

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

**James N. Hatten  
District Court Executive  
and Clerk of Court**

**2211 U.S. Courthouse  
75 Ted Turner Drive, SW  
Atlanta, Georgia 30303-3361**

**404-215-1600**

**February 4, 2019**



**PUBLIC NOTICE AND REQUEST FOR COMMENT**

The United States District Court for the Northern District of Georgia has approved revisions to Local Civil Rule 83.1 and Local Criminal Rule 57.1, both titled, *Attorneys: Admission to Practice Before the Court*. Among other things, these revisions address the implementation of NextGen CM/ECF (slated for April 15, 2019) and the attorney's duty to notify the PACER Service Center of changes to the attorney's contact information.

Full copies of the proposed revisions to Local Civil Rule 83.1 and Local Criminal Rule 57.1 are available at the public counter of each divisional office of the Court and on the Court's public website at: [www.gand.uscourts.gov](http://www.gand.uscourts.gov).

The Court is soliciting comments from the public and the bar on these rules.

Comments should be made in writing by March 6, 2019, to:

James N. Hatten  
District Court Executive and Clerk of Court  
Room 2217, U.S. Courthouse  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303-3361

**LR 83.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT****A. Admission to the Bar of this Court.**

(1) **Eligibility.** Any attorney who is an active member in good standing of the State Bar of Georgia is eligible for admission to the bar of this court. Continued membership in this court's bar is contingent on the attorney's maintaining active status in good standing with the State Bar of Georgia.

**(2) Admissions Procedure.**

(a) The clerk ~~of court will~~ ~~shall arrange and~~ schedule a ceremonial admissions day ~~twice~~ each year ~~to admit those for~~ attorneys ~~having who~~ recently passed the Georgia Bar Examination. The clerk ~~will~~ ~~publish appropriate~~ ~~provide~~ notice of the dates for the ~~ceremonial special~~ admissions ~~ceremonies~~ ~~day, along with applicable~~ ~~and the~~ instructions ~~applicable thereto~~.

(b) ~~Other~~ ~~A~~ admission proceedings ~~shall will~~ be ~~held monthly~~ ~~regularly~~ ~~held~~ in open court ~~before a judge of this court as the first order of business on any Monday morning~~. Applicants for ~~a~~ admission must complete ~~the admission process through www.pacer.gov~~ ~~and file with the clerk the petition for admission available in the clerk's office~~ and ~~must~~ pay the ~~prescribed enrollment~~ ~~admission~~ fee.

(c) The following oath ~~shall~~ ~~must~~ be administered to each ~~petitioner~~ ~~attorney~~ at the time of admission:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God."

(3) **Attorneys for United States.** Attorneys representing the United States government or any agency thereof who reside within this district are required to be admitted to this court's bar before they shall be permitted to practice before this court. Notwithstanding this rule and provided they are at all times members of the bar of some

United States District Court, assistant United States attorneys and attorneys representing agencies of the government shall be given eighteen (18) months from the date of their commission in which to become members of the State Bar of Georgia. During this period, these attorneys shall be provisionally admitted to the bar of this court. The requirements of this rule do not apply to those government attorneys who are expressly exempted by statute from a local bar membership requirement or to judge advocates of the Army, Navy, Marine Corps, or Air Force representing the United States in Magistrates Court.

**B. Permission to Practice in a Particular Case.**

**(1) Eligibility and Procedure.** A non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the bar of any United States court or of the highest court of any State must apply in writing for permission to appear *pro hac vice* in any case in which the attorney will appear in court on behalf of a party, apply for fees, sign his or her name to a document filed with the Court, or otherwise substantially participate in preparing or presenting a case. This requirement is not designed to require that every attorney within a law firm providing legal research, writing, or other services that may result in a portion of a fee request must or should be admitted *pro hac vice* so long as attorneys within the firm, who have appeared in the case, are directing that work, and such attorneys are either (1) admitted to the bar of this Court as regular members or (2) have been admitted *pro hac vice* in the case.

