

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application of Jim) Docket No: 19-CONS-3393-CUIC
Snyder, Inc. to authorize the injection of)
saltwater into the Bartlesville formation at the) CONSERVATION DIVISION
Drumm #2, Drumm #23, and the Saco Drumm)
#4 wells, located in Section 20 and Section 30,) License No: 35164
Township 26 South, Range 8 East, Butler)
County, Kansas.)

**ORDER DENYING MOTION
TO WITHDRAW AS COUNSEL FOR APPLICANT**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

I. Procedural Background

1. On May 6, 2019, Jim Snyder, Inc. (Operator) filed an Application for injection authority at three wells in Butler County.¹
2. On May 23, 2019, Flint Hills Land & Cattle Co. filed a protest.²
3. Operator’s pre-filed testimony is due on December 9, 2019.³ An evidentiary hearing on the application is scheduled for January 16, 2019.⁴
4. On November 13, 2019, Operator’s counsel filed a motion to withdraw as counsel, citing, in part, “profound difficulties in communicating with his client.”⁵ No party has filed a response.

¹ See Application (May 6, 2019).

² Letter of Protest (May 23, 2019).

³ See *Prehearing Officer Order Setting Procedural Schedule* (Oct. 9, 2019).

⁴ See *id.*

⁵ Motion to Withdraw as Counsel for Applicant (Nov. 13, 2019).

II. Findings of Fact

5. The Commission has no regulations regarding the withdrawal of counsel. In the absence of such regulations, the Commission herein turns to Kansas Supreme Court Rule 117 for guidance. Such rule applies in Kansas state district courts, and provides, among other things, that when withdrawal of an attorney will leave a client without counsel, the attorney must provide evidence that he provided the client an admonition that the client is personally responsible for complying with all orders and time limitations established by the rules of procedure or by court order, and notice of the date of any pending hearing or deadline.⁶ In the present matter, the Commission has no evidence such admonition and notice has been provided.

6. Kansas Rule of Professional Conduct 1.16, at comment 7, states that a lawyer has the option to withdraw if it can be accomplished without material adverse effect on the client's interest. Given no evidence of an admonition and notice to the client regarding compliance with time limitations, and also given the client's impending pre-filed testimony deadline, the Commission urges Operator's counsel to closely consider whether withdrawal can be accomplished without material adverse effect on Operator's interests. The Commission also urges Operator's counsel, in any future motion to withdraw, to closely consider whether information revealed in such motion may have adverse effect on the client's interest.

7. For the above reasons, the Commission finds the present motion does not demonstrate granting withdrawal would be appropriate at this time.

III. Conclusions of Law

8. The Commission concludes it should issue an order in accordance with its findings.

⁶ See Rule 117 at (a)(1)(B).

THEREFORE, THE COMMISSION ORDERS:

The November 13, 2019, *Motion to Withdraw as Counsel for Applicant* is denied.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/26/2019



Lynn M. Retz
Secretary to the Commission

Mailed Date: 11/26/2019

JRM

CERTIFICATE OF SERVICE

19-CONS-3393-CUIC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/26/2019.

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