

Local Rule 83-7 – Appearance, Withdrawal of Appearance, and Substitution of Counsel

(a) Appearance.

(1) General. Every attorney who represents a party or who files a document on a party's behalf must first file an appearance for that party or a Notice of Substitution of Counsel under section (c). Only those attorneys who have filed an appearance or a Notice of Substitution of Counsel in a pending action are entitled to be served with case documents under Fed. R. Civ. P. 5.

(2) Removed and Transferred Cases. Attorneys whose names do not appear on the court's docket after a case has been removed from state court or transferred from another district court must file an appearance or a copy of the appearance they previously filed in state or district court. An attorney of record who is not admitted to practice before this court must either comply with this court's admission policy (see S.D. Ind. L.R. 83-5 and 83-6) or withdraw his or her appearance (see subdivision (b) of this rule) within 21 days after the case is removed or transferred to the court.

(b) Withdrawal of Appearance.

(1) An attorney must file a written motion to withdraw his or her appearance.

(2) The motion must fix a date for the withdrawal and must contain satisfactory evidence that the attorney provided the client with written notice of his or her intent to withdraw at least 7 days before the withdrawal date.

(3) If an attorney's withdrawal will leave a party without counsel, the motion must also include the party's contact information, including a current address and telephone number.

(4) The requirements of subparagraphs (2)-(3) do not apply when another attorney has appeared or substituted as counsel and remains counsel of record for that party.

(c) Substitution of Counsel. When one attorney seeks to replace another attorney from the same firm, agency, organization, or office as counsel of record on behalf of a party, a Notice of Substitution of Counsel may be filed in lieu of an appearance and motion to withdraw under sections (a) and (b) above.