

1 **Rule 38A. Withdrawal of counsel.**

2 (a)(1) Withdrawal in criminal cases and certain civil cases. An attorney may not
3 withdraw from a criminal case or from a civil case in which ~~appellant~~that attorney's client
4 has the right to effective assistance of counsel except upon motion and order of the
5 court. Absent good cause shown, leave to withdraw will not be granted unless the
6 motion to withdraw is accompanied by an entry of proposed appearance by new
7 counsel or a representation by the withdrawing attorney that the ~~defendant~~client is
8 entitled to the appointment of new counsel.

9 ~~(a)~~(2) Duration of representation by court-appointed counsel. Absent good cause
10 shown for withdrawal, if a party has a right to effective assistance of counsel, an
11 attorney appointed to represent that party on appeal shall represent that party
12 throughout the first appeal as of right, respond to a petition for writ of certiorari, file a
13 petition for writ of certiorari if appointed counsel determines that such a petition is
14 warranted, and brief and argue the merits if the Supreme Court grants certiorari review.

15 (c) Withdrawal in other civil cases.

16 ~~(b)~~(1) When oral argument not scheduled. An attorney may withdraw without leave
17 of court in any other civil case that has not been scheduled for oral argument. The
18 withdrawing attorney shall serve notice of the withdrawal with the court and upon all
19 parties, including his or her client.

20 ~~(b)~~(2) When oral argument scheduled. An attorney may not withdraw from any
21 other civil case that has been scheduled for oral argument except upon motion and
22 order of the court. Absent good cause shown, leave to withdraw will not be granted
23 unless the motion to withdraw is accompanied by an entry of proposed appearance of
24 new counsel and new counsel's representation that oral argument may proceed as
25 scheduled.

26 ~~(b)~~(3) Notice to appoint or appear in person. If an attorney withdraws under
27 subdivision (b)(1), dies, is suspended from the practice of law, is disbarred, or is
28 removed from the case by the court, the opposing party shall, and the court may, serve
29 a notice on the unrepresented party, informing the party of the responsibility to appoint
30 new counsel or, if the unrepresented party is a natural person, the responsibility to
31 appear personally or appoint new counsel. A copy of the notice served by the opposing

32 party shall be filed with the court. No further proceedings shall be held in the case until
33 20 days after such a notice is served, unless the unrepresented party waives the time
34 requirement or unless the court otherwise orders.