

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

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

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

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

v.

\_\_\_\_\_, Defendant

**MOTION TO WITHDRAW AS COUNSEL  
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 \_\_\_\_\_ (p.m.) (a.m.) on \_\_\_\_\_]

\_\_\_\_\_ (date).]

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

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

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

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

**USE NOTE**

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, effective March 21, 2005.]