

**NOTICE OF AMENDMENT OF
LOCAL RULES OF PRACTICE OF
THE UNITED STATES DISTRICT COURT**

The United States District Court for the District of Kansas gives notice of the amendment of local rule 83.5.5, Withdrawal of Appearance. Interested persons, may submit comments on the amendment to the Clerk at any of the record offices or by email at ksd_clerks_kansascity@ksd.uscourts.gov. All comments must be in writing and, to receive consideration by the Court, must be received by the Clerk on or before 5:00 p.m., November 24, 2021.

RULE 83.5.5
WITHDRAWAL OF APPEARANCE

An attorney who has appeared in a case may withdraw in accordance with the Kansas Rules of Professional Conduct as described in D. Kan. Rule 83.6.1. This rule does not apply to those attorneys who have entered a limited appearance pursuant to D. Kan. Rule 83.5.8.

(a) Withdrawal of Attorney Whose Client Will be Left Without Counsel.

Withdrawal of an appearance for an attorney whose client will be left without counsel is authorized only upon court order. An attorney seeking to withdraw whose client will be left without counsel must:

- (1) file a motion to withdraw that:
 - (A) sets forth the reasons for the withdrawal, unless doing so would violate any applicable standards of professional conduct;
 - (B) provides evidence that the withdrawing attorney provided the client with notice of:
 - (i) the admonition that the client is personally responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order; and
 - (ii) the dates of any pending trial, hearings, conferences, and deadlines; and
 - (C) provides the court with a current mailing address and telephone number for the client;
- (2) serve the motion to withdraw on the withdrawing attorney's client either by personal service or by certified mail, with return receipt requested;
- (3) serve the motion to withdraw on all attorneys of record and pro se parties in the case pursuant to Fed. R. Civ. P.5(b); and
- (4) file either:
 - (A) proof of personal service of the motion to withdraw or the certified mail receipt, signed by the client; or
 - (B) an affidavit indicating that the client received a copy of the motion to withdraw. Withdrawal is not effective until the court enters an order authorizing withdrawal.

(b) Withdrawal of Attorney Whose Client Continues to Be Represented by Other Counsel of Record. Withdrawal of an appearance by an attorney whose client continues to be represented by other counsel of record is authorized without an order of the court, unless the only remaining counsel of record is admitted pro hac vice under D. Kan. Rule 83.5.4. In instances where the remaining counsel of record is admitted pro hac vice, the withdrawing attorney must comply with either subsection (a) or (c) of this rule.

An attorney seeking to withdraw whose client will continue to be represented by other counsel of record may withdraw provided the withdrawing attorney files a pleading entitled "Notice of Withdrawal of Appearance" signed by the withdrawing attorney. Such notice must identify the other attorneys of record who will continue to represent the withdrawing attorney's client. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(c) Withdrawal of Attorney Whose Client Will Be Represented by Substituted Counsel. Substitution of counsel admitted to practice in this court is authorized without an order

of the court. Substitution of counsel and simultaneous withdrawal of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a pleading entitled “Withdrawal of Counsel and Entry of Appearance of Substituted Counsel” signed by (1) the attorney withdrawing and (2) the attorney to be substituted as counsel. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(d) Substitution of Counsel for the United States, an Agency, or an Officer Thereof, or Substitution of Counsel for Individuals Represented by the Federal Public Defender. Substitution of counsel for the United States, an agency, or officer thereof, or substitution of counsel for individuals represented by the Federal Public Defender is authorized without an order of the court. Substitution of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a pleading entitled “Notice of Substitution of Counsel and Entry of Appearance of Substituted Counsel” signed by the attorney to be substituted as counsel. The substitution shall be effective upon the filing of the notice and the attorney to be withdrawn from representation need not sign or file any notice. The notice of substitution must be served pursuant to Fed. R. Civ. P. 5(b) on all attorneys of record and any pro se parties in the case.

(e) Withdrawal of Attorney for Criminal Appeal. Withdrawal of counsel for a defendant in a criminal case who wishes to appeal from a judgment of conviction after trial or a guilty plea or from a sentence imposed under the Sentencing Guidelines is governed by 10th Circuit Rules 46.3 and 46.4.

(f) -Withdrawal of Attorney for Non-Essential party in Bankruptcy Cases. In a bankruptcy case (other than an adversary proceeding), the appearance of any attorney for a party other than the debtor or the trustee may be withdrawn by filing a motion certifying that 1) the client has consented to or requested the withdrawal, 2) there are no pending adversary proceedings or contested matters affecting the client, and 3) that the address for all future notices to the client is set forth in the motion and the client has consented to accept notices and service at that address for all purposes in the case upon the withdrawal of the attorney. Such motion must be delivered by mail or CM/ECF notification, as applicable, to all attorneys of record, and any pro se parties who have appeared in the case, but without the requirement for notice and hearing. The withdrawal shall be effective only upon the entry of an order granting the motion.

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As amended 4/15/20, 3/17/14, 3/17/09, 10/22/98, 2/2/95, 10/5/21,-