

PROVINCIAL COURT OF ALBERTA
FAMILY & YOUTH COURT
CALGARY, ALBERTA

PRACTICE DIRECTIVE #8

WITHDRAWING AS COUNSEL OF RECORD

This Practice Directive confirms the Court's practice for counsel ceasing to act on behalf of a party. Section 8 of the *Provincial Court Act* allows the Court to apply the *Alberta Rules of Court* when appropriate to do so.

If counsel wishes to cease to act on *Family Law Act* or *Child, Youth and Family Enhancement Act* applications filed in the Provincial Court of Alberta Family & Youth Division in Calgary, Alberta, counsel may withdraw as counsel of record by following Rule 2.29 of the *Alberta Rules of Court* unless a trial, JDR, Case Conference or hearing date has been set.

If a trial, JDR, Case Conference or hearing date has been set, counsel must ordinarily appear in court with his or her client upon at least three days' notice to all other parties to the action before the assigned judge or, if the assigned judge is not available, the Assistant Chief Judge or their designate, to seek permission to withdraw as counsel of record. Counsel can arrange with the Trial Coordinator to set a date for this type of application. If the client is not present at this application counsel should be prepared to advise what efforts were made to arrange for their client's attendance at the application to get off record.

For reference, Rule 2.29 reads as follows:

2.29(1) Subject to rule 2.31, a lawyer or firm of lawyers may withdraw as lawyer of record by

(a) serving on the client and each of the other parties a notice of withdrawal in Form 4 that states

- (i) the client's last known address, and
- (ii) that on the expiry of 10 days after the date on which the affidavit of service of the notice is filed, the withdrawing lawyer will no longer be the lawyer of record,

and

(b) filing an affidavit of service of the notice.

(2) The withdrawal of the lawyer of record takes effect 10 days after the affidavit of service of the notice is filed.

(3) The address of the party stated in the notice of withdrawal is the party's address for service after the lawyer of record withdraws unless another address for service is provided or the Court otherwise orders.

(4) The Court may on application order that a lawyer need not disclose the last known address of a client and instead may provide an alternative address for service for the client in a notice of withdrawal served under this rule where the Court considers it necessary to protect the safety and well-being of the client.

(5) An application under subrule (4) may be made without notice.