

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-16-0009
RULE 39, RULES OF PROCEDURE FOR)
JUVENILE COURT)
)
)
)
) **FILED 9/2/2016**
_____)

**ORDER
AMENDING RULE 39, RULES OF PROCEDURE FOR THE JUVENILE COURT**

A petition having been filed proposing to amend Rule 39, Rules of Procedure for the Juvenile Court, and one comment having been received, upon consideration

IT IS ORDERED that Rule 39, Rules of Procedure for the Juvenile Court, be amended in accordance with the attachment hereto, effective January 1, 2017.

DATED this 2nd day of September, 2016.

_____/s/_____
SCOTT BALES
Chief Justice

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TO:
Rule 28 Distribution
Hon Colleen McNally
Christina M Phillis

ATTACHMENT*

Rule 39. Appearance of Counsel

A. **Appearance.** [No change].

B. **Representation of Parties.** ~~Withdrawal of Counsel.~~ Requests to withdraw as counsel shall be in writing unless otherwise authorized by the court. Counsel shall represent a party until:

1. The dependency action is dismissed and the time for filing a notice of appeal has expired; or
2. The issuance of an appellate mandate if counsel was ordered to represent the party on appeal; or
3. The court orders the termination of representation.

C. **Withdrawal and Substitution.** No attorney shall be permitted to withdraw, or be substituted, as attorney of record in any pending action except by formal written order of the court, supported by written application setting forth the reasons therefor together with the name, residence and telephone number of the client, as follows:

1. Where such application bears the written approval of the client, it shall be accompanied by a proposed written order and may be presented to the court *ex parte*. The withdrawing attorney shall give prompt notice of the entry of such order, together with the name and residence of the client, to all other parties or their attorneys.

2. Where such application does not bear the written approval of the client, it shall be made by motion and shall be served upon the client and all other parties or their attorneys. The motion shall be accompanied by a certificate of the attorney making the motion that (i) the client has been notified in writing of the status of the case including dates and times of any court hearings or trial settings, pending compliance with any existing court orders, and the possibility of sanctions, or (ii) the client cannot be located or for whatever other reason cannot be notified of the pendency of the motion and the status of the case.

*Additions to text are indicated by underscoring; deletions by strikeouts.

3. No attorney shall be permitted to withdraw as an attorney of record after an action has been set for trial, (i) unless there shall be endorsed upon the application therefor either the signature of a substituting attorney stating that such attorney is advised of the trial date and will be prepared for trial or the signature of the client stating that the client is advised of the trial date and has made suitable arrangements to be prepared for trial, or (ii) unless the court is satisfied for good cause shown that the attorney should be permitted to withdraw.

4. The provisions in paragraph C do not apply to attorneys who have been appointed counsel for a child or as a guardian *ad litem* for a child.