

## Chapter 7 - Attorney of Record

### Rule 7.01 - Entry of Appearance

- (A) **Attorney Profile.** Each attorney entering appearance in any case shall provide and update a single contact profile using the Attorney Profile Update Form to ensure the address for the attorney is accurate in the appearance docket maintained by the Clerk. It is the obligation of the attorney to ensure the profile information remains up-to-date. The attorney information will not be changed based upon an attorney's information contained on a pleading/motion. Profile information can only be changed upon a signed Attorney Profile Update Form provided to the Clerk. See General Order dated October 8, 2023.
- (B) **New or Case Reopening Action.** An attorney representing a party in an action shall file an entry of appearance with the Clerk. The entry of appearance shall set forth the party being represented, the attorney's address, telephone number, Supreme Court Registration Number, and e-mail address. The entry of appearance shall be served on all self-represented litigants and all counsel of record.
- (C) **Pending Case.** Prospective new counsel shall ensure he/she is available for all pending hearings and for the case management plan prior to accepting representation.
1. The Court will not grant a continuance of hearings due to counsel's schedule without good cause shown beyond counsel's schedule.
  2. The Court will not grant extension of case management dates due to counsel appearance without good cause shown that the party's compliance with the dates established is not possible due to circumstances outside of the party's control. Alleging failure of former counsel to take action is not considered good cause without extraordinary circumstances shown.
- (D) No attorney shall enter appearance in a case unless the attorney has available time for hearings and case management time standards.

### Rule 7.02 - Multi-Attorney Representation

- (A) When more than one attorney enters appearance on behalf of a party or non-party, each attorney who has entered appearance shall be considered counsel for that party or non-party.
- (B) Any request for continuance due to unavailability of counsel shall include a specific statement of unavailability of all counsel and be accompanied by notices of hearings or orders evidencing unavailability of each counsel.
- (C) When appearing before the Court (in person, video hearing, or telephone), each attorney in multi-attorney representation shall have authority and ability to schedule future hearings.
- (D) This rule shall apply to each counsel in a signature block containing multiple attorneys on behalf of any party or non-party.

### **Rule 7.03 - Limited Appearance by Attorney**

- (A) By agreement with the client, an attorney's new or existing representation may be limited consistent with Prof.Cond.R. 1.2(c) and Civ.R. 3(B). The attorney must file and serve a "Notice of Limited Appearance" that clearly describes the scope of the limited appearance and states that the limitation has been authorized by the client.
- (B) When an attorney has entered a limited appearance, any pleading, order, notice, brief or other paper that Civ.R. 5 requires to be served must be served on both the attorney and the attorney's client.
- (C) As provided by Civ.R. 3(B), an attorney's limited appearance may be terminated by filing and service of a "Notice of Completion of Limited Appearance." By signing the Notice of Completion of Limited Appearance, an attorney certifies under Civ.R. 11 that all services for which the attorney was retained have been completed. If no objection to the Notice of Completion of Limited Appearance is filed and served within 10 days, the attorney's withdrawal is complete without need for leave of court.

### **Rule 7.04 - Withdrawal**

- (A) An attorney shall not be relieved of responsibility except with permission of the Court. The Court may deny an attorney's request to withdraw for failure to comply with this rule or if an evidentiary hearing or final hearing has been scheduled prior to the motion being filed.
- (B) **Motion.** An attorney seeking to withdraw as counsel shall file a motion seeking permission of the Court and serve a copy of the motion upon all parties and the party from whom the attorney seeks to withdraw. The motion shall include all the following:
  - 1. Certify that the client has been notified of the request for withdrawal.
  - 2. Reason for withdrawal;
  - 3. Date and time of any scheduled hearings and all deadlines previously established by the Court;
  - 4. Statement that the client has been advised to promptly obtain new counsel;
  - 5. Statement that a continuance of any pending hearings must be specifically and/or separately requested and will not automatically be granted solely for the reason of change of counsel;
- (C) **Proposed Entry.** If the proposed entry has the signature of the client indicating consent to the attorney's withdrawal, the Court will grant the motion without a hearing. If the proposed entry does not have the signature of the client indicating consent to the attorney's withdrawal, the Court may, in the Court's sole discretion, grant the motion without a hearing. The Court will promptly notify counsel if a hearing is to be scheduled.
- (D) **Oral Motion.** The Court may entertain an oral motion to withdraw if counsel who is requesting to withdraw and the client are present. Absent an extraordinary circumstance the Court will not entertain such an oral motion.
- (E) These rules in no way shall be construed to limit an attorney's mandatory withdrawal pursuant to Rule 1.16(a) of the Ohio Rules of Professional Conduct. An extraordinary circumstance includes, but is not limited to, a client discharging counsel.

- (F) **Time.** Absent extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than 30 days prior to a final hearing nor prior to completion and submission to the Court of any pending entries directed by the Court to be prepared by the attorney. An extraordinary circumstance includes, but is not limited to, a client discharging counsel. A client discharging counsel within 30 days of final hearing is cautioned that the discharge is not an automatic guarantee of continuance of the final hearing. The Court presumes the final hearing will proceed as scheduled unless good cause is demonstrated in a timely manner.

### **Rule 7.05 - New Counsel**

- (A) Prospective new counsel shall be aware of his/her availability for all pending hearings and availability to comply with all established case management orders and dates prior to accepting representation and shall not assume a continuance or extension will be granted.
- (B) Entering appearance without first ensuring availability is not good cause for a motion seeking to continue a hearing or for an extension of time.

### **Rule 7.06 - Substitution of Counsel of Record**

- (A) Where subsequent counsel is substituting for an attorney of record, a Notice of Substitution, signed by the withdrawing counsel and the substituting counsel shall be filed with the Clerk.
- (B) The Clerk shall remove the substituted counsel upon docketing of the Notice of Substitution.
- (C) Substitute counsel shall be prepared to proceed without interruption to existing case management orders and hearings.

### **Rule 7.07 - Appearance Docket**

- (A) The Clerk shall add counsel to the appearance docket upon Notice of Appearance.
- (B) The Clerk shall remove counsel from the appearance docket upon order granting the attorney's withdrawal.
- (C) The Clerk shall remove counsel from the appearance docket upon Notice of Withdrawal filed by counsel.

### **Rule 7.08 - Mandatory Withdrawal.**

- (A) These rules in no way shall be construed to limit an attorney's mandatory withdrawal pursuant to Rule 1.16(a) of the Ohio Rules of Professional Conduct. An extraordinary circumstance includes, but is not limited to, a client discharging counsel. In such case, an attorney shall file a Notice of Withdrawal of Counsel of Record.