

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT HUNTER BIDEN,

Defendant.

Case No. 1:23-mj-00274-MN

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR
DEFENDANT ROBERT HUNTER BIDEN**

Christopher J. Clark, having appeared in this matter for Defendant Robert Hunter Biden, hereby moves for leave to withdraw as counsel in the above-captioned matter. Mr. Biden will continue to be represented by other firms that have entered an appearance on behalf of Mr. Biden, and therefore has ample counsel.

Mr. Clark's withdrawal is necessitated by recent developments in the matter. Pursuant to Delaware Rule of Professional Conduct 3.7(a), "a lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless... disqualification of the lawyer would work substantial hardship on the client." Based on recent developments, it appears that the negotiation and drafting of the plea agreement and diversion agreement will be contested, and Mr. Clark is a percipient witness to those issues. Under the "witness-advocate" rule, it is inadvisable for Mr. Clark to continue as counsel in this case. Withdrawal will not cause a substantial hardship to Mr. Biden because counsel from the other firms that have entered an appearance will continue to represent Mr. Biden in this matter.

Dated: August 15, 2023

BERGER HARRIS LLP

/s/ Richard I.G. Jones, Jr.
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