

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~~a 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~~he 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  
9 include a statement that no motion is pending, ~~and~~ no hearing or trial has been set, and  
10 there are 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  
13 set, ~~or the attorney is subject to an outstanding court-ordered obligation, the~~~~an~~ attorney  
14 may not withdraw except upon motion and court order ~~of the court~~. The motion to  
15 withdraw ~~shall~~must describe the status of the case, the nature of any pending motion,  
16 ~~and~~ the date and purpose of any scheduled hearing or trial, and the nature of any  
17 outstanding court-ordered obligation. The motion must also include the party's last  
18 known mailing address, email address, and phone number unless that contact  
19 information is safeguarded by Rule 76 or court order. The motion to withdraw must  
20 include a certification that the motion was filed and served on all parties pursuant to  
21 Rule 5 or, if applicable, the reasons why a party cannot be notified about the motion.  
22 The motion must include a proposed order that notifies the party who will be without  
23 an attorney that:

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

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

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

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

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

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

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

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

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

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

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

64 *Effective: 5/1/2014*