

1 **LR2-114. Counsel of record; appearance; withdrawal.**

2 [Related Statewide Rules 1-089, 5-107, and 10-165 NMRA]

3 A. **Entry of appearance required.** All counsel for a party, including state prosecutors
4 and public defenders, court-appointed counsel, and counsel in appeals from metropolitan court,
5 shall enter an appearance and shall do so either (1) by filing the party's initial pleading, criminal
6 information or indictment, or delinquency petition, or (2) by filing an entry of appearance. Counsel
7 shall promptly file notice of any change of address or telephone number and serve such notice on
8 all other parties.

9 B. **Additional appearance requirements for criminal, delinquency, and youthful**
10 **offender cases.** In all criminal, delinquency, and youthful offender cases, at arraignment in
11 criminal cases or first appearance in juvenile cases or within seven (7) days thereafter, the
12 prosecutor and the public defender or other defense counsel who will actually try the case shall
13 file an entry of appearance as trial counsel. Within seven (7) days after discovery of any conflict
14 affecting public defender representation, the public defender shall file a notice of conflict, and
15 provide a copy of such notice to the assigned judge.

16 **C. Additional appearance requirements for abuse/neglect cases.** In all
17 abuse/neglect cases, the attorney(s) assigned to represent the child(ren) and the attorney(s)
18 assigned to represent the respondent(s) shall file an entry of appearance as counsel before the initial
19 custody hearing commences.

20 [~~C.~~] **D. Withdrawal of counsel.** Unless as provided for in Rule 1-089(C) NMRA and Rule
21 10-165(B) NMRA, all [A#] withdrawals in all cases shall be by court order [~~upon~~] on motion and
22 shall not be granted ex parte. In addition to the grounds for withdrawal, motions to withdraw shall
23 set forth the dates and times of any hearings set[;] and the dates of any relevant Supreme Court

1 deadlines (*e.g.*, in criminal cases, the date the trial deadline expires). In addition, unless the court
2 otherwise orders for good cause, motions to withdraw shall

3 (1) be accompanied by an entry of appearance by substitute counsel or the client
4 as a party pro se in which [~~such~~] the substitute counsel or party pro se certifies that he or she is
5 ready and able to proceed without delay and comply with the existing deadlines; or

6 (2) set forth in the motion the client's last known address and telephone
7 numbers including work number, and acknowledge that the client has twenty (20) days in which
8 to obtain counsel or be deemed appearing pro se.

9 Motions to withdraw shall be in the form set forth in LR2-Form 701 NMRA[;] and entries
10 of appearance by substitute counsel or party pro se shall be in the form set forth in LR2-Form 702
11 NMRA. A copy of the motion to withdraw shall be served on the client as well as all other parties.
12 An endorsed copy of the order allowing withdrawal shall be served on the client and all other
13 parties.

14 [LR2-117 recompiled and amended as LR2-114 by Supreme Court Order No. 16-8300-015,
15 effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme
16 Court Order No. S-1-RCR-2024-00120, effective for all cases filed on or after December 31,
17 2025.]