



PROVINCIAL COURT
OF SASKATCHEWAN

CRIMINAL PRACTICE DIRECTIVE 9

WITHDRAWAL OF COUNSEL

Effective: October 1, 2026

Purpose

This Practice Directive sets out the procedure for applications by defence counsel to withdraw from representation of an accused person in the Provincial Court of Saskatchewan.

Application

This Practice Directive applies to all applications by defence counsel to withdraw from proceedings where counsel has filed a designation or appeared on the record. It does not apply to Crown counsel or Legal Aid duty counsel.

Directives

1. Once defence counsel is on the record, they remain so unless removed by Court order or granted leave to withdraw in accordance with this Practice Directive.
2. If a hearing date has been set for the matter, then defence counsel must provide written notice to the Court and the prosecutor as soon as practicable after the decision to bring the application is made. The presiding judge may dispense with the requirement of written notice if it would serve the interests of justice to do so.
3. Defence counsel must take reasonable steps to notify their client of their intention to apply to withdraw and be prepared to explain the steps taken to the Court when the application is heard.
4. If the matter is not set for trial or preliminary inquiry and the accused has discharged counsel and retained new counsel, then new counsel may seek leave to withdraw on behalf of the discharged counsel.
5. The Court shall grant, in court, withdrawal applications based on ethical reasons.
6. Applications to withdraw due to non-payment of fees require a hearing if made:
 - 6.1 Less than 45 days before a one-day or shorter trial or preliminary inquiry; or
 - 6.2 Less than 90 days before a multi-day trial or preliminary inquiry.

7. Applications to withdraw for non-payment of fees may be granted without a hearing if made:
 - 7.1 More than 45 days before a one-day or shorter trial or preliminary inquiry; or
 - 7.2 More than 90 days before a multi-day trial or preliminary inquiry.
8. In considering applications to withdraw based on non-payment, the Court may consider:
 - 8.1 Whether the accused can feasibly self-represent or obtain alternative counsel;
 - 8.2 Whether the accused is in custody;
 - 8.3 Timeliness of counsel's application;
 - 8.4 Impact on Crown, witnesses, or co-accused;
 - 8.5 Complexity and length of proceedings; and
 - 8.6 Fairness to counsel and overall history of the file, including repeat withdrawals.
9. If the Court grants defence counsel leave to withdraw in court and in the absence of the accused, then defence counsel must take reasonable steps to ensure the accused receives notice of the withdrawal.

Commentary

Counsel are reminded that while clients may terminate the solicitor-client relationship at will, a lawyer's ability to withdraw is more limited. Withdrawal must occur only with just cause and must minimize disruption to the proceedings. Reasonable notice must be provided, and counsel must not withdraw at a critical stage unless permitted by law or this Practice Directive.