

1 **Rule 53. Appearance and withdrawal of counsel.**

2 (a) Appearance. An attorney shall appear in proceedings by filing a written notice of appearance
3 with the court or by appearing personally at a court hearing and advising the court that ~~he~~the
4 attorney is representing a party. Once an attorney has entered an appearance in a proceeding, the
5 attorney shall receive copies of all notices served on the parties.

6 (b) Withdrawal.

7 (b)(1) Retained Counsel. Consistent with the Rules of Professional Conduct, a retained attorney
8 may withdraw as counsel of record unless: 1) withdrawal will ~~may~~ result in a delay of trial; or 2)
9 ~~unless~~ a final appealable order has been entered and the time period for a notice of appeal or
10 post-judgment motion on such order has not expired. In such circumstances, a retained attorney
11 may not withdraw except upon ~~written~~ motion and ~~order approval~~ of the court. Retained counsel
12 shall file a notice of withdrawal including the address of the counsel's client.

13 (b)(2) Court-appointed counsel. Court-appointed counsel may not withdraw as counsel of record
14 except upon motion and ~~signed~~ order of the court. If the court grants appointed counsel's motion
15 to withdraw, the court shall consider promptly the appointment of new counsel.

16 (c) Motions to Withdraw.

17 (c)(1) A motion to withdraw shall be made either in writing or orally before the court at a
18 hearing. The motion shall include the following:

19 (c)(1)(i) A certification from counsel that the represented party has been informed of the motion
20 to withdraw and their right to counsel; and

21 (c)(1)(ii) A certification from counsel that the represented party has been informed of their rights
22 to appeal, and the availability of post judgment motions and motion to stay pending appeal; or

23 (c)(1)(iii) The efforts counsel has made to inform the represented party of subsections (c)(1)(i)
24 and (c)(1)(ii).

25 (c)(2) Whenever possible, the court shall inquire of the represented party's knowledge and
26 understanding of the motion to withdraw, right to counsel, right to appeal, availability of post
27 judgment motions and motion to stay pending appeal.

28 ~~(b)(3) If a motion to withdraw is filed after entry by the court of a final appealable judgment,~~
29 ~~order, or decree, the motion may not be granted unless counsel, whether retained or court-~~
30 ~~appointed, certifies in a written statement:~~

31 ~~(b)(3)(A) that the represented party has been advised of the right to appeal and that, if~~
32 ~~appropriate, a Notice of Appeal and a Request for Transcript have been filed; and~~

33 ~~(b)(3)(B) that the represented party in a delinquency proceeding has been advised of the~~
34 ~~availability of a motion for new trial or motion for stay pending appeal and that, if appropriate,~~
35 ~~the same has been filed.~~

36 ~~(b)(4) When an attorney withdraws as counsel of record, written notice of the withdrawal must~~
37 ~~be served upon the client of the withdrawing attorney by first class mail, to his or her last known~~
38 ~~address and upon all other parties not in default and a certificate of service must be filed with the~~
39 ~~court. If a trial date has been set, the notice of withdrawal served upon the client shall include a~~
40 ~~notification of the trial date.~~

41 ~~(b)(5)-(c)(3) A guardian ad litem may not withdraw except upon approval order of the court.~~

42 ~~(e)-(d) Parties must submit a written Motion for notice of Ssubstitution of Ccounsel setting forth~~
43 ~~in detail the need for new counsel at least ten-seven days prior to the next scheduled hearing date~~
44 ~~unless otherwise allowed by the court.~~

45 Effective November 1, 2018