

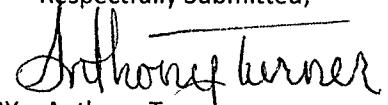
Mr. Anthony Turner
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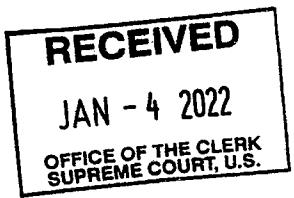
RE: TURNER V. UNKNOWN

No. 22-5608

JN THE MATTER of Anthony Turner V. UNKNOWN OF A PETITION FOR REHEARING

DATED: December 27, 2022

Respectfully Submitted,

BY: Anthony Turner
IN PRO PER



Supreme Judicial Court Rules Rules of Professional Conduct Rule 1.16: Declining or terminating representation

EFFECTIVE DATE: 09/01/2018

UPDATES: Adopted March 26, 2015, effective July 1, 2015 Amended June 7, 2018, eff. 1, 2018

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(a)

Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1)** the representation will result in violation of the rules of professional conduct or other law;
- (2)** the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
- (3)** the lawyer is discharged.

(b)

Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

- (1)** withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2)** the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3)** the client has used the lawyer's services to perpetrate a crime or fraud;
- (4)** the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5)** the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6)** the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7)** other good cause for withdrawal exists.

(c)

If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

(d)

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred.

Comment

[1] A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion. Ordinarily, a representation in a matter is completed when

the agreed-upon assistance has been concluded. See Rules 1.2(c) and 6.5. See also Rule 1.3, Comment 4.

Mandatory Withdrawal

[2] A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation.

[3] When a lawyer has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. See also Rule 6.2. Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending litigation. Difficulty may be encountered if withdrawal is based on the client's demand that the lawyer engage in unprofessional conduct. The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. If a lawyer's withdrawal is mandatory under these Rules, the lawyer's statement to that effect should ordinarily be accepted as sufficient. Lawyers should be mindful of their obligations to both clients and the court under Rules 1.6 and 3.3.

Discharge

[4] A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

[5] An appointed lawyer should advise a client seeking to discharge the appointed lawyer of the consequences of such an action, including the possibility that the client may be required to proceed pro se.

[6] If the client has severely diminished capacity, the client may lack the legal capacity to discharge the lawyer, and in any event the discharge may be seriously adverse to the client's interests. The lawyer should make special effort to help the client consider the consequences and may take reasonably necessary protective action as provided in Rule 1.14.

Optional Withdrawal

[7] A lawyer may withdraw from representation in some circumstances. The lawyer has the option to withdraw if it can be accomplished without material adverse effect on the client's interests. Withdrawal is also justified if the client persists in a course of action that the lawyer reasonably believes is criminal or fraudulent, for a lawyer is not required to be associated with such conduct even if the lawyer does not further it. Withdrawal is also permitted if the lawyer's services were misused in the past even if that would materially prejudice the client. The lawyer may also withdraw where the client insists on taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement.

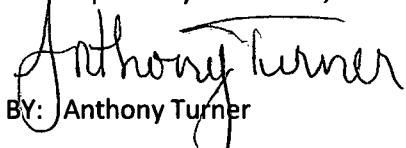
[8] A lawyer may withdraw if the client refuses to abide by the terms of an agreement relating to the representation, such as an agreement concerning fees or court costs or an agreement limiting the objectives of the representation.

Assisting the Client upon Withdrawal

[9] Even if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client.

[10] Rule 1.15(c) specifies the lawyer's obligation to return funds and other property to which the client is entitled, and Rule 1.15A(b) details the lawyer's obligation to make client files available to a client or former client at the client's request

DATED: December 23, 2022

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CERTIFICATE

The petition briefly states and distinctly states its grounds and accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

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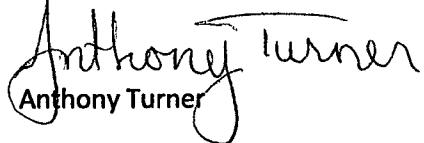
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CERTIFICATE

I certify that the petition for rehearing is in a good faith effort as presented and not for delay

DATED: December 23, 2022

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