



COURT OF QUEEN'S BENCH FOR
SASKATCHEWAN

ADMINISTRATIVE NOTICE

Withdrawal by Criminal Defence Lawyers from Acting for an Accused Person

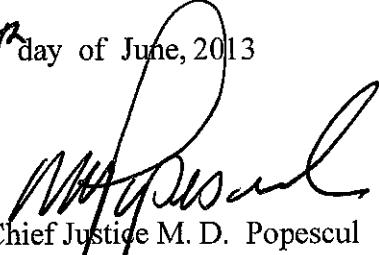
This Notice re-issues a Notice to the Profession issued on May 7, 2008 by then Chief Justice R. D. Laing.

Criminal defence lawyers seeking to withdraw from acting for an accused client shortly before a trial is scheduled to commence creates problems for the Court's schedule. In many cases such late withdrawals are due to the lawyer not having been paid his or her fee. The historical ethical rule for lawyers has been that a lawyer may only withdraw from acting for a client for non-payment of fees if there remains ample time prior to the trial date for the accused person to retain another counsel to act. Our Court has decided 60 days prior to the trial date is the minimum time in which this may occur. The Court adopts the following policy.

Within 60 days of a trial date, defence counsel seeking to withdraw must apply by notice of motion supported by an affidavit that states the withdrawal is not due to the client's non-payment of fees. No other reason for the withdrawal is required. If the application for withdrawal is due to non-payment of fees, the lawyer may not be allowed to withdraw.

The foregoing policy is not considered onerous on defence lawyers who will now be in a position to advance the date for payment with their clients, and will assist the Court in reducing the number of criminal trials that must be adjourned.

This Administrative Notice is issued this 20th day of June, 2013


Chief Justice M. D. Popescul
Court of Queen's Bench for Saskatchewan