

Motion or Notice by Counsel to Withdraw or Substitute Replacement Counsel

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion for Substitution of Counsel
 - Bankruptcy > Motions/Applications/Objections > Motion for Leave to Withdraw as Counsel
 - Bankruptcy > Notices > Notice of Substitution of Counsel
 - Adversary > Motions/Applications > Motion for Substitution of Counsel
 - Adversary > Motions/Applications > Motion for Leave to Withdraw as Counsel
 - Adversary > Notices > Notice of Substitution of Counsel
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Negative Notice: Yes, for Motions for Leave to Withdraw as Counsel. Otherwise, no.

Accompanying Orders: Yes, for Motions for Substitution of Counsel filed in the main case. Otherwise, no.

Code and Rule References:

[Fed. Bankr. P. 9010](#)

[Local Rule 1001-2](#)

[Local Rule 2002-4](#)

[Local Rule 2091-1](#)

[Local Rule 2091-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 01/31/2020

Last Revision: 9/9/2020 10:26:35 AM

Description

An attorney appearing in a case or adversary proceeding may request to withdraw as counsel of record for his or her client. Unless a court order or Local Rule 2091-2 provides otherwise, an attorney must file a motion and obtain Court approval to be removed as counsel. The attorney is responsible for all legal representation of his or her client until the withdrawal is approved by the Court. The motion must be filed and served using the negative notice procedures of Local Rule 2002-4 and provide for a 14-day response period. The motion shall be served on the client, parties in interest affected by counsel's removal, and opposing counsel.

An attorney requesting withdrawal also may file a joint motion with the client's replacement counsel, often referred to as substitution of counsel. The joint motion must be signed by the client or certify that the client consents to the substitution and be served on the client and parties in interest entitled to notice. No negative notice is required for substitution of counsel. An accompanying order should be submitted. Attorneys are directed to comply with Local Rule 1001-2.

Under Local Rule 2091-2, an attorney may be removed as counsel of record for the client without a court order by filing a notice in the following circumstances:

- An attorney for a party in interest (other than the debtor) who is **not** a party to a pending contested matter or adversary proceeding may file a notice of withdrawal. The notice of withdrawal must state the name and mailing address of the client and be served on the client, the debtor, trustee, United States Trustee and their attorneys.
- An attorney whose client is represented by other counsel of record in the case (co-counsel) may file a notice of withdrawal. The notice of withdrawal must be signed by the client and client's other counsel and be served on parties in interest entitled to notice.
- The client's replacement counsel who is a member of the same law firm as the attorney of record may file a notice of substitution of counsel. The notice of substitution must include a representation that the client has been informed of and consents to the substitution.

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Is filed with negative notice that contains the correct language and is located on the first page;
 - Response period is 14 days (plus an additional three days for service if any party was served by U.S. Mail).
- Requires more than one signature and conforms to the requirements of Local Rule 1001-2(g)(3)(B);
 - ❖ **Note: "Filers Attestation: Pursuant to Local Rule 1001-2(g)(3) regarding signatures, [name of filing attorney] attests that concurrence in the filing of this paper has been obtained."**
- If the motion is a joint motion to substitute counsel, the motion is signed by the client or contains a certification that the client consents to the substitution;
- Conforms to one of the exceptions under Local Rule 2091-2 that only require counsel to file a notice.

Review the proposed order to determine if it:

- Follows the Court's Style Guide and format for submission of proposed orders.

Forms

[Notice of Withdrawal of Counsel](#)

[Notice of Withdrawal of Co-Counsel](#)

[Notice of Substitution of Counsel Within Law Firm](#)

[Joint Motion to Substitute Counsel](#)

[Order Granting Joint Motion for Substitution of Counsel](#)

[Motion to Withdraw as Counsel](#)

[Order Granting Motion to Withdraw as Counsel - After Hearing](#)

[Order Granting Motion to Withdraw as Counsel – No Hearing](#)