Applications for admission *pro hac vice* may be obtained from the clerk. The applicant shall state under penalty of perjury the applicant's (1) residence address, (2) office address, telephone number and facsimile number, (3) the courts to which admitted to practice and the dates of admission, and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which admitted. Applications for admission *pro hac vice* must be accompanied by payment of a prescribed admission fee. A non-resident attorney will not be permitted to appear until the applicant's application for admission *pro hac vice* has been signed by the district judge or, in cases in which the parties have consented to a magistrate judge presiding, the magistrate judge to whom the case is assigned. The presiding judge's courtroom deputy may sign the application if so authorized by the district judge.

**(2) Designation and Duties of Local Counsel.** An attorney applying to appear *pro hac vice* must also designate a local member of the bar of this court with whom the opposing counsel and the court may readily communicate regarding the conduct of the case and upon whom papers shall be served. The designated local counsel must sign all

pleadings and other papers filed in the case by the attorney appearing *pro hac vice*. The address, telephone number, facsimile number and written consent of the designated local counsel must be filed with the attorney's *pro hac vice* application.

If the non-resident attorney fails to respond to any order of the court for appearance or otherwise, the local attorney shall have the responsibility and full authority to act for and on behalf of the client in all proceedings in connection with the case, including hearings, pretrial conferences, and trial.

**C. Standard of Professional Conduct.** All lawyers practicing before this court shall be governed by and shall comply with the specific rules of practice adopted by this court and, unless otherwise provided, with the Georgia Rules of Professional Conduct contained in the Rules and Regulations of the State Bar of Georgia and with the decisions of this court interpreting these rules and standards.

**D. Appearances.**

(1) **In Civil Cases.** An attorney's appearance as attorney of record for a party may be evidenced, for plaintiff, by signature on the complaint at filing and, for defendant, by signature on the answer to the complaint or on a Fed. R. Civ. P. 12(b) motion filed prior to answer. Any other attorney who signs a subsequent pleading or paper on behalf of a party must file a notice of appearance with the clerk.

An attorney whose appearance has not been previously noticed will not be permitted to represent a party at trial or in any other court proceeding until the attorney has filed a notice of appearance with the clerk. Failure to file a notice of appearance may result in the attorneys not receiving notices, orders, or other important communications from the court.

(2) **Pro se Appearance Limitations.** Whenever a party has appeared by attorney, the party may not thereafter appear or act in the party's own behalf in the action or proceeding or take any step therein unless the party has first given notice of the party's intention to the attorney of record and to the opposing party and has obtained an order of substitution from the court. Notwithstanding this rule, the court may in its discretion hear a party in open court even though the party has previously appeared or is represented by attorney.

(3) **Duty to Supplement.** Every attorney registered to use the ECF system must notify the PACER Service Center online at [www.pacer.gov](http://www.pacer.gov) of any changes to the attorney's primary email address, mailing address, and/or telephone number. ~~PCounsel shall have, in all cases, an affirmative duty to notify the clerk's office by letter,~~

~~by internet/email notification, or through CM/ECF of any change in mailing address, telephone number and/or email address. Parties appearing *pro se* shall must notify the clerk's office by letter, of any such change in mailing address and/or telephone number. If a ~~A~~ failure to ~~keep~~ provide notice of the clerk's office so informed which any such change causes a delay or ~~otherwise~~ adversely affects the management of a civil case, the court may impose an appropriate sanction. ~~shall constitute grounds for dismissal without prejudice or entry of a judgment by default.~~~~

## **E. Withdrawal.**

(1) **Withdrawal Policy.** Counsel will not ordinarily be allowed to withdraw after pretrial or at a time when withdrawal will cause a delay in the trial of the case.

(2) **Motions to Withdraw.** This policy notwithstanding, an attorney wishing to withdraw the attorney's appearance in any action or proceeding or wishing to have the attorney's name stricken as attorney of record for a party in any case shall comply with the following procedure:

(a) ~~Submit to the clerk in duplicate for filing~~ File a motion requesting permission to withdraw.

