

1 **Rule 36. Withdrawal of counsel.**

2 **(a) Withdrawal of counsel prior to entry of judgment.**

3 (a)(1) Consistent with the Rules of Professional Conduct, an attorney may not withdraw as
4 counsel of record in criminal cases without the approval of the court.

5 (a)(2) A motion to withdraw as an attorney in a criminal case shall be made in open court with
6 the defendant present unless otherwise ordered by the court. Counsel must certify that the
7 withdrawal meets the requirements of the Rules of Professional Conduct.

8 **(b) Withdrawal of counsel after entry of judgment.** Prior to permitting withdrawal of trial
9 counsel, the trial court shall require counsel to ~~file a written statement certifying~~ certify either
10 orally in open court or in writing, that the requirements in Subsection (a) have been satisfied
11 and:

12 (b)(1) The defendant has been advised of the right to file a motion for new trial or to seek a
13 certificate of probable cause, and if in counsel's opinion such action is appropriate, that the
14 same has been filed.

15 (b)(2) The defendant has been advised of the right to appeal and if in counsel's opinion such
16 action is appropriate, that a Notice of Appeal, a Request for Transcript, and in appropriate
17 cases, an Affidavit of Impecuniosity and an Order requiring the appropriate county to bear the
18 costs of preparing the transcript have been filed.

Effective May 1, 2018