

Rule 105 Motions to Withdraw as Counsel – Finley & Anders

- (a) Where counsel finds that no issue of potential merit can be raised on appeal and moves to withdraw representation, counsel shall file a motion to withdraw and supporting memorandum establishing review of the record and setting forth any potential issues that counsel ultimately deems meritless.
- (b) The motion and memorandum shall:
 - (1) Be served upon the client, and
 - (2) Inform the client of the following
 - (A) That the client shall have 35 days to respond to counsel's motion to withdraw, unless the case is expedited under the Illinois Supreme Court rules, and then the client shall have 21 days to respond,
 - (B) Of the mailing address of the Court (or provide instructions describing how to electronically file the response with the Court),
 - (C) That the client is allowed only one response and any subsequent responses will be stricken upon receipt, and
 - (D) That if the motion to withdraw is allowed, the Court will not appoint new counsel to represent the client.
- (c) Counsel shall file with the motion and memorandum a notice and proof of service attesting to the date and manner of service of the motion and memorandum on the client.
- (d) The client shall have 35 days (21 days if expedited) to file a response from the date that counsel mails or electronically files his or her motion to withdraw.