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APR 09 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RE: _____)
) GENERAL ORDER NO. 413
 ADOPTION OF AMENDMENT)
 TO LOCAL RULE 83-182)
 _____)

Good cause appearing,

IT IS HEREBY ORDERED that the Judges of the Eastern District of California hereby adopt the attached amendments to Local Rule 83-182, effective April 9, 2003.

DATED: April 9, 2003.

FOR THE COURT:



WILLIAM B. SHUBB, Chief Judge
Eastern District of California

RULE 83-182

ATTORNEYS - APPEARANCE AND WITHDRAWAL

(a) Appearance as Attorney of Record.

(1) *Appearance Required.* Except as permitted in (b) and except as the Court may allow a courtesy appearance in criminal cases, no attorney may participate in any action unless the attorney has appeared as an attorney of record. A single client may be represented by more than one attorney of record.

(2) *Manner of Making Appearance as Attorney of Record.* Appearance as an attorney of record is made (i) by signing and filing an initial document, see L.R. 7-131(a), (ii) by causing the attorney's name to be listed in the upper left hand corner of the first page of the initial document, (iii) by physically appearing at a court hearing in the matter, formally stating the appearance on the record, and then signing and filing a written confirmation of appearance within three (3) court days; or (iv) by filing and serving on all parties a substitution of attorneys as provided in subsection (g).

(b) Attorneys Within Organizations. Appearances as an attorney of record shall not be made in the name of a law firm, organization, public entity, agency or department. See Fed. R. Civ. P. 11(a). When an attorney is employed or retained by a law firm, organization, public entity, agency or department, however, the attorney may participate in an action, without filing a substitution of attorneys, if another person employed or retained by the same law firm, organization, public entity, agency or department is attorney of record in the action.

(c) Counsel for Service.

(1) *Designation of Counsel for Service.* When multiple attorneys from a single law firm, organization, public entity, agency or department are listed in the upper left hand corner of the first page of each document filed with the Court, see L.R. 7-131(a), one of the listed attorneys shall be designated as counsel for service. That designation shall be accomplished by so designating in the counsel identification in the upper left hand page of the initial document or by filing and serving a document entitled "Designation of Counsel for Service," which will state the name, address and telephone number of the designated counsel for service and will be signed by that counsel. The court will serve court orders on the designated counsel for service. See L.R. 5-137(b). The identity of counsel for service in a particular action may be changed by filing and serving on all parties a document entitled "Change in Designation of Counsel for Service" stating the name, address and telephone number of new and old counsel for service, identifying new counsel for service and bearing the signature of the new counsel for service.

(2) **Service in the Absence of a Designation.** If no designation of counsel for service has been made in a particular instance, the Clerk may select the attorney for service from the listing in the upper left hand corner of the first page of the initial document filed with the Court or from the signature block.

(d) **Withdrawal.** Subject to the provisions of subsection (c), an attorney who has appeared may not withdraw leaving the client in propria persona without leave of Court upon noticed motion and written notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw. Withdrawal as attorney is governed by the Rules of Professional Conduct of the State Bar of California, and the attorney shall conform to the requirements of those Rules. The authority and duty of the attorney of record shall continue until relieved by order of the Court issued hereunder. Leave to withdraw may be granted subject to such appropriate conditions as the Court deems fit.

(e) **Withdrawal Following Limited Appearance.** Any attorney who has appeared on behalf of a party in an action solely for the purpose of contesting an application for a temporary restraining order or other preliminary injunctive relief may withdraw from that action within ten (10) days from the making of said appearance, or at such other time as the Court may determine, by filing a notice and affidavit that the attorney is no longer counsel of record for the party. Such application shall establish that the attorney has returned all documents and other items received in connection with the action and shall set forth the last known address and telephone number of the party.

(f) **Change of Address.** Each attorney appearing and each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the party if appearing in propria persona. Absent such notice, service of documents at the prior address of the attorney or party shall be fully effective. Separate notice shall be filed with the Clerk and served on all parties in each action wherein an appearance has been made.

(g) **Substitution of Attorneys.** An attorney who has appeared in an action may substitute another attorney and thereby withdraw from the action by submitting a substitution of attorneys which shall set forth the full name and address of the new individual attorney and shall be signed by the withdrawing attorney, the new attorney, and the client. All substitutions of attorneys shall require the approval of the Court, and the words "IT IS SO ORDERED" with spaces designated for the date and signature of the Judge affixed at the end of each substitution of attorneys.

(h) **Local Co-Counsel.** A Judge to whom an action is assigned has discretion in that action, and upon notice, to require an attorney appearing in this Court who maintains an office outside this District to designate a member of the Bar of this Court who does maintain an office within this District as co-counsel with the authority to act as attorney of record for all purposes. In such a case, the attorney shall file with

such designation the address, telephone number and written consent of such designee.

(i) ***Formal Notice of Association of Counsel.*** Any attorney not substituted in as counsel of record under L.R. 83-182(g) and not authorized to participate under other provisions in this Local Rule must file a written notice of association with the clerk of court, signed by an attorney of record and the associating attorney, and served on all parties.