

Rule 1.09

ENTRY OF APPEARANCE/WITHDRAWAL OF ATTORNEY

- (a) **Entry of Appearance.** An attorney who enters an appeal or action after the case has been docketed must file with the clerk of the appellate courts an entry of appearance and proof of service on all parties.
- (b) **Withdrawal of Attorney When Client Will Be Left Without Counsel.** When withdrawal of an attorney who has appeared of record in an appellate proceeding will leave the client without counsel, the attorney may withdraw only when:
 - (1) the attorney has served a motion for withdrawal on the client—and on all parties—that:
 - (A) states the reasons for the withdrawal, unless doing so would violate an applicable standard of professional conduct;
 - (B) provides evidence that the withdrawing attorney provided the client:
 - (i) an 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) notice of the date of any pending hearing, conference, or deadline; and
 - (C) provides the court with a current mailing address and telephone number for the client, if known;
 - (2) the attorney has filed the motion with the clerk of the appellate courts under Rule 5.01; and
 - (3) a justice or judge of the appellate courts issues an order approving the withdrawal.
- (c) **Withdrawal of Attorney When Client Continues to Be Represented by Other Counsel of Record.** When the client will continue to be represented by other counsel of record, an attorney may withdraw without a court order by filing a notice of withdrawal of appearance with the clerk of the appellate courts. The notice must:
 - (1) identify the attorney of record admitted to practice law in Kansas who will continue to represent the client; and
 - (2) be served on the client and all parties.
- (d) **Withdrawal of Attorney When Client Will Be Represented by Substituted Counsel.** An attorney may withdraw without court order upon simultaneous substitution of counsel admitted to practice law in Kansas by:

- (1) filing a notice of withdrawal of counsel and entry of appearance of substituted counsel signed by both the attorney withdrawing and the attorney to be substituted as counsel; and
 - (2) serving the notice on the client and all parties.
- (e) **Withdrawal of Attorney When Client is Represented by Appointed Counsel.** When an appointed attorney seeks to withdraw from a case:
- (1) the attorney must file a motion with the clerk of the appellate courts under Rule 5.01, stating the reasons for withdrawal, if the attorney may ethically do so;
 - (2) the attorney must serve the motion for withdrawal on the client and all other parties;
 - (3) if a judge or justice of the appellate courts issues an order approving the withdrawal, the case must be remanded to the appropriate district court for appointment of new appellate counsel unless substitute counsel has already entered an appearance. The district court must appoint new counsel within 30 days.

[History: New rule effective July 1, 2005; Restyled rule and amended effective July 1, 2012.]