

## **Rule 9010 - 1**

### **Attorneys - Notice of Appearance**

#### **(a) Eligibility to Practice**

- (1) Any attorney who is admitted to practice to the bar of the United States District Court for the Eastern District of Washington is eligible to appear and practice before this court. Matters concerning eligibility, procedure for admission, permission to practice in a particular case pro hac vice or discipline shall be controlled by the rules of the District Court. Matters concerning eligibility, procedure for admission, permission to practice in a particular case pro hac vice or discipline shall be controlled by the rules of the District Court.
- (2) Persons who have been granted a limited license to engage in the practice of law pursuant to Rule 9 of the Admission to Practice Rules of the State of Washington may practice before this Court. Any person who practices under this rule shall comply with and be bound by the provisions of Rule 9.
- (3) A motion for an attorney to be admitted to practice in a particular case pro hac vice shall be filed with the Bankruptcy Court in the style and format prescribed by the rules of the District Court. A proposed order granting the motion is to be submitted to the Bankruptcy Court pursuant to LBR 9013-1. The application fee shall be paid directly to the district Court.
- (4) An attorney need not be admitted in representing a client in the following matters:
  - (A) Requesting special notice pursuant to FRBP 2002 or to be added to a MML pursuant to LBR 2002-1(d);
  - (B) Seeking compensation pursuant to 11 USC 330 when employed pursuant to 11 USC 327 in a matter where admission was not required;
  - (C) Filing a proof of claim;
  - (D) Signing or filing a reaffirmation agreement pursuant to 11 USC 524;
  - (E) Participating in a Meeting of Creditors held pursuant to 11 USC 341; and
  - (F) Representing a child support creditor so long as the appropriate form is filed.

#### **(b) Appearances, Withdrawal, and Substitution**

- (1) An appearance may be made by filing a formal notice of appearance. Alternatively, the filing of any pleading shall constitute an appearance by the attorney who signs the pleading.

- (2) A party who appeared by an attorney may not thereafter appear or act pro se in the cause, unless an order of substitution shall first have been made to the Court, after notice to the attorney then of record of such party and to other parties.
- (3) When an attorney having appeared in a cause is removed, withdraws, dies or otherwise ceases to act as such, a party for whom he or she has acted as attorney must, before any further proceedings are had in the action on that party's behalf, appoint another attorney or file a statement of appearance pro se, unless such party is already represented by another attorney.
- (4) The authority and duty of an attorney of record in an adversary proceeding shall continue until withdrawal or substitution and after final judgment for all proper purposes. The authority and duty of an attorney of record in a bankruptcy case shall continue until withdrawal, substitution or the closing of the case.
- (5) Withdrawal by Attorney
  - (A) An attorney who wishes to withdraw from a case or adversary proceeding shall file *a motion and serve notice of the motion* and ~~serve notice of intent~~ to withdraw pursuant to LBR 2002 - 1 on the parties set forth in subparagraph (B) hereof. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least ten (10) days after the service of the notice of intent to withdraw. The notice shall include a statement that the withdrawal shall be effective ~~without an order of the Court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice.~~ *upon entry of an order of the court.* If notice is given before trial or any scheduled hearing, the notice shall include the date set for such trial or hearing. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney.
  - (B) Service of the notice of withdrawal shall be as follows:
    - (i) Attorney for debtor, trustee, or debtor in possession: all entities on the Master Mailing List.
    - (ii) Attorney representing a party to an adversary proceeding or scheduled hearing: party represented and all other parties to the adversary proceeding or scheduled hearing.
    - (iii) All other attorneys: on their client.
  - (C) The withdrawal shall be effective ~~as set forth in the notice, without order of the Court, upon the filing of the affidavit or certificate of mailing of the notice of intent to withdraw, unless a written objection to the withdrawal~~

~~is served by a party on the withdrawing attorney prior to the date specified as the date of withdrawal in the notice of intent to withdraw. An ex parte order may be presented if desired.~~ *upon entry of an order of the court. The withdrawing attorney may submit an ex parte order to the court upon expiration of the notice period, unless a written objection to the withdrawal has been filed with the court.*

- (D) If a timely written objection is served, withdrawal shall be by order of the Court.
- (6) Substitution of attorneys shall be accomplished by the filing of a substitution document which shall include the effective date of substitution. The document shall be signed by both attorneys, or signed by the new attorney and the client with notice to the original attorney. Court approval of substitution of attorneys is required only where a provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure requires approval of the employment of an attorney in the first instance. Notice of substitution shall be served on the parties set forth in subparagraph (b)(5)(B).
- (7) If an additional attorney is associated during the pendency or a case or proceeding, or if the original attorney dies, withdraws, or otherwise ceases to act, notice of the appointment of a new attorney shall be filed and served on the parties set forth in subparagraph (b)(5)(B).

**(c) Multiple Counsel**

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the Court, except by permission of the Court.

**(d) Familiarity with Local Rules**

Every member of the bar of this Court or attorney practicing before it shall be familiar with and comply with the Local Rules of this Court and shall maintain the respect due courts of justice and judicial officers; shall perform with the honesty, care, and decorum required for the fair and efficient administration of justice and shall discharge the obligations owed to clients and to the judges of the Court.

**Related Provisions:**

FRBP 2006	Solicitation and Voting of Proxies
FRBP 2014	Employment of Professional Persons
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9010	Representation and Appearances
FRBP 9011	Signing and Verification of Papers
EDWA LR 83.2	Bar Admission
EDWA LR 83.3	Attorney Discipline
LBR 9011 - 1	Attorneys - Duties
11 USC 327	Employment of Professional Persons
11 USC 501 - NOTE	Appearance Before Court of Child Support Creditors or Representatives (See P.L. 103-394, Title III, section 304 (g); 108 Stat. 4134)

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