



## **I.C.R. 44.1. Withdrawal and Substitution of Counsel**

### **Idaho Criminal Rule 44.1. Withdrawal and Substitution of Counsel**

**(a) Leave to Withdraw.** No attorney may withdraw as an attorney of record for any defendant in any criminal action without first obtaining leave and order of the court on notice to the prosecuting attorney and the defendant except as provided in this rule. Leave to withdraw as the attorney of record for a defendant may be granted by the court for good cause.

**(b) Automatic Withdrawal.** When an attorney is being or has been appointed to represent a defendant in any criminal action, the court may provide in the order of appointment that the attorney's representation of the defendant will be automatically withdrawn, without leave of the court, on the occurrence of any specified events or the expiration of a specified period of time.

**(c) Withdrawal Without Leave.** An attorney may withdraw at any time after the dismissal of the complaint or information, the acquittal of the defendant, or the entry of a judgment of conviction and sentence; but, in the event of conviction, an attorney may not withdraw without leave of the court until the expiration of the time for appeal from the judgment of conviction. Notice of the return of service of an arrest warrant for a probation violation must be served by the court on counsel of record if counsel has not withdrawn from representation pursuant to this rule.

**(d) Substitution of Attorney.** The attorney of record of a party to an action may be changed or a new attorney substituted by notice to the court and to all parties signed by both the withdrawing attorney and the new attorney without first obtaining leave of the court. If a new attorney appears in an action, the action must proceed in all respects as though the new attorney of record had initially appeared for that party, unless the court finds good cause for delay of the proceedings.

([Adopted February 22, 2017, effective July 1, 2017](#) [1].)

**Source URL:** <https://isc.idaho.gov/icr44-1>

#### **Links**

[1] <https://isc.idaho.gov/./rules/ICR/ICR-38-44.1-Adoption-Newly-Formatted-ICR-022217.pdf>