

## **RULE 21 - Withdrawal of Counsel**

### **21.1 Process**

An attorney seeking to withdraw as counsel in a pending case shall present a filed motion and a proposed entry to the assigned judge or magistrate. The motion and proposed entry shall be served on all parties in accordance with the Ohio Rules of Civil Procedure.

- A. The motion and proposed entry shall contain the following:
  - 1. Date and time of any scheduled hearings and all deadlines previously established by the Court;
  - 2. Reason for withdrawal;
  - 3. Statement that the client has been advised to promptly obtain new counsel;
  - 4. 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;
  - 5. Address of the client whose attorney is withdrawing.
- B. Court's Response
  - 1. If the proposed order has the signature of the client indicating consent to the attorney's withdrawal, the Court *will* grant the motion without a hearing.
  - 2. If the proposed order does not have the signature of the client indicating consent to the attorney's withdrawal, the Court *may* grant the motion without a hearing. The Court will promptly notify counsel if a hearing is to be scheduled.
  - 3. Once the judge or magistrate has ruled upon the motion, a copy of the Entry will be sent to all attorneys and the client whose attorney requested to withdraw.
- C. Oral Motion
  - 1. 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.
- D. 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.

### **21.2 Time Limitations**

- A. In the absence of an extraordinary circumstance, the court will not grant an attorney permission to withdraw less than 30 days prior to a final hearing.
- B. In the absence of an extraordinary circumstance, an attorney may not withdraw prior to completion and submission to the court of any pending entries, resulting from prior court rulings.
- C. 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.
- D. 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.

### **21.3 New Counsel of Record**

- A. Where new counsel is entering an appearance upon withdrawal of former counsel, Clerk of Court shall remove former counsel from the appearance docket upon docketing of order granting that attorney's withdrawal.
- B. Where new counsel is substituted for an attorney of record, a Notice of Substitution, signed by the withdrawing counsel and the substituting counsel shall be filed with the Clerk

of Courts. A courtesy copy shall be given to the assigned judge or magistrate and served upon opposing counsel or the opposing party if the opposing party is unrepresented. Clerk of Courts shall remove the substituted counsel upon docketing of the Notice of Substitution.

C. Prospective new counsel shall be aware of his/her availability for all pending hearings prior to accepting representation and shall not assume a continuance will be granted.