

APPENDIX 31.2: COURT-SPECIFIC RULES CONCERNING ENROLLMENT AND WITHDRAWAL OF COUNSEL

<u>COURT</u>	<u>PARISHES</u>	<u>COURT-SPECIFIC RULES CONCERNING ENROLLMENT AND WITHDRAWAL OF COUNSEL</u>
10 th J.D.C.	Natchitoches Parish	La. Dist. Ct. R. 9.13 is applicable in Family and Domestic Relations Proceedings.
14 th J.D.C.	Calcasieu Parish	<p>A. If a case is not pending a hearing or trial, any attorney may, by ex parte order, be permitted to withdraw his representation of a party. The ex parte order shall be presented to the Judge of the division in which the case is pending. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel and all unrepresented parties.</p> <p>B. If a case is pending a hearing or trial, an attorney may withdraw his representation of a party only if the motion to withdraw is filed with an affidavit and supporting documentation that the withdrawing counsel gave written notification of their withdrawal and the next hearing date to their client. All opposing counsel, unrepresented parties, and the party whom the attorney represents shall be served with a copy of the motion. The Court may not grant the motion if doing so would necessitate the delaying or reassignment of the case for trial, unless consented to by opposing counsel, and if permitted by the Court.</p> <p>C. All motions to withdraw shall contain the last known mailing address and phone number of the attorney's client.</p> <p>D. Nothing in this rule shall be construed to prevent the substitution of counsel for a litigant at any time prior to commencement of hearing or trial, provided that the motion to substitute is signed by both the withdrawing and enrolling attorney and shall not retard the scheduled hearing or trial.</p>
18 th J.D.C.	Iberville, Pointe Coupee, and West Baton Rouge Parishes	<p>Section A. Prior to the mailing of a notice of assignment for trial by the Court, any attorney may be permitted to withdraw, ex-parte, his/her representation of a party. The ex parte order shall be presented to the appropriate judge with a certification that there are no hearings scheduled; otherwise, a conference with the presiding judge is required.</p> <p>Section B. Following the mailing of such notice, an attorney may withdraw his/her representation of a party litigant only upon contradictory motion for good cause shown. All opposing counsel is to be served with a copy of the motion and order to show cause. The Court shall not grant the motion if to do so would necessitate the reassignment of the case for trial, unless consented to by opposing counsel.</p>

		<p>Section C. An attorney who has been permitted by ex parte order to withdraw shall give notice of same to all other counsel. In all cases of withdrawal, the attorney, by certified mail, must advise that he/she is no longer of counsel and shall further advise other counsel of the status of the case on the Court's docket.</p> <p>Section D. Nothing in this rule shall be construed to prevent the substitution of counsel at any time prior to commencement of trial, provided the motion to substitute is signed by both the withdrawing and the enrolling attorney and does not necessitate the reassignment of the case for trial unless by consent.</p>
<p>Family Court for the Parish of East Baton Rouge</p>	<p>East Baton Rouge</p>	<p style="text-align: center;">ENROLLMENT AS COUNSEL OF RECORD.</p> <p>1. Attorneys may enroll as counsel of record by oral motion made in open court when all parties or their counsel are present, or by filing a written motion to enroll.</p> <p>2. An attorney may also enroll as counsel of record for limited purposes. The attorney shall file a notice of limited appearance, Form L, with or prior to the initial pleading or prior to the initial hearing. The attorney shall provide copies of the notice to all other counsels of record, self-represented parties, and the Court. All pleadings filed by an attorney who has made a limited appearance shall include “Attorney for limited purpose of [matter or proceeding]” in bold type on the signature page.</p> <p style="text-align: center;">WITHDRAWAL AS COUNSEL OF RECORD.</p> <p>1. Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the Court. Accordingly, the following requirements govern all motions to withdraw as counsel of record.</p> <p>2. A withdrawing attorney who does not have written consent from the client shall make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the Court’s docket. The attorney shall deliver or mail this notice to the client before filing any motion to withdraw.</p> <p>3. If the action or proceeding has been assigned to a particular division of the Court, then the motion to withdraw shall be submitted to the judge presiding over that division.</p> <p>4. All motions to withdraw shall include the following information. 1) The motion shall state current or last-known street address and mailing address of the withdrawing attorney’s client. The withdrawing attorney shall also furnish this information to the Clerk of Court. 2) If a scheduling order</p>

		<p>is in effect, a copy of it shall be attached to the motion. 3) The motion shall state whether any conference, hearing, or trial is scheduled and, if so, its date. 4) The motion shall include a certificate that the withdrawing attorney has complied with § 2 of this rule and with Rule 1.16 of the Rules of Professional Conduct. A copy of the written communication required by § 2 of this rule shall be attached to the motion. 5) If the motion is to withdraw upon completion of a limited appearance, the motion shall include a certification by the withdrawing attorney that the agreed upon limited services have been completed and that the withdrawing attorney has submitted all judgments or orders resulting from the limited appearance as ordered by the court. A copy of the relevant notice of limited appearance shall be attached to the motion.</p> <p>5. The court may allow an attorney to withdraw by ex parte motion if: 1) The attorney has been terminated by the client; or 2) The attorney has secured the written consent of the client and of all parties or their respective counsel; or 3) A limited appearance, as authorized by Rule 1.2(c) of the Rules of Professional Conduct and consented to by the client, has been completed; or 4) The case has been concluded; or 5) No hearing or trial is scheduled in the matter.</p> <p>6. If § 5 of this rule does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client shall be served with a copy of the motion and rule to show cause why it should not be granted.</p> <p>7. If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal unless exceptional circumstances exist or limited representation was undertaken and completed pursuant to a notice for limited appearance.</p> <p>8. A motion to substitute counsel may be submitted if signed by both the withdrawing attorney and the enrolling attorney. The Court may grant the motion without a hearing. Substitution of counsel will not, by itself, be good cause to alter or delay any scheduled matters or deadlines.</p>
26 th J.D.C.	Bossier and Webster Parishes	<p>Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the court. Accordingly, the following requirements govern any motion to withdraw as counsel of record:</p> <p>(a) The withdrawing attorney who does not have written consent from the client must make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the court's docket. The attorney must deliver or mail this notice to the client before filing any</p>

		<p>motion to withdraw.</p> <p>(b) If the action or proceeding has been assigned to a particular section or division of the court, then the motion to withdraw must be submitted to the judge presiding over that section or division.</p> <p>(c) Any motion to withdraw must include the following information:</p> <ol style="list-style-type: none">(1) The motion must state current or last known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney must also furnish this information to the clerk of court.(2) If a scheduling order is in effect, a copy of it must be attached to the motion.(3) The motion must state whether any conference, hearing, or trial is scheduled, and, if so, its date.(4) The motion must include a certificate that the withdrawing attorney has complied with paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the written communication required by paragraph (a) must be attached to the motion. <p>(d) The court may allow an attorney to withdraw on ex parte motion if:</p> <ol style="list-style-type: none">(1) The attorney has been terminated by the client; or(2) The attorney has secured the written consent of the client and of all parties or their respective counsel; or(3) No hearing or trial is scheduled, or the case has been concluded. <p>(e) If paragraph (d) does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client must be served with a copy of the motion and rule to show cause why it should not be granted.</p> <p>(f) If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal, unless exceptional circumstances exist.</p>
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