

1 Rule 53. Appearance and withdrawal of counsel.

2 (a) Appearance. An attorney shall appear in proceedings by filing a written notice of
3 appearance with the court or by appearing personally at a court hearing and advising the court
4 that he 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
8 attorney may withdraw as counsel of record unless withdrawal may result in a delay of trial or
9 unless a final appealable order has been entered. In such circumstances, a retained attorney may
10 not withdraw except upon written motion and approval of the court.

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

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

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

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

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

27 (b)(5) A guardian ad litem may not withdraw except upon approval of the court.

28 (c) Parties must submit a written Motion for Substitution of Counsel setting forth in detail
29 the need for new counsel at least ten days prior to the next scheduled hearing date unless
30 otherwise allowed by the judge.

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16 appointed, certifies in a written statement: ~~(a) that the represented party in a delinquency~~
17 ~~proceeding has been advised of the availability of a motion for new trial or a certificate of~~
18 ~~probable cause and that, if appropriate, the same has been filed; and (b) that the represented party~~
19 ~~has been advised of the right to appeal and that, if appropriate, a Notice of Appeal and a Request~~
20 ~~for Transcript have been filed.~~

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