

Rule 53. Appearance and withdrawal of counsel.

(a) Appearance. An attorney shall appear in proceedings by filing a written notice of appearance with the court or by appearing personally at a court hearing and advising the court that the attorney is representing a party. Once an attorney has entered an appearance in a proceeding, the attorney shall receive copies of all notices served on the parties.

(b) Withdrawal.

(b)(1) Retained Counsel. Consistent with the Rules of Professional Conduct, a retained attorney may withdraw as counsel of record unless withdrawal: 1) will result in a delay of trial; or 2) a final appealable order has been entered and the time period for a notice of appeal or post-judgment motion on such order has not expired. In such circumstances, a retained attorney may not withdraw except upon motion and order of the court. Retained counsel shall file a notice of withdrawal including the address of the counsel's client.

(b)(2) Court-appointed counsel. Court-appointed counsel may not withdraw as counsel of record except upon motion and order of the court. If the court grants appointed counsel's motion to withdraw, the court shall consider the appointment of new counsel.

(c) Motions to Withdraw.

(c)(1) A motion to withdraw shall be made either in writing or orally before the court at a hearing. The motion shall include the following:

(c)(1)(i) A certification from counsel that the represented party has been informed of the motion to withdraw and their right to counsel; and

(c)(1)(ii) A certification from counsel that the represented party has been informed of their rights to appeal, the availability of post judgment motions and motion to stay pending appeal; or

(c)(1)(iii) The efforts counsel has made to inform the represented party of subsections (c)(1)(ii) and (c)(1)(ii).

(c)(2) Whenever possible, the court shall inquire of the represented party's knowledge and understanding of the motion to withdraw, right to counsel, right to appeal, availability of post judgment motions and motion to stay pending appeal.

(c)(3) A guardian ad litem may not withdraw except upon order of the court.

(d) Parties must submit a notice of substitution of counsel at least seven days prior to the next scheduled hearing date unless otherwise allowed by the court.