

1 **Rule 74. Withdrawal of counsel.**

2 (a) **Notice of withdrawal.** If no motion is pending, no hearing or trial has been set, and
3 there are no outstanding court-ordered obligations for the withdrawing attorney, then
4 ~~A~~n attorney may withdraw from ~~the~~ case by filing with the court and serving on all
5 parties a notice of withdrawal. Unless the previously represented party's contact
6 information is safeguarded by Rule 76 or court order, ~~T~~the notice of withdrawal
7 ~~shall~~must include provide the party's last known mailing address, email address, and
8 phone number. ~~address of the attorney's client and~~ The notice of withdrawal must include
9 a statement that no motion is pending, ~~and~~ no hearing or trial has been set, ~~and there are~~
10 no outstanding court-ordered obligations for the withdrawing attorney.

11 (b) **Motion to withdraw.** Unless the party continues to be represented by counsel as
12 described in paragraph (f), when ~~If~~ a motion is pending, ~~or~~ a hearing or trial has been set,
13 or the attorney is subject to an outstanding court-ordered obligation, ~~the~~ ~~an~~ attorney may
14 not withdraw except upon motion and court order ~~of the court~~. The motion to withdraw
15 ~~shall~~must describe the status of the case, the nature of any pending motion, ~~and~~ the date
16 and purpose of any scheduled hearing or trial, and the nature of any outstanding court-
17 ordered obligation. The motion must also include the party's last known mailing address,
18 email address, and phone number unless that contact information is safeguarded by Rule
19 76 or court order. The motion to withdraw must include a certification that the motion
20 was filed and served on all parties pursuant to Rule 5 or, if applicable, the reasons why a
21 party cannot be notified about the motion. The motion must include a proposed order
22 that notifies the party who will be without an attorney that:

23 (1) within 21 days of the entry of the order, the unrepresented party must retain an
24 attorney or proceed without an attorney and file a notice of personal appearance;

25 (2) all further proceedings will be continued and any pending deadlines will be stayed
26 until 21 days after the court grants the motion unless the unrepresented party waives
27 the time requirement or unless otherwise ordered by the court;

28 (3) if the unrepresented party is a corporation, association, partnership, or other
29 artificial entity, it must be represented by an attorney who is admitted to practice in
30 Utah and files a notice of appearance; and

31 (4) an unrepresented party who does not timely retain an attorney or file a notice of
32 personal appearance may fail to receive notice of court-related proceedings, and that
33 lack of notice may cause the party to incur sanctions or result in entry of a default
34 judgment or an order of dismissal.

35 ~~(b)~~ **Withdrawal of limited appearance.** An attorney who has entered a limited
36 appearance under Rule 75 ~~shall~~must withdraw from the case upon the conclusion of the
37 purpose or proceeding identified in the Notice of Limited Appearance:

38 ~~(b)~~(1) by filing and serving a notice of withdrawal; or

39 ~~(b)~~(2) if permitted by the judge~~court~~, by orally announcing the withdrawal on the
40 record in a proceeding.

41 An attorney who seeks to withdraw before the conclusion of the purpose or proceeding
42 ~~shall~~must proceed under subdivisions (a) ~~or~~ (b).

43 ~~(e)~~ **Notice to Appear or Appoint Counsel.** If an attorney withdraws other than under
44 ~~subdivision paragraphs (b), (c), or (f)~~, dies, is suspended from the practice of law, is
45 disbarred, or is removed from the case by the court, the opposing party that receives
46 notice of such event ~~shall~~must serve a ~~N~~nnotice to ~~A~~aappear or ~~A~~aappoint ~~C~~ccounsel on the
47 unrepresented party, informing the party of the responsibility to personally appear
48 ~~personally~~ or appoint counsel. A copy of the ~~N~~nnotice to ~~A~~aappear or ~~A~~aappoint ~~C~~ccounsel
49 must be filed with the court and served on all parties pursuant to Rule 5. ~~No~~all further
50 proceedings ~~shall~~will be ~~held~~continued, and any pending deadlines will be stayed ~~in the~~
51 ~~case~~ until 21 days after filing the ~~N~~nnotice to ~~a~~aappear or ~~A~~aappoint ~~C~~ccounsel unless the
52 unrepresented party waives the time requirement or unless otherwise ordered by the
53 court.

54 ~~(d)~~ **Substitution of counsel.** An attorney may replace the counsel of record by filing and
55 serving a notice of substitution of counsel signed by former counsel, new counsel, and
56 the client. Court approval is not required if new counsel certifies in the notice of
57 substitution that counsel will comply with the existing hearing schedule and deadlines.

58 (f) **Withdrawal when the parties continues to be represented by counsel.** An attorney
59 may withdraw from representing a party if the party continues to be represented by other
60 counsel who has already entered an appearance. The attorney seeking to withdraw must
61 file and serve on all parties pursuant to Rule 5 a notice of withdrawal of counsel stating
62 that the party continues to be represented by counsel.

63 *Effective: 5/1/2014*