

RAP 18.3
WITHDRAWAL BY COUNSEL

(a) Criminal Cases.

(1) Counsel for a defendant in a criminal case may withdraw only with the permission of the appellate court on a showing of good cause. The appellate court will not ordinarily grant permission to withdraw after the opening brief has been filed. Counsel must serve the motion to withdraw on all parties, and may serve the defendant by mail at the last known address. An affidavit of service must be filed with the motion to withdraw.

(2) If counsel appointed to represent an indigent defendant can find no basis for a good faith argument on review, counsel should file a motion in the appellate court to withdraw as counsel for the indigent. The motion shall identify the issues that could be argued if they had merit and, without argument, include references to the record and citations of authority relevant to the issues. The adverse party shall file an answer to the motion within 30 days after the motion is served on the adverse party. If requested by the court, an amended answer shall be submitted including argument as to why the identified issues are without merit. The motion and answer will be reproduced by the clerk and served on the adverse party and the person represented by counsel seeking to withdraw.

(3) If the matter is heard on the motion calendar and decided by a commissioner, counsel appointed to represent an indigent defendant must file an affidavit denoting:

(A) that the defendant has been advised of the action of the commissioner and that the defendant has been advised of the right to file a motion to modify with the court of Appeals, or

(B) in the event counsel is unable to notify the defendant of the court action, counsel shall specify the efforts that have been made.

(4) Once the Court of Appeals has taken final action, counsel appointed to represent an indigent defendant must file an affidavit denoting:

(A) that the defendant has been advised of the action of the appellate court, and that the defendant has been advised of the right to petition pro se for review to the Supreme Court, or

(B) in the event counsel is unable to notify the defendant of the court's action, counsel shall specify the efforts that have been made.

(b) Civil Cases. Except as otherwise provided in this section, withdrawal by counsel in a civil case shall be governed by CR 71. If a notice of intent to withdraw is given before oral argument, the notice should include the date set for oral argument. Any reference in the notice to the clerk of the court shall mean the clerk of the appellate court. The notice to withdraw from representation in the appellate court should be filed in the appellate court.

References

Rule 15.2, Determination of Indigency and Rights of Indigent Party, (f) Appointment and Withdrawal of Counsel in Trial Court.

[Adopted effective July 1, 1976; Amended effective July 2, 1976; September 1, 1993; September 1, 1994; September 1, 1998; September 1, 2014.]