(b) The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. The notice shall be served upon the client, personally or at that client's last known address, and the notice shall contain at least the following information:

- (A) That the attorney wishes to withdraw;
- (B) The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;
- (C) That the Court retains jurisdiction of the action;
- (D) That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;
- (E) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- (F) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;
- (G) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;
- (H) That service of notices may be made upon the client at the client's last known address, and,

(I) If the client is a corporation, that a corporation may only be represented in court by an attorney, that a an attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered against the corporate party; and

(J) Unless the withdrawal is with the client's consent, the client's right to object within fourteen (14) days of the date of the notice. A copy of the notice shall be affixed to the motion.

(c) The attorney shall serve a copy of the attorney's motion to withdraw upon opposing counsel and upon the client after filing the motion with the clerk.

(d) Fourteen (14) days after filing, the clerk shall submit the motion to the district judge for action thereon.

Counsel wishing to withdraw from any civil action (except a class action) may be relieved from the requirement to file a motion to withdraw by filing a Certificate of Consent with the court that has been signed by the client, the withdrawing attorney, and the substituting attorney, if one has been selected by the client. If an attorney representing the United States or any agency thereof wishes to withdraw, it is not necessary that the client's signature appear on the Certificate of Consent, provided the client's consent is acknowledged by both the withdrawing and substituting attorney.

**(3) Leave of Absence.** All leaves of absence shall be subject to the approval of the court. Petitions for leave of absence for periods greater than twenty (20) days in length must be made by motion. Lead counsel must file a petition, in each individual case where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the court shall also be attached. Absence of less than twenty-one (21) days requires lead counsel to submit a letter to the district judge's courtroom deputy requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary statement and scheduling order, need petition the court for leave of absence. A leave of absence does not extend previously set filing deadlines nor relieve counsel from other deadline requirements imposed by the court.

**(4) Responsibilities of Party Upon Removal of Attorney.** Whenever an attorney withdraws or dies or is removed or suspended or for any other reason ceases to act as attorney of record, the party whom the attorney was representing must within twenty-one (21) days or before any further proceedings are had in the action before the court notify the clerk of the appointment of another attorney or of the party's decision to

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(b) Other admission proceedings will be held monthly in open court. Applicants for admission must complete the admission process through [www.pacer.gov](http://www.pacer.gov) and pay the admission fee.

(c) The following oath must be administered to each attorney at the time of admission:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God."

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or otherwise, the local attorney shall have the responsibility and full authority to act for and on behalf of the client in all proceedings in connection with the case, including hearings, pretrial conferences, and trial.

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(3) **Duty to Supplement.** Every attorney registered to use the ECF system must notify the PACER Service Center online at [www.pacer.gov](http://www.pacer.gov) of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing *pro se* must notify the clerk's office by letter of any such change. If a failure to provide notice of any such change causes delay or adversely affects the management of a case, the court may impose an appropriate sanction.

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**(a)** File a motion requesting permission to withdraw.

**(b)** The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. The notice shall be served upon the client, personally or at that client's last known address, and the notice shall contain at least the following information:

**(A)** That the attorney wishes to withdraw;

**(B)** The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;

**(C)** That the Court retains jurisdiction of the action;

**(D)** That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;

**(E)** That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;

**(F)** That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

**(G)** The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

**(H)** That service of notices may be made upon the client at the client's last known address, and,

**(I)** If the client is a corporation, that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered against the corporate party; and

**(J)** Unless the withdrawal is with the client's consent, the client's right to object within fourteen (14) days of the date of the notice. A copy of the notice shall be affixed to the motion.

**(c)** The attorney shall serve a copy of the attorney's motion to withdraw

upon opposing counsel and upon the client after filing the motion with the clerk.

(d) Fourteen (14) days after filing, the clerk shall submit the motion to the district judge for action thereon.

