

Rule 101. Appearance and Withdrawal of Attorneys

(a) **IN GENERAL.** Except as provided by District of Columbia Court of Appeals Rules 48 and 49, only an active member of the District of Columbia Bar may appear in this court in a representative capacity for any purpose other than securing a continuance. This rule does not prevent a natural person from prosecuting or defending any action on the person's own behalf without counsel.

(b) **ENTRY OF APPEARANCE.**

(1) *In General.* An attorney may enter an appearance on behalf of a party by:

(A) including the attorney's name on the first pleading or paper filed on behalf of the party; or

(B) filing a notice entering the attorney's appearance and listing the attorney's address, e-mail address, telephone number, and D.C. Bar number.

(2) *Nonacceptance.* The clerk will not accept any paper signed by an attorney for filing unless the attorney is eligible to appear and has entered the attorney's appearance.

(c) **WITHDRAWAL OF APPEARANCE.**

(1) *Without Court Order.* An attorney may withdraw the attorney's appearance in a civil action by filing a notice of withdrawal signed by the attorney and the attorney's client if:

(A) a trial date has not been set; and

(B) another attorney enters or has entered an appearance on behalf of the client at that time.

(2) *Motion Required.*

(A) *In General.* An attorney may withdraw the attorney's appearance only by order of the court on motion by the attorney if:

(i) a trial date has been set;

(ii) the client's written consent is not obtained; or

(iii) the client is not represented by another attorney.

(B) *Notice to Client.* Unless the client is represented by another attorney or the motion is made in open court in the client's presence, the moving attorney must serve the client with a copy of the motion and a notice advising the client that:

(i) if the client objects to the attorney's withdrawal, the client must file an objection to the attorney's motion within 14 days after the motion is served; and

(ii) if the court grants the attorney's motion to withdraw, the client must obtain other counsel or proceed without an attorney.

(C) *Certificate.* The attorney must file, together with the motion, a certificate that includes:

(i) the client's last known address; and

(ii) a statement that the attorney has served the client with a copy of the motion and the notice to the client required by Rule 101(c)(2)(B).

(3) *Order.* Unless leave to withdraw has been granted in open court in the presence of the client, the court or clerk must send to the client by first class mail, postage prepaid, a copy of any order granting leave to withdraw.

(4) *Grounds for Denial.* The court may deny an attorney's motion for leave to withdraw if the withdrawal would:

(A) unduly delay trial of the case;

(B) be unduly prejudicial to any party; or

(C) otherwise not be in the interests of justice.

(d) APPEARANCE BY PRO BONO ATTORNEY. A person practicing under District of Columbia Court of Appeals Rule 49(c)(9) must file a completed District of Columbia Court of Appeals Form 9 with the person's entry of appearance or first pleading or other paper.

(e) LAW STUDENTS. A law student admitted to the limited practice of law under District of Columbia Court of Appeals Rule 48 may engage in the limited practice of law in accordance with that rule.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. In order to maintain consistency with the relevant appellate rules, the law student practice provisions and the provisions addressing the practice of law by attorneys not barred in D.C. have been replaced by references to District of Columbia Court of Appeals Rules 48 and 49. Subsection (c)(2), which addresses an attorney's withdrawal by motion, has been amended to clarify the contents of the motion and the notice to the client.

This rule does not apply to limited appearances entered in accordance with an administrative order of the Chief Judge.