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HOUSE BILL NO. 1411

Offered January 11, 2017

Prefiled October 6, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-4.01, relating to rules and regulations; withdrawal of privately retained counsel; client's failure to pay agreed-upon fees or court costs.*

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-4.01 as follows:

§ 8.01-4.01. Rules and regulations; withdrawal of privately retained counsel; client's failure to pay agreed-upon fees or court costs.

No rule of court, disciplinary rule, or regulation shall be made or construed so as to preclude the withdrawal, as a matter of right, of privately retained counsel in any civil or criminal case pursuant to the filing of such counsel's motion to withdraw due to a client's failure to pay fees or court costs, provided that (i) such motion was filed at least 45 days before such client's trial, (ii) a written agreement concerning such fees or court costs exists between such counsel and such client, and (iii) such written agreement provides that withdrawal as counsel may be requested by such counsel if such client refuses to abide by the terms of such written agreement with respect to fees or court costs.

INTRODUCED

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