

B-9010-2
Appearance and Withdrawal

(a) (1) Each attorney representing a party in interest, except an attorney signing a voluntary petition for relief or a complaint in an adversary proceeding, shall first file a separate formal written appearance clearly identifying the party or parties such attorney is representing, and the name, mailing address, telephone number, and e-mail address of the attorney filing it.

(2) A single appearance submitted on behalf of multiple attorneys is not permitted. Each attorney, except for chapter 13 staff attorneys, must file his or her own appearance separately. General appearances by a law firm are not permitted.

(3) An appearance must be filed as a separate document and may not be incorporated into any other pleading, motion, or request. See Local Bankruptcy Rule B-9013-1. An appearance incorporating a request for some type of relief or other action, e.g., an appearance and a request for notice, will be treated only as an appearance. Any other request joined with an appearance may be ignored by all parties.

(b) An appearance shall remain effective until withdrawn by order of the court.

(c) Separate appearances must be filed by each attorney in the main case and in any adversary proceeding in which that attorney is participating.

(d) For purposes of this rule, the granting of a motion for admission pro hac vice constitutes a written appearance in the case or proceeding in which the motion is filed.

(e) Upon filing an appearance in the main case, the attorney will be added to the matrix of creditors and will be entitled to be served with the notices, orders, motions, and other papers that are to be served upon all creditors and parties in interest.

(f) Any attorney desiring to withdraw an appearance shall file a verified application and notice requesting leave to do so. The application and notice shall be served upon the client and, if filed in the main case, the United States trustee, any trustee, any committee and/or the entities included on any list required by Fed. R. Bankr. P. 1007(d), or, if filed in an adversary proceeding, all parties that have appeared in the matter. Unless accompanied or preceded by an appearance of other counsel, the application shall:

(1) specifically state the grounds or cause for withdrawal;

(2) be accompanied by satisfactory evidence that counsel has advised the client, in writing, of the reasons for and the intention to seek permission to withdraw at least seven (7) days prior to its filing; and

(3) unless the client has terminated counsel's services, contain a statement that any response, objection, or comments to the application should be filed within fourteen (14) days.

Unless requested or ordered by the court, the court may rule upon the application without a hearing upon the expiration of the time for any response.

(g) Separate applications to withdraw must be filed for the main case and each adversary proceeding in which the attorney has appeared. The withdrawal of an appearance in the main case will not constitute an order withdrawing an appearance in any pending adversary proceeding and an order withdrawing an appearance in any adversary proceeding will not constitute an order withdrawing an appearance in the main case or any other pending adversary proceeding.

HISTORICAL AND REGULATORY NOTES

By Order Amending Local Bankruptcy Rules dated October 27, 2022, paragraph (a)(2) was amended to except chapter 13 staff attorneys from the requirement to file his or her own separate appearance.

By Order Amending Local Bankruptcy Rules dated November 7, 2016, paragraph (f)(2) of this rule was amended to shorten the time period from 14 to 7 days.

By Order Amending Local Bankruptcy Rules dated October 29, 2010, this rule was amended effective immediately to require that each attorney file a separate individual appearance; to prohibit general appearances by a law firm; to clarify that any appearance incorporating any other request will be treated only as an appearance; and to clarify that the granting of a motion for admission pro hac vice satisfies the written appearance requirement.

By Order Amending Local Bankruptcy Rules dated November 18, 2009, this rule was amended effective December 1, 2009, to conform with the time computation changes in the Federal Rules of Bankruptcy Procedure.

By Order Amending Local Rules dated March 1, 2007, paragraph (a) of this rule was revised to delete the requirement that the appearance list the attorney's bar identification number and to add a requirement to list the attorney's e-mail address.