

Withdrawal and Substitution of Attorney **Withdraw as Attorney, Stipulation**

Last Updated: October 8, 2024

[LBR 2089-1](#)

[LBR 9013 \(d\)\(2\)\(F\)](#)

Events: Bankruptcy > Other > Withdrawal and Substitution of Attorney

Bankruptcy > Motions/Applications > Withdraw as Attorney

Bankruptcy > Other > Stipulation

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

- A substitution and withdrawal document must be filed by the substituting attorney in order to correctly enter the termination of the withdrawing attorney and add the information of the substituting attorney.

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

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

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

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

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

Filing Requirements:

- Notice of Withdrawal and Substitution signed by both attorneys
- Motion to Withdraw as Attorney, Notice of Hearing, Proof of Service
- Ex Parte Stipulation and Received Unsigned Order signed by attorney and client

Filing a Notice of Withdrawal and Substitution of Attorney – Must be Filed by Substituting Attorney

- 1) In CM/ECF, Select **Bankruptcy > Other**
- 2) Enter the case number, click **Submit**
- 3) Select **Withdrawal and Substitution of Attorney** from the event list, click **Submit**
- 4) Select the Party:, click **Submit**
- 5) Select the attorney(s), click **Submit**
- 6) Select the Party:, click **Submit**
- 7) Attorney/party association selection appears, click **Submit**
- 8) Browse to select the Notice of Withdrawal and Substitution (.pdf file), click **Submit**.
- 9) Select the attorney or attorneys no longer associated with the case, click **Submit**
- 10) Search for the attorney who will be substituting, if different from the filing attorney, once the attorney's correct information is located, click on the attorney and click Select name from list, click **Submit**
- 11) Verify substituting attorney's address information, click **Add attorney**
- 12) Select the Party: (who the substituting attorney is representing), click **Submit**
- 13) Add additional attorneys as necessary, otherwise click **End attorney selection**
- 14) Verify the final docket text; if correct, click **Submit**
- 15) **Docket Text: Final Text** box appears, check for accuracy, **Have you redacted?** reminder message appears, click **Submit**. **Note:** The Notice of Electronic Filing displays indicating the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

Filing a Motion to Withdraw as Attorney

- 1) In CM/ECF, Select **Bankruptcy > Motions/Applications**
- 2) Enter the case number, click **Submit**
- 3) Select **Withdraw as Attorney**, click **Submit**
- 4) Select the Party, click **Submit**
- 5) Does this motion require a hearing? [y/n], select **“y”**, click **Submit**

- 6) Browse to select the Motion (.pdf file), click **Submit**. **Note:** The Motion, Notice of Hearing, and Proof of Service may be a single PDF; or the Notice, supporting documents, and Proof of Service may be added as attachments to this document. The Motion **must** be the first document in your PDF.
- 7) Hearing Information – Enter **Hearing Date, Hearing Time, and Hearing Location for assigned judge**. Response date will autofill. Click **Submit**
- 8) **Is Proof of Service Included? [y or n]**, indicate “y” or “n”, click **Submit**
- 9) **Docket Text: Modify as Appropriate**, edit docket text if necessary, click **Submit**
- 10) **Have you redacted?** reminder message appears, click **Submit**. **Note:** The Notice of Electronic Filing displays indicating the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.
- 11) Upload the Received Unsigned Order

Filing an Ex Parte Stipulation and Order

- 1) In CM/ECF, Select **Bankruptcy > Other**
- 2) Enter the case number, click **Submit**
- 3) Select **Stipulation**, click **Submit**
- 4) Select the Party, click **Submit**
- 5) Click **Submit** again
- 6) Are you filing a Stipulation to Appoint Mediator? Select No, click **Submit**
- 7) Browse and select Stipulation (.pdf file), click **Submit**
- 8) Refer to existing Event(s)? Check box if there is a referencing document, click **Submit**
- 9) Enter by and between party information, click **Submit**
- 10) Review final text, click **Submit**
- 11) Upload the Received Unsigned Order