

Rule 9010-1: Attorneys – Appearance, Withdrawal, Substitution, and Change of Contact Information

(a) Attorney of Record. No attorney shall appear in any action or file any document without first appearing as attorney of record. An attorney who files a petition for a client or who has appeared signed the petition as attorney for the debtor is appearing as counsel of record. An attorney may become attorney of record for an unrepresented entity by filing a notice of appearance. An attorney shall not file a notice of appearance or any document on behalf of a party in the administrative portion of a case or in for whom there already is an adversary proceeding becomes the attorney of record, unless the new attorney is appearing as co-counsel for the party, including if the case is converted to another chapter. However, an attorney.

(b) Duties of Counsel. An attorney representing a debtor in the administrative portion of the case is not deemed to represent the debtor in an adversary proceeding, unless the attorney enters an appearance in the adversary proceeding. An attorney of record shall remain such is responsible for all matters until the time for appeal of any judgment has expired or any such judgment has become final expires, the case has been or adversary proceeding is closed or dismissed, or the court has entered a formal an order of granting withdrawal as counsel or substitution of counsel in the case or adversary proceeding.

~~**(b) Withdrawal and Substitution.** No attorney shall seek withdrawal or substitution as~~ **(c) Limited Appearance Attorney.** If the attorney of record in any pending for a debtor in a Chapter 7 or Chapter 13 case or proceeding except by written application. Unless the Rules require otherwise, is unable to appear at the application shall contain at a minimum: (1) § 341(a) meeting of creditors due to an exigent circumstance, the name, address and telephone number of the substituting attorney may arrange for a limited appearance by another attorney, and such attorney's approval; or (2) if no substituting provided the requirements of this paragraph are met.

(1) No Additional Charge. Any cost of the limited appearance attorney exists, the client's name, last known address and telephone number, and a certificate of will not be charged to the debtor.

(2) Notice of the Debtor. Prior to the date of the meeting of creditors, the attorney is to personally communicate the following information to the debtor:

(A) The nature of the meeting and what to expect at the meeting both in terms of the general process and any specifics related to the debtor's case;

(B) That a different attorney will attend the meeting with the debtor; and

(C) The name and phone number of the attorney who is to appear with the debtor.

(3) Notice of Limited Appearance. Prior to the hearing, the attorney of record shall file a Notice of Limited Appearance for the appearance attorney and serve a copy on the trustee, the United States Trustee and the attorney scheduled to appear at the hearing.

(4) Notice to the Appearance Attorney. Before the meeting, the attorney of record is to provide the appearance attorney with a summary of the case, plus all documents reasonably necessary to properly represent the debtor at the meeting. These duties are required even if the appearance attorney is a member of the same law firm as the attorney of record.

(d) Withdrawal as Counsel.

(1) Court Approval Required. Except as provided in this Rule:

(A) An attorney who has appeared on behalf of a person or an entity in any matter concerning the administration of a case, in one or more proceedings, or both, may not withdraw as counsel except by filing a motion to withdraw and the court enters an order approving the motion; and

(B) No attorney shall be permitted to withdraw as counsel for a party after an action has been set for trial unless:

(1) An attorney has stipulated to substitute as counsel and the substitute counsel is advised of the trial date and will be prepared for trial or has made suitable arrangements to be prepared for trial; or

(2) Unless the court is otherwise satisfied for good cause shown that the attorney should be permitted to withdraw.

(2) Form of Motion to Withdraw. Except as provided in F.R.B.P. 3007(a), a motion to withdraw as counsel must contain the name, last known residential or mailing address, and last known telephone number of the client, and:

(A) Where such motion bears the written approval of the client, it shall accompany a proposed order and be presented to the court; or

(B) Where such motion does not bear the written approval of the client, it shall be made by motion and served on the client and all parties in interest. The motion shall include or be accompanied by a certificate that:

(1) The attorney has ~~been~~ notified the client in writing of the status of the case, including the dates and ~~times~~ of any court hearings or trial settings ~~and the need to comply, pending~~

compliance with any existing court orders, discovery requests and the possibility of sanctions for the failure to comply. The application shall be presented to the court, may be considered without a hearing, and shall be accompanied by a proposed order containing the name, address and telephone number of the person to whom subsequent pleadings shall be sent.; or

(e) Notice. Prompt notice of any 2) If the client cannot be located or otherwise notified of the pendency of the motion and the status of the case, the application must state as such and what attempts the attorney made to locate and communicate with the client.

(d) Substitution of Counsel. Except as otherwise provided in this Rule, if a client consents to the substitution of counsel then a stipulation of attorneys, or a motion signed by the client and substitute counsel, must be filed for a substitution of attorney. The stipulation or motion, along with the proposed form of order to be lodged, must be noticed out pursuant to subsection (e). An attorney's employment as a "professional person" under 11 U.S.C. §§ 327 or 1103 is not approved merely by the filing of a substitution of attorney and service of notice thereof. Approval of employment must be obtained in compliance with the requirements of the Bankruptcy Code, F.R.B.P., and these rules.

(e) Notice.

(1) Case. An attorney of record seeking court approval for withdrawal or substitution order shall be given to all interested parties in any case, adversary proceeding, or contested matter in which the withdrawing attorney who has appeared in any matter concerning the administration of the case within seven days must give notice of the proposed substitution or motion for leave to withdraw to the debtor, United States Trustee, any case trustee, any committee appointed in the case, any party requesting special notice, and counsel for any of the foregoing.

(d) Under Advisement Matters. Whenever any 2) Adversary Proceeding. An attorney of record seeking withdrawal or substitution who has appeared on behalf of an entity in on or more adversary proceedings within seven days must give notice of the motion or otherfor approval of substitution or withdrawal to the debtor, each party who has been named or appeared in such proceedings, any party requesting special notice, and the United States Trustee.

(f) Compliance with F.R.B.P. 2016(b). Except where the new attorney of record is a member of the same law firm hired by the debtor prior to commencement of the case, any attorney who enters an appearance on behalf of a debtor after commencement of the case shall file any required Declaration pursuant to F.R.B.P. 2016(b) within fourteen days from the date the attorney first entered an appearance in the matter (such as a decision in a bench trial) has been taken under advisement.

(g) Sale or Transfer of Law Firm or Practice. ~~Unless otherwise ordered by the court for more than 60 days,~~ upon written application by the new attorney of record all of the applicable requirements of this Rule must be met in the event a law firm is sold or transferred to a different attorney or law firm. A stipulation or motion for substitution of counsel for a sale or transfer of a law firm or practice must contain a statement that the attorneys have complied with E.R. 1.17 of record in the matterArizona Rules of Professional Conduct.

(h) Corporation, Partnership, Unincorporated Association, or Trust. ~~An attorney moving for leave to withdraw from representation of a corporation, partnership, limited liability partnership or company, any party affected by~~unincorporated association, or trust, concurrently or prior to filing of such motion ~~must give notice to the undecided matter,~~client of the consequences of its inability to appear without counsel, including the possibility that a default judgment ~~may inquire of the~~be entered against it. Additionally, if the client is a Chapter 11 debtor, the attorney must notify the debtor that the court, could appoint a trustee, convert the case to Chapter 7, or dismiss the case.

(i) Change of Address. An attorney who changes office address or contact information as shown on the court docket must:

(1) File a change of address or contact information in each open case;

(2) Make such change within the Profile section of the court's electronic case filing system; and

(3) Notify the United States Trustee in writing, as to the status of the matter, and may do so every 30 days thereafter until the submitted matter has been decided.

of such change.