

NORTHERN DISTRICT OF NEW YORK - FEDERAL CIVIL LOCAL RULE

83.2 Appearance and Withdrawal of Attorney

(a) **Appearance.** An attorney appearing for a party in a civil case shall promptly file with the Clerk a written notice of appearance; however, an attorney does not need to file a notice of appearance if the attorney who would be filing the notice of appearance is the same individual who has signed the complaint, notice of removal, pre-answer motion, or answer.

(b) **Withdrawal.** An attorney who has appeared may withdraw only upon notice to the client and all parties to the case and an order of the Court, upon a finding of good cause, granting leave to withdraw. If the Court grants leave to withdraw, the withdrawing attorney must serve a copy of the order upon the affected party and file an affidavit of service.

If the client whose attorney seeks to withdraw has consented to substitution of new counsel, the attorney who seeks to withdraw must file a document that bears his signature, as well as the signatures of the attorney who is to be substituted as counsel and the client who has consented to this substitution. Upon receipt of this document, the Court shall review the same and determine whether to grant the substitution. If the Court grants the substitution of counsel, the withdrawing attorney must serve a copy of the order upon the affected party and file an affidavit of service.

Where new counsel is appearing for a party and where the firm representing the client remains the same, a notice of appearance is all that is required to be filed and a motion to substitute counsel need not be filed.

Unless the Court orders otherwise, withdrawal of counsel, with or without the consent of the client, shall not result in the extension of any of the deadlines contained in any case management orders, including the Uniform Pretrial Scheduling Order, see [L.R. 16.1\(e\)](#), or the adjournment of a trial ready or trial date.

NORTHERN DISTRICT OF NEW YORK - FEDERAL CRIMINAL LOCAL RULE

44.2 Appearance and Withdrawal of Counsel (Amended January 1, 2020)

(a) An attorney appearing for a defendant in a criminal case, whether retained or appointed, shall promptly file a written appearance with the Clerk. That written appearance shall certify that the attorney has either completed six credit hours in federal criminal defense continuing education within the past two years or, if not, that the attorney will complete the required continuing education within 30 days of filing the notice of appearance. An attorney who has appeared shall thereafter withdraw only upon notice to the defendant and all parties to the case and an order of the Court finding that good cause exists and granting leave to withdraw. Failure of a defendant to pay agreed compensation shall not be deemed good cause unless the Court determines otherwise. If the Defendant whose attorney seeks to withdraw has consented to substitution of new counsel, the attorney who seeks to withdraw must file a consent to change

attorney that bears his signature, as well as the signatures of the attorney who is to be substituted as counsel and the Defendant who has consented to this substitution. Upon receipt of this document, the Court shall review the same and determine whether to grant the substitution. If the Court grants the substitution of counsel, the withdrawing attorney must serve a copy of the order upon the Defendant and file an affidavit of service.

(b) Unless leave is granted, the attorney shall continue to represent the defendant until the case is dismissed, the defendant is acquitted or convicted, or the time for making post-trial motions and for filing a notice of appeal, as specified in [Fed. R. App. P. 4\(b\)](#), has expired. If an appeal is taken, the attorney, whether retained or appointed, shall continue to serve pursuant to Local Appellate Rule [4.1\(a\)](#) until the court having jurisdiction of the case grants leave to withdraw or until that court has appointed another attorney as provided in [18 U.S.C. § 3006A](#) and other applicable provisions of law.