

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
PART I. RULES OF GENERAL APPLICATION
CHAPTER I. PROCEDURE
RULE 1:11. WITHDRAWAL, SUBSTITUTION, TERMINATION OF RESPONSIBILITY OF
ATTORNEY

Rule 1:11-1. Death, Removal or Disbarment of Attorney

In the event an attorney dies, or ceases to be authorized by R. 1:21-1 to practice in this State, or is disbarred, suspended or resigns, any party to a pending action may notify the client in the manner prescribed by R. 1:5-2 to appoint another attorney and, if the client fails to do so within 20 days after the notice, any party may proceed with the action. A new attorney retained by the client shall file an appearance promptly.

Note: Source-R.R. 1:12-7; amended July 13, 1994 to be effective September 1, 1994.

Rule 1:11-2. Withdrawal or Substitution

(a) **Generally.** Except as otherwise provided by R. 5:3-5(e) (withdrawal in a civil family action),

(1) prior to the entry of a plea in a criminal action or prior to the fixing of a trial date in a civil action, an attorney may withdraw upon the client's consent provided a substitution of attorney is filed naming the substituted attorney or indicating that the client will appear pro se. If the client will appear pro se, the withdrawing attorney shall file a substitution. An attorney retained by a client who had appeared pro se shall file a substitution. If a mediator has been appointed, the attorney shall serve a copy of the substitution of attorney on that mediator simultaneously with the filing of the substitution with the court, and

(2) after the entry of a plea in a criminal action or the fixing of a trial date in a civil action, an attorney may withdraw without leave of court only upon the filing of the client's written consent, a substitution of attorney executed by both the withdrawing attorney and the substituted attorney, a written waiver by all other parties of notice and the right to be heard, and a certification by both the withdrawing attorney and the substituted attorney that the withdrawal and substitution will not cause or result in delay.

(3) In a criminal action, no substitution shall be permitted unless the withdrawing attorney has provided the court with a document certifying that he or she has provided the substituting attorney with the discovery that he or she has received from the prosecutor.

(b) **Professional Associations.** If a partnership or attorney assumes the status of a professional corporation, or limited liability entity, pursuant to Rules 1:21-1A, 1:21-1B or 1:21-1C, respectively, or if a professional corporation or a limited liability entity for the practice of law dissolves and reverts to an unincorporated status, it shall not be necessary for the firm to file substitutions of attorney in its pending matters provided that the firm name, except for the addition or deletion of the entity designation, is not changed as a result of the change in status.

(c) Appearance by Attorney for Client Who Previously Had Appeared Pro Se.

Where an attorney is seeking to appear representing a client who previously appeared pro se, the attorney must file a notice of appearance, not a substitution of attorney, and pay the appropriate notice of appearance fee.

Note: Source - R.R. 1:12-7A; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended and paragraph designations and captions added January 21, 1999 to be effective April 5, 1999; paragraphs (a)(1) and (a)(2) amended July 27, 2006 to be effective September 1, 2006; subparagraph (a)(1) amended July 19, 2012 to be effective September 4, 2012; new paragraph (a)(3) adopted December 4, 2012 to be effective January 1, 2013; paragraph (a) amended and new paragraph (c) added July 28, 2017 to be effective September 1, 2017.

Rule 1:11-3. Termination of Responsibility in the Trial Court; Responsibility on Appeal

The responsibility of an attorney of record in any trial court with respect to the further conduct of the proceedings shall terminate upon the expiration of the time for appeal from the final judgment or order entered therein. For purposes of appeal or certification, however, the attorney of record for the adverse party in the court below shall be considered as attorney for the respondent, and notice and papers served upon that attorney shall be deemed good service until the appellant or petitioner is notified of an appearance entered by a new attorney or is given written notice by the respondent naming another attorney.

Note: Source-R.R. 1:12-3(a), 2:10; amended July 13, 1994 to be effective September 1, 1994.