

44.1 Defendant’s Representation.

(a) Appointed Counsel.

The Criminal Justice Act Plan adopted by this district sets out procedures governing the appointment of counsel. A copy of the plan is available from the clerk or on the court’s website, <https://www.ned.uscourts.gov/plans-and-policies> >”Criminal Justice Act Plan.” When appropriate, the court may appoint an attorney to represent a defendant even though that attorney’s name does not appear on the panel of Criminal Justice Act attorneys.

(b) Retained Counsel or Pro Se Defendant.

A defendant who does not request or who is not eligible for appointed counsel must inform the court of the retained attorney’s name, or of the defendant’s desire to appear pro se, within 14 days of the first court appearance in this district. Retaining an attorney outside this period does not justify a continuance of pretrial proceedings or trial unless the defendant demonstrates diligent attempts to retain an attorney.

(c) Attorney Appearances.

An attorney makes an appearance in a case by (1) filing a written entry of appearance or signed pleading or (2) personally appearing at a hearing or proceeding. An attorney who orally enters an appearance must promptly file and serve a written appearance. A written appearance or pleading must show the attorney’s signature, bar number, office address, telephone number, fax number, and e-mail address.

(d) Change of Address, Telephone, Fax, or E-Mail.

An attorney whose address, telephone number, fax number, or e-mail address changes from that previously provided in any ongoing case must file and serve notice of the change within 30 days of the change.

(e) Withdrawal of Appearance.

An attorney who has appeared of record in a case may withdraw for good cause shown, but is relieved of applicable duties to the court, the client, and opposing attorneys only after filing a motion to withdraw with the court, providing proof of service of the motion on the client, and obtaining the court’s leave to withdraw.