

STATE OF INDIANA – COUNTY OF CLARK  
IN THE CLARK CIRCUIT COURTS

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**Notice of Proposed New Rules and Amendments to Local Court Rules  
June 29, 2016**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Clark Circuit Courts hereby give notice to the bar and the public that the Courts propose to adopt a new local rule concerning withdrawal of appearance and substitution of counsel at LR10-AR00 Rule 2. The effective date of the new and amended rules will be **July 1, 2016**. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

The time period for the bar and the public to comment shall begin on July 1, 2016 and shall close on July 31, 2016. Comments by the bar and the public should be made in writing and mailed to:

Hon. Vicki Carmichael, Presiding Judge of Clark Circuit, Attn: Public Comment  
on Local Rules, Clark Circuit Court No. 4, 501 E. Court Avenue, Room 253,  
Jeffersonville, IN 47130; or  
vcarmichael@co.clark.in.us.

A paper copy of the proposed local rule will be made available for viewing in the office of the Clerk of Clark County, 501 E. Court Avenue, Jeffersonville, IN 47130 during normal business hours. Persons with Internet access may view the proposed new and amended local rules at the following website:

<http://www.in.gov/judiciary/rules/local>



Vicki L. Carmichael, Presiding Judge  
Clark Circuit Courts

**AMENDMENT TO LOCAL RULE,  
LR10-AR00 RULE 2**

**APPEARANCE[S] ~~{AND WITHDRAWAL OF APPEARANCES}~~**

- A. Initial Appearance.** An attorney entering an appearance for any party shall file a written appearance in compliance with Trial Rule 3.1 of the Indiana Rules of Trial Procedure;
- B. Withdrawal of Appearance.** Except for appearances in estates, guardianships, or criminal matters, an attorney desiring to withdraw an appearance shall file a written motion requesting leave to withdraw accompanied by a notice of hearing or proof satisfactory to the Court that notice has been given to the client and all other parties of record at least ten (10) days in advance of the withdrawal date. The actual withdrawal date shall be set forth in the written notice.
- C. Withdrawal in Estate, Guardianship, or Criminal Cases.** An attorney who desires to withdraw [an] ~~his~~ appearance in an estate, guardianship, or criminal case shall file a written [motion] ~~notice~~ requesting leave to withdraw accompanied by a notice of hearing which shall be served upon the personal representative, guardian, or criminal defendant directing the person to appear at the hearing. Proof of the notice shall be submitted to the Court at the time of the hearing.
- [D] E. Waiver of Rule.** A motion for leave to withdraw an appearance accompanied by a written appearance of successor counsel shall constitute a waiver of the requirements of this rule. Except for appearances in estate, guardianship, or criminal cases, a motion to withdraw appearance accompanied by the written consent of the client shall also constitute a waiver of the requirement under this rule.

**E. Substitution of Counsel.**

**1. Where:**

- \_\_\_\_\_ a. an attorney has entered an appearance as an employee of a governmental entity such as the Department of Child Services, the Clark County Prosecutor, or the Clark County Unified Public Defender's Office, and
- \_\_\_\_\_ b. that attorney leaves their employment with the governmental entity; and
- \_\_\_\_\_ c. a subsequent attorney assumes representation of the client,

\_\_\_\_\_ the governmental entity shall file with the court a "Notice of Substitution of Counsel" naming the attorney to be replaced with the name, address, telephone number, email address, and Indiana State Bar Number of the substituting attorney.

**2. Upon the filing of a "Notice of Substitution of Counsel," the Clerk of Court shall:**

- \_\_\_\_\_ a. enter the new attorney's name and information, and
- \_\_\_\_\_ b. remove the former attorney's name and information from the record such that no notices shall be sent to the substituted attorney, including electronic notices.