

**4-105. Motion to withdraw as counsel; order approving withdrawal.**

[For use with Magistrate Court Rule 2-108 NMRA  
and Metropolitan Court Rule 3-108 NMRA]

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

No. \_\_\_\_\_

\_\_\_\_\_, Plaintiff

v.  
\_\_\_\_\_, Defendant

**MOTION TO WITHDRAW AS COUNSEL<sup>1</sup>  
ORDER APPROVING WITHDRAWAL**

\_\_\_\_\_ (*name of withdrawing attorney or firm*) requests permission of the court to withdraw as counsel for the above named party. The reason for the withdrawal is \_\_\_\_\_ (*set forth reason for the withdrawal*).

[My] [Our] client

(*check and complete applicable alternative*)

has consented to the withdrawal and has been notified of all pending court dates.

has refused to agree to the withdrawal because \_\_\_\_\_ (*set forth reason given by client*).

could not be notified after the following attempts:

\_\_\_\_\_. A return receipt for certified or registered mail to my client's last known address is attached to this motion.

(*check and complete applicable alternative*)

\_\_\_\_\_ (*name of attorney*) is entering an appearance to represent the above named party<sup>1</sup>.

\_\_\_\_\_ (*name of party*) will appear pro se. The last known address of \_\_\_\_\_ (*name of party*) is:

\_\_\_\_\_ (*name of party*)

\_\_\_\_\_ (*mailing address*)

\_\_\_\_\_ (*city, county and zip code*)

\_\_\_\_\_ (*telephone number*)

Dated: \_\_\_\_\_

**Withdrawing attorney**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Address (*print*)

\_\_\_\_\_  
City, state and zip code (*print*)

\_\_\_\_\_  
Telephone number

**Entry of appearance by new attorney<sup>1</sup>**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Address (*print*)

\_\_\_\_\_  
City, state and zip code (*print*)

\_\_\_\_\_  
Telephone number

**Last known address of pro se party**

\_\_\_\_\_  
Address (*print*)

\_\_\_\_\_  
City, state and zip code (*print*)

\_\_\_\_\_  
Telephone number

APPROVED:

\_\_\_\_\_  
Attorney or pro se party

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE ON OPPOSING PARTY**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this motion was  
[mailed by United States mail, postage prepaid, and addressed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State  
and zip code: \_\_\_\_\_]  
[faxed by \_\_\_\_\_ (*name of person who faxed*) to the above  
named person. The transmission was reported as complete and without error. The  
time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on  
\_\_\_\_\_ (*date*).]

[e-mailed to \_\_\_\_\_ (*name of person who transmitted*) to  
\_\_\_\_\_ at \_\_\_\_\_ (*electronic address of  
recipient*) which address is on file with the clerk of the Supreme Court. The  
transmission was successful. The time and date of the transmission was  
\_\_\_\_\_ (p.m.) (a.m.) on \_\_\_\_\_ (*date*).]

\_\_\_\_\_  
Signature of attorney or party

\_\_\_\_\_  
Date of signature

### **CERTIFICATE OF SERVICE ON WITHDRAWING ATTORNEY'S CLIENT**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this motion was  
[mailed by United States mail, postage prepaid, and addressed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State

and zip code: \_\_\_\_\_]

[faxed by \_\_\_\_\_ (*name of person who faxed*) to the above  
named person. The transmission was reported as complete and without error. The  
time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on  
\_\_\_\_\_ (*date*).]

[e-mailed to \_\_\_\_\_ (*name of person who transmitted*) to  
\_\_\_\_\_ at \_\_\_\_\_ (*electronic address of  
recipient*) which address is on file with the clerk of the Supreme Court. The  
transmission was successful. The time and date of the transmission was  
\_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (*date*).]

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

### **WITHDRAWAL AND SUBSTITUTION OF ATTORNEY [APPROVED] [DENIED]:**

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

## USE NOTES

1. This form may also be used for the substitution of counsel. Unless there is a new attorney representing the party, insert "none". New counsel must also enter an appearance for the client.
2. Use only applicable alternative.

[Approved by Supreme Court Order 05-8300-05, effective March 21, 2005.]