

NORTHERN DISTRICT OF NEW YORK – FEDERAL CRIMINAL LOCAL RULE

44.2 Appearance and Withdrawal of Counsel (amended January 1, 2024)

(a) **Notice of Attorney Appearance.** 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.

(b) **Motion to Withdraw as Counsel.** An attorney who has appeared for a defendant shall thereafter withdraw only upon notice of a motion to withdraw as counsel for 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 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.

(c) **Consent to Change Attorney.** If the defendant has consented to substitution of new counsel, the incoming attorney must file a consent to change attorney that bears the incoming attorney's signature, as well as the signature of the attorney being replaced as counsel, and the defendant 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. 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 incoming attorney must serve a copy of the order upon the defendant and file an affidavit of service.

(d) **Representation until Relieved by the Court.** 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.