

Below is the Order of the Court.



Brian D. Lynch
U.S. Bankruptcy Judge
(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

Adopting New Procedure for Withdrawal and
Substitution of Attorneys.

General Order No. 2015-3

The Bankruptcy Court does not have a Local Rule of Bankruptcy Procedure addressing the withdrawal and substitution of counsel. The procedure set forth in the Local Rules of the U.S. District Court for the Western District of Washington, LCR 83, is difficult to apply in a bankruptcy case where the traditional adversary structure is not present. Accordingly, the Bankruptcy Court believes it beneficial to adopt its own procedure governing the withdrawal and substitution of counsel.

Now, therefore, it is hereby **ORDERED** that effective October 1, 2015, the following procedure for withdrawal and substitution shall be followed in all new and pending cases, main bankruptcy cases and adversary proceedings, filed in the Western District of Washington Bankruptcy Court:

SUBSTITUTION AND WITHDRAWAL BY ATTORNEYS

(a) Substitution and Withdrawal. An attorney may withdraw from representing a client if another attorney has agreed to represent the client by filing a notice of withdrawal and

1 substitution signed by the withdrawing attorney and the substituting attorney. The withdrawal
2 and substitution is effective upon the filing of the notice without an order of the Court.

3 **(b) Withdrawal.** An attorney who wishes to withdraw from representing a client
4 without a replacement must obtain an order of the Court. Such an order may be sought by:

5 **(1)** filing an ex parte stipulation and order signed by the attorney and the client
6 authorizing the attorney to withdraw; or

7 **(2)** filing a motion to withdraw and noting it for hearing pursuant to Local
8 Bankruptcy Rule 9013-1(d)(2)(F).

9 **(c) Content.** Any motion or stipulation filed pursuant to subsection (b) must
10 contain: (1) the client's mailing address, telephone number and email address or a certification
11 by the attorney that the attorney made all reasonable efforts to obtain the contact information
12 of the client without success, (2) a statement that no deadlines, hearings or trials will be
13 automatically continued as a result of the attorney's withdrawal, and (3) if the client is not an
14 individual, a certification by the attorney that the attorney has notified the client that the client
15 may not appear or file pleadings *pro se*.

16 **(d) Service.** A motion filed pursuant to subsection (b)(2) in a bankruptcy case shall
17 be served on the client. A motion filed pursuant to subsection (b)(2) in an adversary
18 proceeding shall be served on the client and all parties.

19 **Comment:**

20 Subsection (a) does not authorize the substituting attorney's employment. If a provision of the
21 Bankruptcy Code requires approval of the substituting attorney's employment, the substituting
22 attorney must obtain a separate order approving his/her employment pursuant to 11 U.S.C.
23 §§ 327 or 1103.
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///End of Order///