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## **F. Attorney Discipline.**

(1) **No Limitation on Inherent Authority.** Nothing in this rule limits the inherent authority of a judge to manage individual assigned cases, including the authority to impose monetary penalties, disqualify counsel, and impose any other appropriate penalties or sanctions; and nothing in this rule imposes additional procedural requirements

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The following oath shall be administered to each petitioner at the time of admission:

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(a) Submit to the clerk in duplicate for filing a motion requesting permission to withdraw.

(b) The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. The notice shall be served upon the client, personally or at that client's last known address, and the notice shall contain at least the following information:

(A) That the attorney wishes to withdraw;

(B) The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;

(C) That the Court retains jurisdiction of the action;

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(d) Fourteen (14) days after filing, the clerk shall submit the motion to the district judge for action thereon.

Counsel wishing to withdraw from any civil action (except a class action) may be relieved from the requirement to file a motion to withdraw by filing a Certificate of Consent with the court that has been signed by the client, the withdrawing attorney, and the substituting attorney, if one has been selected by the client. If an attorney representing the United States or any agency thereof wishes to withdraw, it is not necessary that the client's signature appear on the Certificate of Consent, provided the client's consent is acknowledged by both the withdrawing and substituting attorney.

(3) **Leave of Absence.** All leaves of absence shall be subject to the approval of the court. Petitions for leave of absence for periods greater than twenty (20) days in length must be made by motion. Lead counsel must file a petition, in each individual case where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the court shall also be attached. Absence of less than twenty-one (21) days requires lead counsel to submit a letter to the district judge's courtroom deputy requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary statement and scheduling order, need petition the court for leave of absence. A leave of absence does not extend previously set filing deadlines nor relieve counsel from other deadline requirements imposed by the court.

(4) **Responsibilities of Party Upon Removal of Attorney.** Whenever an attorney withdraws or dies or is removed or suspended or for any other reason ceases to act as attorney of record, the party whom the attorney was representing must within twenty-one (21) days or before any further proceedings are had in the action before the court notify the clerk of the appointment of another attorney or of the party's decision to appear *pro se*. The party must also provide the clerk with the current telephone number and address of the newly-appointed attorney or of the party, if proceeding *pro se*. Failure to comply with this rule shall constitute a default by the party.

## **F. Attorney Discipline.**

(1) **No Limitation on Inherent Authority.** Nothing in this rule limits the

**LCrR 57: RULES BY DISTRICT COURTS****LCrR 57.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT****A. Admission to the Bar of this Court.**

Refer to LR 83.1A

**B. Permission to Practice in a Particular Case.**

Refer to LR 83.1B

**C. Standard of Professional Conduct.**

Refer to LR 83.1C

**D. Appearances.****(1) In Criminal Cases.**

(a) Appointments under this Court's Criminal Justice Plan (Appendix D) as attorney of record for a defendant are made in writing on Form CJA-20, "Appointment of and Authority to Pay Court Appointed Counsel". No further action is necessary by appointed counsel in order to notice an appearance on behalf of defendant.

(b) Retained defense counsel are required to file a notice of appearance within three (3) days after being retained. Counsel becoming associated with counsel of record or being substituted for counsel of record must also comply with this requirement.

This court will follow the provisions of the Eleventh Circuit Plan under the Criminal Justice Act, Section (d)(2) regarding requests by retained defense counsel to withdraw from representation of a defendant on appeal. See also LCrR 57.1E.

(2) **Before the Grand Jury.** An attorney representing a witness before the grand jury must file a notice of appearance with the clerk. The notice shall be filed in such a manner as to maintain the secrecy requirements of grand jury proceedings.

For purposes of this rule, an attorney shall be deemed to be appearing for and representing a witness before the grand jury if the attorney is present within

the courthouse and advising the witness prior to entering the chambers of the grand jury or is interviewing witnesses before or after their appearance before the grand jury.

**(3) Pro Se Appearance Limitations.** Whenever a party has appeared by attorney, the party may not thereafter appear or act in the party's own behalf in the action or proceeding or take any step therein unless the party has first given notice of the party's intention to the attorney of record and to the opposing party and has obtained an order of substitution from the court. Notwithstanding this rule, the court may in its discretion hear a party in open court even though the party has previously appeared or is represented by attorney.

