

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
OFFICE OF THE CLERK
800 Market Street, Suite 130
Knoxville, Tennessee 37902
(865) 545-4228

DEBRA C. POPLIN
Clerk of the Court

JOHN L. MEDEARIS
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend current Local Rule 83.4 as shown on the attached "redline" version.

Comments should be directed in writing to Debra C. Poplin, Clerk of Court, by April 10, 2015, at the above address.

LR83.4 Appearance and Withdrawal of Counsel

- (a) **Representation.** No attorney shall become an attorney of record in any case or proceeding in this Court unless personally retained by the litigant or client, or associated by counsel personally retained by the litigant or client.
- (b) **Filing of Pleadings; Effect.** The filing of any pleading shall, unless otherwise specified, constitute an appearance by the person who signed the pleading. Any such appearance shall include a current address, telephone number and Board of Professional Responsibility number. Counsel may file a formal notice of appearance, but it shall not be necessary to do so.
- (c) **Representation *Pro Se* After Appearance by Counsel.** Whenever a party has appeared by attorney, that party may not thereafter appear or act in his or her own behalf in the action or proceeding, unless an order of substitution shall first have been made by the Court, after notice by the party to the attorney and to the opposing party. However, the Court may, in its discretion, hear a party in open court, notwithstanding the fact that the party is represented by an attorney.
- (d) **Substitution of Counsel.** When an attorney dies, or is removed or suspended, or ceases to act as attorney in any action or proceeding, the party for whom the attorney was acting must, before any further proceedings are had in the action on his or her behalf, obtain the services of another attorney or appear in person, unless ~~the party is already represented by another attorney~~ excepted by subsection (f) of this rule.
- (e) **No Withdrawal Without Leave of Court.** ~~No~~ Except as provided in subsection (f), no attorney shall withdraw from representation in any pending action or proceeding, either civil or criminal, except by leave of the Court as prescribed in subsection ~~83.4(f)~~ (g) of this rule.
- (f(f) **Withdrawal Upon Notice to the Court.** Where a party is represented by multiple counsel of record, an attorney may withdraw, provided the party is still being represented by another attorney of record, upon the filing of a notice of withdrawal.
- (g) **Withdrawal as Attorney of Record.** An attorney who seeks to have his or her name removed as counsel of record shall file a motion so requesting. The Court may refuse to allow an attorney to withdraw if doing such will delay the trial or for other good reason. If the client is a corporation or other artificial person or legal entity created by statute that may only appear in court through counsel, the Court, absent extraordinary circumstances, shall not allow the attorney to withdraw until the client has obtained substitute counsel.

To withdraw from a case, an attorney must do the following:

- (1) File a motion with the Court requesting permission to withdraw as counsel of record;

- (2) Include in the motion the current mailing address and telephone number of the client;
- (3) Unless the motion is signed by both the attorney and the client or a consent to the withdrawal signed by the client is attached to the motion, provide a copy of the motion to the client at least 14 days prior to the date the motion is filed;
- (4) If a hearing date on the motion is set, certify in writing to the Court that the client was served at least 7 days before the hearing with notice (i) of the date, time and place of the hearing and (ii) that the client has a right to appear and be heard on the motion; and
- (5) Certify to the Court that the above requirements have been met.

Comments: The revisions to subsections (d) and (e) have been made to accommodate the exception added in subsection (f). The addition of subsection (f) is intended to eliminate the need for counsel to comply with all the steps in subsection (g) where withdrawal still leaves the party with attorney representation.