IRFLP 112 Appearance and Withdrawal of Counsel

Idaho Rules of Family Law Procedure Rule 112. Appearance and Withdrawal of Counsel.

Except as otherwise provided in these rules, or by stipulation and order of the court, no attorney may withdraw as an attorney of record for any party to an action without first obtaining leave and order of the court upon a motion filed with the court, and a hearing on the motion after notice to all parties to the action, including the client of the withdrawing attorney. Leave to withdraw as a counsel of record may be granted by the court for good cause and upon such conditions or sanctions as will prevent any delay in determination and disposition of the pending action and the rights of the parties. Provided, that at the conclusion of any family law proceeding to which these local rules apply, attorneys for both parties shall be deemed to have automatically withdrawn as the attorneys of record effective when the time for appeal from the final judgment has expired and there are no proceedings pending.

A. Leave to withdraw - notice to client. If an attorney is granted leave to withdraw, the court shall enter an order permitting the attorney to withdraw and directing the attorney's client to appoint another attorney to appear, or to appear in person by filing a written notice with the court stating how the client will proceed without an attorney, within 20 days from the date of service or mailing of the order to the client. After the order is entered, the withdrawing attorney shall forthwith, with due diligence, serve copies of the same upon the client and all other parties to the action and shall file proof of service with the court. The withdrawing attorney may make such service upon the client by personal service or by certified mail to the last known address most likely to give notice to the client, which service shall be complete upon mailing. Upon the entry of an order granting leave to an attorney to withdraw from an action, no further proceedings can be had in that action which will affect the rights of the party of the withdrawing attorney for a period of 20 days after service or mailing of the order of withdrawal to the party. If such party fails to file and serve an additional written appearance in the action either in person or through a newly appointed attorney within such 20 day period, such failure shall be sufficient ground for entry of default and default judgment against such party or dismissal of the action of such party, with prejudice, without further notice, which shall be stated in the order of the court. The attorney shall provide the last known address of the client in any notice of withdrawal.

B. Withdrawal upon death, extended illness, absence, suspension or disbarment of attorney. In the event of the death, extended illness, absence, suspension or disbarment from the practice of law of an attorney of record in an action, if such attorney has not indicated on the appearance that the attorney is associated with a partnership, firm, corporation or other attorneys in the action, then no further proceedings can be had in such action that will affect the rights of the party represented by such attorney until the order has been served as provided in this rule. Such order may be obtained and served by any party to the action, or the party's attorney, in the same manner and with the same effect as service of the order by a withdrawing attorney as provided in this Rule.

C. Limited pro bono appearance. In accordance with the Idaho Rules of Professional Conduct [1] 1.2(c) an attorney may appear to provide pro bono assistance to an otherwise pro se party in one or more individual proceedings in an action. An attorney making a limited pro bono appearance must file and serve on the opposing party a notice of limited appearance prior to or simultaneous with the proceeding or proceedings, specifying all matters that are to be undertaken on behalf of the party. The attorney shall have no authority to act on behalf of the party on any matter not specified in the notice or any properly filed and served amendment thereto. Service on an attorney who has made a limited appearance for a party shall be valid only in connection with the specific proceedings for

which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. Upon the conclusion of the matters specified for the attorney's limited appearance, the attorney shall file a notice of completion of limited appearance with the court. Upon such filing, the attorney's role terminates without the necessity of leave of the court.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

Source URL: http://www.isc.idaho.gov/irflp112

Links:
[1] http://isb.idaho.gov/general/rules/irpc.html