**(4) Duty to Supplement.** ~~Counsel and parties appearing pro se shall have, in all cases, an affirmative duty to notify the clerk's office by letter of any change in address and/or telephone number.~~ Every attorney registered to use the ECF system must notify the PACER Service Center online at [www.pacer.gov](http://www.pacer.gov) of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing pro se must notify the clerk's office by letter of any such change. If a failure to keep provide notice the clerk's office so informed which of any such change causes a delay or otherwise adversely affects the management of a civil case, the court may impose an appropriate sanction. shall constitute grounds for dismissal without prejudice or entry of a judgment by default.

## **E. Withdrawal; Leave of Absence; Responsibilities of Party Upon Removal of Attorney**

**(1) Withdrawal Policy.** Counsel will not ordinarily be allowed to withdraw after pretrial or at a time when withdrawal will cause a delay in the trial of the case.

**(2) Motions to Withdraw.** This policy notwithstanding, an attorney wishing to withdraw the attorney's appearance in any action or proceeding or wishing to have the attorney's name stricken as attorney of record for a party in any case shall comply with the following procedure:

**(a)** ~~Submit to the clerk in duplicate for filing~~ **File** a motion requesting permission to withdraw.

**(b)** The motion shall state that the attorney has given the client fourteen -(14) days prior notice -of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. -A copy of the notice shall be affixed to the motion.

**(c)** The attorney shall serve a copy of the attorney's motion to withdraw upon opposing counsel and upon the client after filing the motion with

the clerk.

(d) Fourteen (14) days after filing, the clerk shall submit the motion to the judge for action thereon.

(3) **Withdrawal from Criminal Appeals.** If, prior to filing a notice of appeal, a retained attorney of record for the defendant moves to withdraw from representation of the defendant on direct appeal of the defendant's conviction and the defendant moves to proceed on appeal *in forma pauperis* and/or for the appointment of Criminal Justice Act appellate counsel, retained counsel will be required to disclose in camera:

(a) The total amount of fees and costs paid.

(b) By whom the fees and costs were paid.

(c) The total amount of costs actually incurred and services actually rendered.

This information along with any other information required by case law decided subsequently to the enactment of this local rule will be viewed in camera by the court for the purpose of deciding the defendant's *in forma pauperis* motion.

(4) **Leaves of Absence.** All leaves of absence shall be subject to the approval of the court. Petitions for leave of absence for periods greater than twenty (20) days in length must be made by motion. Lead counsel must file a petition, in each individual case where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the court shall also be attached. Absence of less than twenty-one (21) days requires lead counsel to submit a letter to the judge's courtroom deputy requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary report and discovery schedule, need petition the court for leave of absence. A leave of absence does not extend previously set filing deadlines nor relieve counsel from other deadline requirements imposed by the court.

(5) **Responsibilities of Party Upon Removal of Attorney.** Whenever an attorney withdraws or dies or is removed or suspended or for any other reason ceases to act as attorney of record, the party whom the attorney was representing must within twenty-one (21) days or before any further proceedings are had in the action before the court notify the clerk of the appointment of another attorney or of the party's decision to appear *pro se*. The party must also provide the clerk with the current telephone number and address of the newly-appointed attorney or of the party if proceeding *pro se*. Failure to comply with this rule shall constitute a default by the party.

## F. Attorney Discipline.

Refer to LR 83.1F

**LCrR 57: RULES BY DISTRICT COURTS**

**LCrR 57.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT**

**A. Admission to the Bar of this Court.**

Refer to LR 83.1A

**B. Permission to Practice in a Particular Case.**

Refer to LR 83.1B

**C. Standard of Professional Conduct.**

Refer to LR 83.1C

**D. Appearances.**

**(1) In Criminal Cases.**

(a) Appointments under this Court's Criminal Justice Plan (Appendix D) as attorney of record for a defendant are made in writing on Form CJA-20, "Appointment of and Authority to Pay Court Appointed Counsel". No further action is necessary by appointed counsel in order to notice an appearance on behalf of defendant.

