

Rule 9010-1

Attorneys – Admission to Practice, Representation and Appearances

(a) Admission to Practice and Admission *Pro Hac Vice*. See LBR 2090-1.

(b) Local Counsel not Required in Uncontested Matters. An attorney may appear *pro hac vice* without a local attorney if the matter is uncontested, with the exception of representation as counsel to a debtor or trustee. However, if the matter is, or becomes contested, local counsel must enter an appearance at least five (5) days before the scheduled hearing.

(c) Representation.

(1) Counsel Required *Pro se* Appearance. All persons, other than an individual representing himself/herself, must be represented by counsel in proceedings before this court. Any individual representing himself or herself without an attorney must appear personally for all purposes. Any individual appearing without an attorney is required to comply with these LBRs, the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence.

(2) Corporations, Partnerships, and Trusts. Notwithstanding subsection (c)(1) of this LBR, a corporation, partnership, or trust, by and through an officer or agent, or a person authorized by a power of attorney, may file a proof of claim. Otherwise, these entities may appear only through counsel.

(3) No Entry of Appearance Required. An attorney does not need to obtain leave of court to appear and practice in a particular case merely to file a request for service or a proof of claim on behalf of a client.

(4) Representation of Debtor. An attorney that represents a debtor in a bankruptcy case must represent the debtor in any adversary proceeding filed within the bankruptcy case in which the debtor is a named defendant, unless the debtor expressly agrees otherwise in writing at the commencement of the representation.

(5) Child Support Creditors and Representative. A child support creditor or representative may appear and intervene in cases and proceedings upon the filing of the AO Form B281, unless the appearance is solely to file a Proof of Claim.

(d) Appearances.

(1) Filing Constitutes Appearance. When an attorney files a signed pleading or other paper, the filing constitutes an appearance by that attorney in the case or proceeding in which the pleading or other paper is filed, unless the pleading or paper states otherwise.

(2) Request for Service of Papers.

(A) Filed Papers. In order to receive copies of filed papers, an attorney must:

- (i) file a formal notice of appearance that specifically requests to be served; and
- (ii) serve a copy of the request for service upon the debtor's attorney or the debtor, if *pro se*, the case trustee, and the United States Trustee. Otherwise, the attorney will receive only those papers that deal directly with its client, as required by the Federal Rules of Bankruptcy Procedure.

(B) Orders Served by the Court. An attorney will only receive notices and orders served by the court that deal directly with its client, as required by the Federal Rules of Bankruptcy Procedure, or as otherwise directed by the court.

(3) Withdrawal of Attorney.

(A) Leave of Court Not Required. An attorney representing a party may withdraw from a case or proceeding without leave of court by filing a Notice of Withdrawal with the Court, provided that:

- (i) the Notice of Withdrawal is accompanied by a Notice of Appearance of other counsel; or
- (ii) by certification by the attorney seeking to withdraw that his or her client or clients have been advised regarding the procedures and responsibilities related to appearing *pro se*, and that after conferring with the attorney, the client or clients have stated their intention to proceed *pro se*;
- (iii) there are no motions pending before the Court; and
- (iv) no trial or hearing date has been scheduled.

(B) Service of Notice of Withdrawal. The attorney must serve the Notice of Withdrawal upon the following parties:

- (i) its client(s);
- (ii) the United States Trustee;
- (iii) any trustee serving in the case;
- (iv) in Chapter 11 cases, any committee that has been appointed and is serving in the case under 11 U.S.C. § 1102, or counsel or authorized agent for that committee;
- (v) in adversary proceedings, all parties to the proceeding; and

(vi) all other persons or parties that the court may require.

(C) Leave of Court Required. An attorney must file a Motion for Leave to Withdraw if any of the requirements set forth in subparagraph (A) are lacking, and must serve that motion upon the parties listed in subparagraph (B). Counsel remains the attorney of record in the case or proceeding until the court enters an order granting the withdrawal.

(D) Duties upon withdrawal. An attorney granted leave to withdraw shall immediately serve on his or her client(s) the order permitting withdrawal, which order shall direct the client(s) to appear by new counsel or, if an individual, *pro se*, within thirty (30) days from the date of the order or within such shorter period as the Court may direct.