

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
2211 UNITED STATES COURTHOUSE
75 TED TURNER DRIVE, S.W.
ATLANTA, GEORGIA 30303**

**KEVIN P. WEIMER
DISTRICT COURT EXECUTIVE
AND CLERK OF COURT**

404-215-1610

September 9, 2024



**NOTICE OF PROPOSED LOCAL RULE AMENDMENTS
AND OPPORTUNITY FOR PUBLIC COMMENT**

The United States District Court for the Northern District of Georgia has approved amendments to Local Rule 83.1(E) to allow counsel to withdraw by notice when the withdrawal will not leave the party unrepresented. Related amendments also have been approved.

Redline and clean copies of the amendments are attached to this notice, along with a copy of the original rule, and are available for review on the Court's website at www.gand.uscourts.gov and at the clerk's office public counter in each courthouse.

Members of the bar and public are invited to submit written comments on these amendments until October 9, 2024. Please address all comments to:

Kevin P. Weimer
District Court Executive and Clerk of Court
2211 United States Courthouse
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303
LRComments@gand.uscourts.gov

XI. GENERAL PROVISIONS**LR 83: RULES BY DISTRICT COURTS****LR 83.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT****(E) Withdrawal.**

(1) Withdrawal Policy. Under ordinary circumstances, counsel will not be permitted to withdraw after submission of the pretrial order or when withdrawal would delay trial of the case.

(2) ~~Motions to Withdraw~~ by Motion. In order to seek withdrawal from any action or proceeding or to have counsel removed as attorney of record for a party, the attorney must comply with the following procedure:

(a) File a motion requesting permission to withdraw unless withdrawal is with the client's consent in a civil case pursuant to LR 83.1(E)(3) or by notice pursuant to LR 83.1(E)(4).

(b) The motion must state that the attorney has given the client 14 ~~days~~' notice of the attorney's intention to request permission to withdraw and must describe the manner in which notice was provided. The notice must be served on the client personally or at the client's last known address and must include the style of the action and the names, addresses, and telephone numbers of the clerk and opposing counsel. The notice must advise the client of the following:

- (A)** The attorney's intent to request permission to withdraw;
- (B)** The Court's retention of jurisdiction over the action;
- (C)** The client's obligation to keep the Court informed of a location where notices, pleadings, or other papers may be served;
- (D)** If a trial date has been set, the client's obligation to prepare for trial or hire other counsel to prepare for trial;
- (E)** Failure or refusal to satisfy court-related obligations could result in adverse consequences including, in criminal cases, bond forfeiture and arrest;

(F) The dates of any scheduled proceedings, including trial, and that these dates will not be affected by the withdrawal of counsel;

(G) Notices may be served on the client at the client's last known address;

(H) If the client is a corporation or organization, it may only be represented by an attorney, who must sign all pleadings and papers submitted to the Court; a corporate officer may not represent the client unless that officer is admitted to the bar of this Court as a regular member or has been admitted *pro hac vice* in the case; and failure to comply with this rule could result in a default judgment against the client; and

(I) The client's right to object within 14 days of the date when notice of the attorney's intention to request permission to withdraw was served.

(c) A copy of the notice required by LR 83.1(E)(2)(b) must be filed with the motion.

(d) The attorney must serve a copy of the motion on opposing
-counsel and the client.

(e) The clerk must submit the motion to the Court within 14 days
-after its filing.

(3) Withdrawal by Consent. With the client's consent, counsel may withdraw from any civil action (except a class action) by filing a Certificate of Consent with the Court that has been signed by the client and ~~the withdrawing attorney, and, if selected, the attorney who will serve as the client's replacement counsel.~~ The Certificate of Consent must demonstrate that the client has been advised of the items set forth in LR 83.1(E)(2)(b)(B) through (H). ~~An attorney representing the United States or any agency thereof who is withdrawing by consent is not required to include the client's signature on the Certificate of Consent, provided that the client's consent is acknowledged by both withdrawing and replacement counsel.~~ The Court may reject the withdrawal by consent after submission of the pretrial order, when withdrawal would delay trial of the case, or for other good cause.

(4) Withdrawal by Notice. If withdrawal of a party's attorney would not leave the party unrepresented (such as when co-counsel remains in the case or substitute counsel enters an appearance prior to or contemporaneous with the withdrawal), then the attorney may withdraw by filing a notice of withdrawal that identifies the attorney(s) who will represent the party after the withdrawal. The Court may reject the withdrawal by notice after submission of the pretrial order, when withdrawal would delay trial of the case, or for other good cause.

(45) Leaves of Absence. All leaves of absence require the Court's approval. A request for a leave of absence of 21 days or more must be made by motion. Lead counsel must file the motion in each individual case in which leave is requested, set forth the dates of the requested absence and the reason for the absence, and include a proposed order. Lead counsel must request a leave of absence of fewer than 21 days by filing electronically a letter addressed to the district judge's courtroom deputy requesting that the case not be calendared during the period of absence. Only lead counsel as identified in the Joint Preliminary Report and Discovery Plan must request a leave of absence. A leave of absence does not extend previously scheduled filing deadlines or other deadlines imposed by the Court.

(65) Responsibilities of Party Upon Removal of Attorney. When a party is unrepresented after the party's ~~n~~-attorney withdraws or otherwise is removed as counsel of record, the party whom the attorney was representing must notify the clerk within 21 days or before any further proceedings are conducted of the retention of another attorney or of the party's decision to proceed pro se. The party also must provide the clerk with the current telephone number, address, and email address of the replacement attorney or of the party, if proceeding pro se. Failure to comply with this rule will constitute a default by the party.

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