood for long-term success is low when Counsel and Client are unable to develop a professional, trusting relationship.

8. Lack of Legal Merit in the Case

- Attorneys are ethically prohibited from pursuing frivolous claims. If Counsel determines that the Client's case has no legal merit or is highly unlikely to succeed, they may find it difficult, if not impossible, to continue the representation.

9. Client's Behavior Causing Harm to the Case

- The Client who disregards Counsel's instructions and engages in self-destructive behavior related to the case (such as making statements to the media without authorization from the Client, publicly discussing their case outside the allowance of ethical constraints, or making impulsive

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decisions without consultation with the Client) may find themselves look for new counsel sooner rather than later.

10. Violation of Ethical Rules

- It is usually a deal-breaker once Counsel determines that continuing the representation would violate ethical rules or obligations.

When it gets to the point where an attorney seeks to withdraw from representing a client in litigation, courts typically will consider a range of factors to determine whether the withdrawal is appropriate and whether it will be permitted. If a withdrawal is permitted, the attorney may still be required to remain involved in specific procedural matters, such as ensuring that deadlines are met or providing the court with proof that the client has secured new counsel.

Some of the key factors that courts will examine include:

- 1. Client's Consent:** It's typically easiest when the Client agrees to the withdrawal. If the Client does not consent, Counsel will need to provide compelling reasons to justify withdrawal. Sometimes, reference to specific (i.e., citation to rule with its subpart identified) professional conduct rules or bar rules within the jurisdiction may be used to indicate to the Court why withdrawal is necessary without breaking the attorney-client privilege or signaling to the public the recognizable reason(s) for the withdrawal.
- 2. Timing of the Withdrawal:** Courts are more likely to allow withdrawal if it occurs at an early stage of the litigation, rather than in the middle or near the end of a case. Withdrawal during critical phases, such as during trial or after a significant filing, may cause undue delay and prejudice to the opposing party, making the court less likely to allow it.
- 3. Prejudice to the Client:** The court will assess whether the Client will suffer significant prejudice if Counsel is allowed to withdraw. If the Client is left without representation or without enough time to secure new counsel, withdrawal may be denied.
- 4. Conflict of Interest:** If there is a conflict of interest, such as Counsel's continued representation being detrimental to the Client's interests or the interests of other clients, this could justify withdrawal.
- 5. Good Cause:** Courts will evaluate whether the reason for withdrawal constitutes "good cause" under the applicable ethical rules and legal standards. These reasons may include a breakdown in communication, lack of cooperation, non-payment of fees, or a fundamental disagreement over the strategy or direction of the case.