

## NORTHERN DISTRICT OF NEW YORK – FEDERAL CIVIL LOCAL RULE

### 11.1 Appearance and Withdrawal of Attorney (Amended January 1, 2024)

(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. A consent to change attorney form must be signed by the withdrawing attorney, the substituting attorney, and the party, subject to the approval of the Court. 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.

(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 consent to change attorney that bears the withdrawing attorney's 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. A form Consent to Change Attorney can be found on the Court's website at [www.nynd.uscourts.gov](http://www.nynd.uscourts.gov). 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 or consent to substitute counsel need not be filed. Where two attorneys from the same law firm represent a party, and one attorney leaves the firm, only a letter is required to be filed on the docket indicating that the attorney has left the firm and should be removed from the docket.

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.