

## Rule 2091-2

### ATTORNEYS – WITHDRAWALS AND SUBSTITUTIONS

(a) ***Withdrawal Generally.*** Except as otherwise provided in this rule, Local Rule 2091-1, or by order of the Court, an attorney may not withdraw in any case or proceeding except by leave of Court. A motion for leave to withdraw shall be filed and served using the negative notice procedures of Local Rule 2002-4. The negative notice legend shall provide for a 14-day response period and shall be served on the client, parties in interest affected thereby, and opposing counsel.

(b) ***Withdrawal for Party in Interest Other than the Debtor.*** An attorney for a party in interest other than the debtor who is not a party to any pending contested matter or adversary proceeding may withdraw his or her appearance without Court order by filing a notice of withdrawal as attorney, stating the name and mailing address of the client, and serving copies of the notice on the client, the debtor, the trustee, the United States Trustee, and their attorneys.

(c) ***Withdrawal of Co-Counsel.*** An attorney seeking to withdraw from representing a client in a case or proceeding at a time when such client is represented by other counsel of record in such matter may withdraw his or her appearance by filing a notice of withdrawal that is approved and signed by the client and other counsel of record for the client, and serving copies of the notice on parties in interest entitled to notice.

(d) ***Substitution of Counsel.*** Counsel seeking to withdraw from representation of a client may file a joint motion or stipulation with counsel seeking to be substituted in as counsel for such client, in the relevant case or proceedings, requesting authority of the Court for substitution of counsel. Such motion or stipulation shall certify that the client has consented to the substitution or be signed by the client, and such motion or stipulation shall be served on the client and parties in interest entitled to notice. The Court may consider a joint motion or stipulation for substitution of counsel without a hearing. Substitution of counsel is subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

(e) ***Substitution of Counsel Within Same Law Firm.*** If an attorney who is a member of the same law firm as the attorney of record wishes to substitute as counsel for a party in place of the attorney of record because (1) the attorney of record is leaving the law firm, (2) the attorney of record will no longer serve as attorney of record, or (3) the attorney of record is deceased, the substituting attorney may file a notice of substitution of counsel ("Notice") without leave of Court. The Notice shall include a representation that the client has been informed of and consents to the substitution.

(f) ***Substitution of Counsel when Attorney of Record Is Deceased.*** If the attorney of record is deceased, counsel (who is not a member of the same law firm) seeking to be substituted in as counsel for such client shall file a motion in the relevant case or proceeding requesting authority of the Court for substitution of counsel. Such motion shall certify that the attorney of

record is deceased, providing the date of death, and that the client has consented to the substitution, or be signed by the client, and such motion shall be served on the client and parties in interest entitled to notice. The Court may grant a motion for substitution of counsel without a hearing. Substitution of counsel is subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

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*Notes of Advisory Committee*

***2021 Amendment***

This amendment revises section (d) to reflect that the Court will accept a joint stipulation for substitution of counsel if it is signed by the client or includes a representation that the client consents to the substitution. In addition, new section (e)(3) sets forth the procedure for substitution of counsel within the same law firm. Finally, the amendment adds new section (f) regarding the procedure for substitution of counsel not in the same law firm as attorney of record in the event the attorney of record is deceased. This amendment to the rule is effective August 1, 2021.

***2019 Amendment***

This amendment adds new section (e) regarding the procedure for substitution of counsel within the same law firm. This amendment to the rule is effective July 1, 2019.

***2016 Amendment***

This amendment renumbers the rule from 2091-1 to 2091-2 and clarifies that motions for leave to withdraw shall be filed using the negative notice procedures of Local Rule 2004-2. This amendment to the rule is effective July 1, 2016.

***2013 Amendment***

This amendment establishes procedures for the withdrawal of an attorney for a party in interest other than the debtor who is not a party to any pending contested matter or proceeding, the withdrawal of an attorney when the party is represented by another attorney, and the substitution of one attorney for another. This amendment to the rule is effective July 1, 2013.

***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to

the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.08(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

***1995 Amendment***

The amendments to Local Rule 1.08 are stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.