



MEMORANDUM

To: Bankruptcy Practitioners, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Proposed Amendment to LBR 2091-1 Attorneys - Withdrawals January 26, 2021

1. The issue of whether it is necessary for an attorney to obtain permission from the court to substitute counsel was discussed at our recent Judges Meeting. The judges concluded that it is not necessary for withdrawing attorneys who obtain **appropriate consents** to upload an order obtaining permission from the court to substitute counsel (though it remains necessary to provide notice, of course). The judges have directed that our local rule LBR 2091-1 be amended to conform with the new guidance.

2. The proposed amended rule is as follows:

LBR 2091-1. Attorneys – Withdrawals (amended February __, 2021)

Any attorney or law firm who has made an appearance in any case in this Court on behalf of an interested party shall continue to represent that party in the case until excused by the Court. An attorney or law firm, having filed a petition or other pleading on behalf of a debtor, shall represent the debtor in any contested matters or adversary proceedings that are filed in the case. Upon request by motion with notice given pursuant to LBR 9007-1 or LBR 2002-1(e), the Court will consider excusing the attorney from further representation for cause shown. **In lieu of a motion, an attorney wishing to withdraw may instead file a certificate of consent that has been signed by (i) the withdrawing attorney, (ii) the substituting attorney, if one has been selected by the client, and (iii) the client, but only if the client is a debtor. If the client is a debtor who has not retained a substitute attorney, then a motion to withdraw is required and the certificate of consent option is not available.**

3. I would very much appreciate comments back to me via email no later than February 28, 2021. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.