

FAQ: What are my ethical duties when I leave a firm?

- When a lawyer leaves a firm, both the departing lawyer and the remaining members of the firm share the ethical duty of completing the transition without material adverse effect on clients. [Advisory Opinion 201801](#) (2018) and [ABA Formal Opinion 99-414 Ethical Obligations When a Lawyer Changes Firms](#) offer a helpful analysis of the obligations involved in this situation.
- In general, you should notify your firm of your intended departure before you notify your clients to avoid any allegations of breach of fiduciary duty, dishonesty or deceit. *It is professional misconduct to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.* [RPC 8.4](#).
- The client usually has a contractual relationship with the firm, so both the departing lawyer and the firm have a duty to timely inform the clients working with the attorney of the departure. The notice, preferably in writing, should inform the client of the situation and allow the client to make an informed decision about continued representation. The client has the right to decide who will continue the representation: either the departing lawyer, the remaining firm, or another lawyer altogether. **Even in an antagonistic situation when working together is not possible, the departing lawyer should make every effort to give the client notice.** *A lawyer shall promptly communicate with a client about the status of the matter.* [RPC 1.4](#). *Upon termination of representation, a lawyer shall take steps to protect a client's interests.* [RPC 1.16 \(d\)](#).
- Even if you have left a firm, it is permissible for you to contact current and former clients and let them know you have left the firm and your current position. *A lawyer shall not directly contact a prospective client unless they had a prior professional relationship.* [RPC 7.3\(a\)\(2\)](#).
- Both the departing lawyer and the firm should take measures to ensure that whichever lawyer/firm will be continuing the representation has the file. **The client files and property must be retained or transferred according to the client's direction.** [Washington Advisory Opinion 181](#) discusses the release of files to a client. See also [Washington Advisory Opinion 2211](#) which reviews the obligation to provide a copy of discovery. *A lawyer must safeguard a client's property.* [RPC 1.15A](#). *Upon termination of representation, a lawyer must surrender papers and property to which the client is entitled.* [RPC 1.16\(d\)](#).
- The departing lawyer and the prospective new firm should avoid conflicts of interest. Although [Rule 1.6](#) requires confidentiality related to representation, lawyers are permitted to disclose basic information needed for a conflicts analysis. [Washington Advisory Opinion 1659](#) discusses how to do a conflicts check when you change firms, and [Washington Advisory Opinion 2097](#) affirms a lawyer's continuing obligation to keep conflicts information. [ABA Formal Opinion 09-455 Disclosure of Conflicts Information When Lawyers Move Between Law Firms](#) is also helpful. *A lawyer shall not represent a client if the representation involves a concurrent conflict of interest.* [RPC 1.7](#). *A lawyer shall not represent a client adverse to, and in the same or substantially related matter, as a former client.* [RPC 1.9](#).