

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

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

24 (1) ~~that~~ within 21 days of the entry of the order, the unrepresented party must retain
25 an attorney or proceed without an attorney and file a notice of personal appearance;
26 (2) ~~that~~ all further proceedings will be continued and 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) ~~that~~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) ~~that~~an unrepresented party who does not timely retain an attorney or file a notice
33 of personal appearance may fail to receive ~~result in lack of~~ notice of court-related
34 proceedings, and that lack of notice may cause the party to incur sanctions or result
35 in the ~~including~~ entry of a default judgment or an order of dismissal.

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

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

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

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

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

54 **(e) 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 party 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

64 *Effective date:*