(b) Retained defense counsel are required to file a notice of appearance within three (3) days after being retained. Counsel becoming associated with counsel of record or being substituted for counsel of record must also comply with this requirement.

This court will follow the provisions of the Eleventh Circuit Plan under the Criminal Justice Act, Section (d)(2) regarding requests by retained defense counsel to withdraw from representation of a defendant on appeal. See also LCrR 57.1E.

(2) **Before the Grand Jury.** An attorney representing a witness before the grand jury must file a notice of appearance with the clerk. The notice shall be filed in such a manner as to maintain the secrecy requirements of grand jury proceedings.

For purposes of this rule, an attorney shall be deemed to be appearing for and representing a witness before the grand jury if the attorney is present within

the courthouse and advising the witness prior to entering the chambers of the grand jury or is interviewing witnesses before or after their appearance before the grand jury.

**(3) *Pro Se* Appearance Limitations.** Whenever a party has appeared by attorney, the party may not thereafter appear or act in the party's own behalf in the action or proceeding or take any step therein unless the party has first given notice of the party's intention to the attorney of record and to the opposing party and has obtained an order of substitution from the court. Notwithstanding this rule, the court may in its discretion hear a party in open court even though the party has previously appeared or is represented by attorney.

**(4) Duty to Supplement.** Every attorney registered to use the ECF system must notify the PACER Service Center online at [www.pacer.gov](http://www.pacer.gov) of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing *pro se* must notify the clerk's office by letter of any such change. If a failure to provide notice of any such change causes delay or adversely affects the management of a case, the court may impose an appropriate sanction.

#### **E. Withdrawal; Leave of Absence; Responsibilities of Party Upon Removal of Attorney**

**(1) Withdrawal Policy.** Counsel will not ordinarily be allowed to withdraw after pretrial or at a time when withdrawal will cause a delay in the trial of the case.

**(2) Motions to Withdraw.** This policy notwithstanding, an attorney wishing to withdraw the attorney's appearance in any action or proceeding or wishing to have the attorney's name stricken as attorney of record for a party in any case shall comply with the following procedure:

**(a)** File a motion requesting permission to withdraw.

**(b)** The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. A copy of the notice shall be affixed to the motion.

**(c)** The attorney shall serve a copy of the attorney's motion to withdraw upon opposing counsel and upon the client after filing the motion with the clerk.

**(d)** Fourteen (14) days after filing, the clerk shall submit the motion to the judge for action thereon.

**(3) Withdrawal from Criminal Appeals.** If, prior to filing a notice of appeal, a retained attorney of record for the defendant moves to withdraw from representation of the defendant on direct appeal of the defendant's conviction and

the defendant moves to proceed on appeal *in forma pauperis* and/or for the appointment of Criminal Justice Act appellate counsel, retained counsel will be required to disclose in camera:

- (a) The total amount of fees and costs paid.
- (b) By whom the fees and costs were paid.
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rendered.

This information along with any other information required by case law decided subsequently to the enactment of this local rule will be viewed in camera by the court for the purpose of deciding the defendant's *in forma pauperis* motion.

**(4) Leaves of Absence.** All leaves of absence shall be subject to the approval of the court. Petitions for leave of absence for periods greater than twenty (20) days in length must be made by motion. Lead counsel must file a petition, in each individual case where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the court shall also be attached. Absence of less than twenty-one (21) days requires lead counsel to submit a letter to the judge's courtroom deputy requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary report and discovery schedule, need petition the court for leave of absence. A leave of absence does not extend previously set filing deadlines nor relieve counsel from other deadline requirements imposed by the court.

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**(a)** Submit to the clerk in duplicate for filing a motion requesting permission to withdraw.

**(b)** The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. A copy of the notice shall be affixed to the motion.

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## **F. Attorney Discipline.**

Refer to LR 83.1F