



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-71

1. By Special Order No. 2-70, the District Judges of this Court amended local civil rules LR 5.1 and 83.12 and local criminal rule 57.12.
2. Following receipt of public comment, the Court has determined to amend these rules as set forth in the attachment to Special Order No. 2-70.
3. The amendments take effect on September 1, 2009 and apply to all proceedings in civil and criminal actions thereafter commenced and, insofar as just and practicable, all proceedings in civil and criminal actions then pending.
4. The Clerk of Court is directed to make the necessary distribution.

**SO ORDERED.**

June 4, 2009

FOR THE COURT:

*Sidney A. Fitzwater*  
SIDNEY A. FITZWATER  
CHIEF JUDGE

**2009 PROPOSED  
LOCAL CIVIL RULES AMENDMENTS**

New material is **redlined**, and deleted material is ~~stricken out~~.

**LR 5.1 Filing and Serving Pleadings, Motions, or Other Papers.**

**(a) Filing with the Clerk.** A pleading, motion, or other paper that the Federal Rules of Civil Procedure permit or require to be filed, or that the court orders to be filed, that is submitted on paper, must be filed with the clerk's office for the appropriate division. **Unless the presiding judge agrees to accept it for filing, the** ~~Such~~ pleading, motion, or other paper must not be sent directly to the presiding judge.

\* \* \*

**LR 83.12 Withdrawal of Attorney.**

- (a)** ~~Except as provided in subsection (b) or (c) of this rule, a~~ An attorney desiring to withdraw in any case must file a motion to withdraw. This motion must, in addition to the matters required by LR 7.1, specify the reasons requiring withdrawal and provide the name and address of the succeeding attorney. If the succeeding attorney is not known, the motion must set forth the name, address, and telephone number of the client and either bear the client's signature approving withdrawal or state specifically why, after due diligence, the attorney was unable to obtain the client's signature.
- (b)** ~~When an Assistant United States Attorney enters an appearance in a case, another Assistant United States Attorney may replace the attorney by filing a notice of substitution that identifies the attorney being replaced. Unless the presiding judge otherwise directs, the notice effects the withdrawal of the attorney being replaced.~~
- (c)** ~~When the Federal Public Defender is appointed to represent a party and an Assistant Federal Public Defender enters an appearance in the case, another Assistant Federal Public Defender may replace the attorney who has entered an appearance by filing a notice of substitution that identifies the attorney being replaced. Unless the presiding judge otherwise directs, the notice effects the withdrawal of the attorney being replaced.~~

**2009 PROPOSED  
LOCAL CRIMINAL RULE AMENDMENT**

New material is **redlined**, and deleted material is ~~stricken out~~.

**LCrR 57.12 Withdrawal of Attorney.**

- (a) ~~Except as provided in subsection (b) or (c) of this rule, a~~An attorney desiring to withdraw in any case must file a motion to withdraw. This motion must, in addition to the matters required by LCrR 47.1, specify the reasons requiring withdrawal and provide the name and address of the succeeding attorney. If the succeeding attorney is not known, the motion must set forth the name, address, and telephone number of the client and either bear the client's signature approving withdrawal or state specifically why, after due diligence, the attorney was unable to obtain the client's signature.
- (b) ~~When an Assistant United States Attorney enters an appearance in a case, another Assistant United States Attorney may replace the attorney by filing a notice of substitution that identifies the attorney being replaced. Unless the presiding judge otherwise directs, the notice effects the withdrawal of the attorney being replaced.~~
- (c) ~~When the Federal Public Defender is appointed to represent a party and an Assistant Federal Public Defender enters an appearance in the case, another Assistant Federal Public Defender may replace the attorney who has entered an appearance by filing a notice of substitution that identifies the attorney being replaced. Unless the presiding judge otherwise directs, the notice effects the withdrawal of the attorney being replaced.~~