



United States District Court
DISTRICT OF MINNESOTA

LR 83.7 WITHDRAWAL OF COUNSEL

An attorney may withdraw from a case in which he or she has appeared only as follows:

(a) By Notice of Withdrawal. A party's attorney may withdraw from a case by filing and serving a notice of withdrawal, effective upon filing, if:

- (1) multiple attorneys have appeared on behalf of the party; and
- (2) except in cases governed by LR 83.5(e)(1), at least one of those attorneys is an active member in good standing of the bar of this court and will still be the party's counsel of record after the attorney seeking to withdraw does so.

(b) By Notice of Withdrawal and Substitution. A party's attorney may withdraw from a case by filing and serving a notice of withdrawal and substitution, effective upon filing, if:

- (1) the notice includes:
 - (A) a statement by substituted counsel that serves as substituted counsel's notice of appearance and affirms that he or she represents the party; and
 - (B) the names, addresses, and signatures of the withdrawing attorney and substituted counsel;
- (2) the withdrawal and substitution will not delay the trial or other progress of the case;
- (3) the notice is filed and served:
 - (A) in a civil case, at least 90 days before trial; or
 - (B) in a criminal case, at least 30 days before trial; and
- (4) except in cases governed by LR 83.5(e)(1), upon the noticing attorney's withdrawal, counsel of record for the party will include at least one attorney who is an active member in good standing of the bar of this court.

(c) By Motion. An attorney who seeks to withdraw otherwise than under LR 83.7(a) or (b) must move to withdraw and must show good cause. The attorney must notify his or her client of the motion.

[Adopted effective February 1, 1991; amended January 31, 2011, amended August 1, 2023]

2023 Advisory Committee's Notes

LR 83.7 has been amended to be consistent with the 2023 amendments to LR 83.5(d) and (e). Although LR 83.5(d) and (e)(2) no longer require an active member of the bar of this court to participate in the preparation and presentation of the case unless the court orders otherwise, they do require that counsel of record include an active member of the bar of this court throughout the pendency of the case. Accordingly, subsections (a) and (b) of this rule have been amended to provide (except in cases governed by LR 83.5(e)(1)) that even if there are other counsel of record for a given party, a member of this court's bar may withdraw from the case without filing a motion only if counsel of record for that party will continue to include an active member in good standing of this court's bar. If the court grants a motion to withdraw without substitution under subsection (c), the court will typically set a deadline by which new counsel who is an active member of this court's bar must enter an appearance on behalf of that party.

2011 Advisory Committee's Notes

The language of LR 83.7 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Subsection (a) was changed to clarify that it is not necessary to file a motion to withdraw if an attorney's withdrawal will not cause a party to lose legal representation.