

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

Special Order No. 2-95

1. The District Judges of this Court have considered and adopted the attached amendment to the local criminal rules of this Court. The amendment revises LCrR 57.12 by adding new subsection (e).
2. Unless modified after receipt of public comment, the amended rule shall take effect on September 1, 2023 and shall apply to all proceedings in criminal actions thereafter commenced and, insofar as just and practicable, all criminal actions then pending.
3. Any persons who desire to comment on the amended rule may do so by submitting written comments to:

Clerk of Court
United States District Court for the Northern District of Texas
Attention: 2023 Rules Revision Comments
1100 Commerce Street, Room 1452
Dallas, Texas 75242-1495

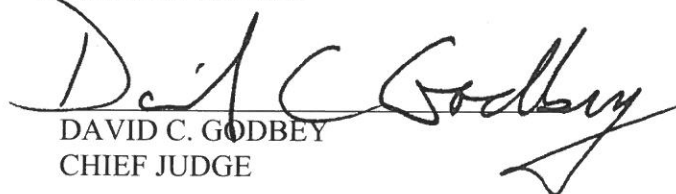
The deadline by which the Clerk must receive comments is June 1, 2023.

4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

February 8, 2023

FOR THE COURT:


DAVID C. GODBEY
CHIEF JUDGE

**2023 PROPOSED
LOCAL RULES AMENDMENT**

New material is **redlined**.

LCrR 57.12 Withdrawal of Attorney.

- (a) Except as provided in subsection (b) or (c) of this rule, 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.
- (d) When an attorney desiring to withdraw is to be replaced simultaneously, the succeeding attorney must file a motion to substitute counsel. If the presiding judge grants the motion, the order effects both the substitution of the succeeding attorney and the withdrawal of the attorney being replaced. This subsection (d) does not supersede subsection (b) or (c) of this rule.
- (e) When an attorney retained to represent a defendant moves to withdraw and requests that substitute counsel be appointed, the attorney must file a completed Financial Affidavit in Support of Request for Attorney, Expert, or Other Services Without Payment of Fee (Form CJA-23). The Form CJA-23 must bear the defendant's signature, or the attorney must state specifically why, after due diligence, the attorney was unable to obtain the defendant's signature.