



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: 16 May 2023

CRIM 17

PRACTICE DIRECTION

WITHDRAWING AS COUNSEL OF RECORD IN CRIMINAL MATTERS

Purpose

To clarify the Court's expectation of lawyers seeking to withdraw as counsel of record in a criminal matter.

Application

This practice directive applies to all adult and youth criminal files in the Provincial Court and supersedes any prior direction issued by a Regional Administrative Judge in this regard, including the direction previously allowing counsel to withdraw as counsel of record by filing a letter at the court registry.

Directions

1. A lawyer who wishes to withdraw as counsel of record in a criminal matter must be guided by the *Code of Professional Conduct for British Columbia*, specifically the sections relating to "Withdrawal from criminal proceedings" and "Confidentiality", as well as the case of *R. v. Cunningham*, 2010 SCC 10 and cases that follow.
2. Once a lawyer is appointed or retained as counsel of record, and a preliminary inquiry or trial date is set, counsel are required to appear before a Provincial Court Judge to notify of their withdrawal and make an application as required. Such notifications and applications should be brought as soon as possible after the need arises, and counsel should make reasonable efforts to have the accused attend.

History of Practice Direction

- Original Practice Direction effective May 12, 2023.
- May 16, 2023: Housekeeping edits.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia