

1 **Rule 38A. Withdrawal of counsel.**

2 (a)(1) Withdrawal in criminal cases and certain civil cases. An attorney may not withdraw from a  
3 criminal case or from a civil case in which ~~appellant~~that attorney's client has the right to effective  
4 assistance of counsel except upon motion and order of the court. Absent good cause shown, leave to  
5 withdraw will not be granted unless the motion to withdraw is accompanied by an entry of proposed  
6 appearance by new counsel or a representation by the withdrawing attorney that the ~~defendant~~client is  
7 entitled to the appointment of new counsel.

8 (a)(2) Duration of representation by court-appointed counsel. Absent good cause shown for  
9 withdrawal, if a party has a right to effective assistance of counsel through the first appeal as of right, an  
10 attorney appointed to represent that party on appeal shall represent that party throughout the first appeal  
11 as of right, respond to a petition for writ of certiorari, file a petition for writ of certiorari if appointed counsel  
12 determines that such a petition is warranted, and brief and argue the merits if the Supreme Court grants  
13 certiorari review.

14 (b) Withdrawal in other civil cases.

15 (b)(1) When oral argument not scheduled. An attorney may withdraw without leave of court in any  
16 other civil case that has not been scheduled for oral argument. The withdrawing attorney shall serve  
17 notice of the withdrawal with the court and upon all parties, including his or her client.

18 (b)(2) When oral argument scheduled. An attorney may not withdraw from any other civil case that  
19 has been scheduled for oral argument except upon motion and order of the court. Absent good cause  
20 shown, leave to withdraw will not be granted unless the motion to withdraw is accompanied by an entry of  
21 proposed appearance of new counsel and new counsel's representation that oral argument may proceed  
22 as scheduled.

23 (b)(3) Notice to appoint or appear in person. If an attorney withdraws under subdivision (b)(1), dies, is  
24 suspended from the practice of law, is disbarred, or is removed from the case by the court, the opposing  
25 party shall, and the court may, serve a notice on the unrepresented party, informing the party of the  
26 responsibility to appoint new counsel or, if the unrepresented party is a natural person, the responsibility  
27 to appear personally or appoint new counsel. A copy of the notice served by the opposing party shall be  
28 filed with the court. No further proceedings shall be held in the case until 20 days after such a notice is  
29 served, unless the unrepresented party waives the time requirement or unless the court otherwise orders.