

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO RULE)
OF CIVIL PROCEDURE 11.3) ORDER
_____)

The Court, having received a recommendation to amend the Idaho Rules of Civil Procedure, and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that Idaho Rule of Civil Procedure 11.3 be amended as follows:

Rule 11.3. Substitution and withdrawal of attorneys.

(c) Service; Content of order; Stay of action; Dismissal or default judgment; Application for default judgment.

(1) **Service; Content of order.** The clerk of the court will serve on all parties, including the party represented by the withdrawing attorney, an order permitting an attorney to withdraw. Service must be in the same manner as provided in Rule 2.3(b). The order allowing withdrawal must notify the party whose attorney is withdrawing that the party's claims will be subject to dismissal with prejudice or that default and default judgment may be entered against the party without further notice if the party does not, within 21 days after service of the order, either appoint another attorney to appear or file notice with the court that the party will be self-represented in the action.

(2) **Stay of action.** An action is stayed for 21 days after service by the court of an order allowing withdrawal of attorney.

(3) **Dismissal or default; Application for default judgment.** If a notice of appearance of a new attorney or a notice of self-representation is not filed within 21 days after service of the order allowing withdrawal, the court, either sua sponte or upon application by the opposing party, may dismiss with prejudice any claims of the party or may enter default judgment against the party. Application for entry of default judgment must proceed in accordance with the provisions of I.R.C.P. 55(b), provided that a party who applies for entry of default judgment pursuant to this rule is not required to serve the opposing party with written notice of the application for default judgment at least 3 days before the hearing.

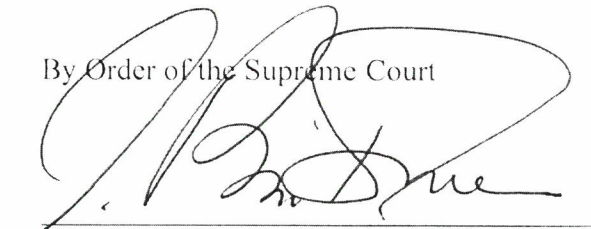
IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Civil Procedure.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that, as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 15th day of July, 2024.

By Order of the Supreme Court



G. Richard Bevan, Chief Justice

ATTEST:



Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 7-15-24
Melanie Gagnepain, Clerk

By  Deputy