

**Medina County Court of Common Pleas**  
**Domestic Relations Division**

CHAMBERS OF THE ADMINISTRATIVE JUDGE  
99 PUBLIC SQUARE, MEDINA, OH 44256

ADMINISTRATIVE JUDGE  
JULIE A. SCHAFER

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February 17, 2023

NOTICE OF PROPOSED CHANGE TO LOCAL RULES

The Medina County Domestic Relations Court is requesting comments regarding proposed Local Rule 21.

The rule establishes requirements for attorneys seeking to withdraw from a case and provisions for new counsel considering accepting representation when hearings are already scheduled.

The Court will accept comments regarding the rule amendment through February 27, 2023. Please direct any comments, in writing, to: [DR\\_local\\_rules@medinadr.org](mailto:DR_local_rules@medinadr.org) no later than Friday, February 27, 2023, at 4:00 p.m.

Proposed Local Rule 21 will be adopted Wednesday, March 1, 2023, subject to public comment.

Thank you,



Julie A. Schafer  
Administrative Judge

**RULE 21 - Withdrawal of Counsel**

**21.01 Withdrawal with Consent of Client**

- A. An attorney seeking to withdraw as counsel in a pending case shall present a filed motion and a proposed entry to the assigned judge or magistrate. The motion and proposed entry shall be served on all parties in accordance with the Ohio Rules of Civil Procedure.
- B. The motion and proposed entry shall contain the following:
  - 1. Date and time of any scheduled hearings and all deadlines previously established by the Court;
  - 2. Reasons for withdrawal;
  - 3. Statement that the client has been advised to promptly obtain new counsel;
  - 4. Statement that a continuance of any pending hearings must be specifically and/or separately requested and will not automatically be granted solely for the reason of change of counsel;
  - 5. Signature of the client on the proposed entry indicating agreement with the motion seeking the Court's permission to withdraw; and
  - 6. Address of the client whose attorney is withdrawing.
- C. Court's Response
  - 1. The Court may grant the motion without a hearing. The Court will promptly notify counsel if a hearing is to be scheduled. Once the judge or magistrate has ruled upon the motion, a copy of the Entry will be sent to all attorneys and the client who requested the filing of the motion.
- D. Oral Motion
  - 1. The Court may entertain an oral motion to withdraw if counsel who is requesting to withdraw and the client are present. Absent an extraordinary circumstance the Court will not entertain such an oral motion.
  - 2. An extraordinary circumstance includes, but is not limited to, a client discharging counsel.

**21.02 Withdrawal Without Consent of Client**

- A. Filing Requirements:
  - 1. The attorney seeking to withdraw as counsel in a pending case, who does not have the agreement of the client, must secure a hearing date and time before the assigned judge or magistrate.
  - 2. The attorney seeking to withdraw as counsel must file a motion containing all of the information listed in section 21.01(B), with the exception of the signature of the client.
  - 3. The motion must be served upon all parties in accordance with the Ohio Rules of Civil Procedure. The attorney seeking to withdraw shall request service of the motion on the client through the Clerk of Court's office by certified mail, return receipt requested, or personal service via a sheriff or process server. The motion shall include the time and date of the hearing, the assigned judge or magistrate's name, and address of the courthouse.
- B. Court's Response
  - 1. The Court shall conduct a hearing and determine whether to grant the motion. If the motion is granted and the client failed to appear at the hearing, the attorney seeking to withdraw shall notify the client by certified mail, return receipt requested, that the motion was granted and that the client must notify the court of

new trial counsel within such time as the court may designate. A copy of such notice, along with a copy of the entry granting the withdrawal and a copy of the certified mail receipt shall be filed and docketed at the Clerk of Courts.

**21.03 Time Limitations**

A. In the absence of an extraordinary circumstance, the court will not grant an attorney permission to withdraw less than 30 days prior to a final hearing.

B. An attorney may not withdraw prior to completion and submission to the court of any pending entries, resulting from prior court rulings.

C. An extraordinary circumstance includes, but is not limited to, a client discharging counsel. A client discharging counsel within 30 days of final hearing is cautioned that the discharge is not an automatic guarantee of continuance of the final hearing. The court presumes the final hearing will proceed as scheduled unless good cause is demonstrated in a timely manner.

**21.04 New Counsel of Record**

A. Where new counsel is substituted for an attorney of record, a Notice Substituting New Counsel, signed by the withdrawing counsel and the substituting counsel shall be filed with the Clerk of Courts. A courtesy copy shall be given to the assigned judge or magistrate and served upon opposing counsel or the opposing party if the opposing party is unrepresented.

B. Prospective new counsel shall be aware of availability for all pending hearings prior to accepting representation and shall not assume a continuance will be granted.