

Rule 74. Withdrawal of counsel.

(a) Notice of withdrawal. If no motion is pending, no hearing or trial has been set, and there are no outstanding court-ordered obligations for the withdrawing attorney, then an attorney may withdraw from ~~the~~ a case by filing with the court and serving on all parties a notice of withdrawal. Unless the previously represented party's contact information is safeguarded by Rule 76 or court order, the notice of withdrawal must provide the party's last known mailing address, email address, and phone number, ~~and any other contact information.~~ The notice of withdrawal must include a statement that no motion is pending, ~~and~~ no hearing or trial has been set, and there are no outstanding court-ordered obligations for the withdrawing attorney.

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

- (1) ~~that~~ within 21 days of the entry of the order, the unrepresented party must retain an attorney or proceed without an attorney and file a notice of personal appearance;
- (2) ~~that~~ all further proceedings will be continued and any pending deadlines will be stayed until 21 days after the court grants the motion unless the unrepresented party waives the time requirement or unless otherwise ordered by the court;

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

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

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

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

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

An attorney who seeks to withdraw before the conclusion of the purpose or proceeding must proceed under paragraphs (a) or (b).

(d) Notice to personally appear, or appoint counsel. If an attorney withdraws other than under paragraphs (b), (c), or (f), dies, is suspended from the practice of law, is disbarred, or is removed from the case by the court, ~~the~~ opposing party that receives notice of such events must serve a notice to appear or appoint counsel on the unrepresented party, informing the party of the responsibility to personally appear or appoint counsel. A copy of the notice to appear or appoint counsel must be filed with the court and served on all parties pursuant to Rule 5. ~~All~~No further proceedings will be continued~~held~~, and any pending deadlines will be stayed, ~~in the case~~ until 21 days after filing the notice to appear or appoint counsel unless the unrepresented party waives the time requirement or unless otherwise ordered by the court.

(e) Substitution of counsel. An attorney may replace the counsel of record by filing and serving a notice of substitution of counsel signed by former counsel, new counsel, and

the client. Court approval is not required if new counsel certifies in the notice of substitution that counsel will comply with the existing hearing schedule and deadlines.

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

Effective date: