



U.S. Bankruptcy Court, District of Minnesota

Rule 9010-1. Attorneys

- (a) **ADMISSION.** The bar of this court consists of those attorneys admitted to practice before the district court who pay all admission fees that the district court prescribes. No person, unless duly admitted to practice before the district court, including a government attorney and an attorney admitted pro hac vice, is permitted to appear and participate in the trial of any action or the hearing of any motion in this court, except when appearing on that person's own behalf or as provided in subsection (b) of this rule.
- (b) **LAW STUDENTS.** A law student who represents a client in connection with a matter before this court and the law student's supervising attorney must comply with Local Rule 83.8 of the district court, except that any filing required by that rule must be made with this court's clerk.
- (c) **FORMER LAW CLERKS.** For a period of one year after termination from service as a law clerk, an attorney who has served as a law clerk to a judge must not appear before that judge or allow that attorney's name to appear on any pleading or memorandum filed in connection with any bankruptcy case or adversary proceeding assigned to that judge.
- (d) **FORMER JUDGES.** For a period of one year after termination from service as a judge, an attorney who has served as a judge of the court must not appear before the court or allow that attorney's name to appear on any pleading or memorandum.
- (e) **SUBSTITUTION; WITHDRAWAL.**
 - (1) **Substitution in Adversary Proceeding or Chapter 7 or 13 Cases.** If a party in an adversary proceeding or a debtor in a chapter 7 or 13 case seeks to substitute attorneys, the substituted attorney must file a substitution of attorney signed by the party or debtor and the substituted attorney. Notice of the substitution must be given to all parties to the adversary proceeding or the trustee in the bankruptcy case.
 - (2) **Substitution if Employment Subject to Court Approval.** If a party or debtor seeks to substitute attorneys and the party's or debtor's employment of the original attorney was subject to court approval, the substituted attorney must file an application to substitute attorneys and comply with Local Rule 2014-1.
 - (3) **Withdrawal Only.** If an attorney for a party in an adversary proceeding, an attorney for a debtor in a chapter 7 or 13 case, or an attorney in a bankruptcy case whose employment was subject to court approval seeks to withdraw without filing a substitution of attorney, that attorney must file a motion for leave to withdraw. However, if there is more than one attorney of record for the party or debtor, and at least one attorney will remain of record after the withdrawal, an attorney may withdraw by filing a notice of withdrawal



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and sending such notice to all parties to the adversary proceeding or the trustee in the bankruptcy case.

- (4) Effect of Failure to Comply. Until the substituted attorney files a substitution of attorney or the court enters an order allowing the original attorney to withdraw if withdrawal is not otherwise allowed, the original attorney is the party's or debtor's attorney of record and the original attorney must represent the party or debtor in bringing and defending all matters or proceedings in the bankruptcy case other than adversary proceedings in which the original attorney has not yet made an appearance. Failure to receive advance payment or guarantee of attorney's fees is not grounds for failure to comply with this local rule.

[Effective April 15, 1997. Amended effective January 9, 2006; October 15, 2010; April 1, 2013; May 1, 2014; October 1, 2019; amended and renumbered as 9010-1 on July 17, 2023.]

2023 Advisory Committee Note

Local Rule 9010-3 was renumbered to Local Rule 9010-1 and restyled. Subsection (a) was amended to be consistent with Local Rule 83.5 of the district court. Former subsection (b) was removed to require government attorneys to follow the same rules of admission that apply to government attorneys in district court. That change is now reflected in amended subsection (a). Former subsection (c) was removed as pro hac vice is now addressed in amended subsection (a). Former subsection (d) was renumbered to subsection (b).

Subsection (b) now refers to Local Rule 83.8 of the district court to remove language duplicative of that rule. A supervising attorney should use the bankruptcy court's Student Practice Certification Form and Notice of Appearance of Student Attorney to have a student attorney appear in a case under this rule. The form is available on the court's website at www.mnb.uscourts.gov. Former subsections (e) and (f) were renumbered to subsections (c) and (d), respectively, and include minor, stylistic changes. Former subsection (g) was renumbered to subsection (e) and restyled. Former subsection (g)(1) was divided into subsections (e)(1) and (e)(2) for readability. The last sentence in amended subsection (e)(3) was added to make clear that where a party or a debtor has multiple attorneys and only one or some of those attorneys seek to withdraw, a motion for leave to withdraw is not required, as the party or debtor will still have representation. Former subsection (g)(3) was removed because service requirements are addressed in other rules. Further, service is not always required. As in amended subsection (e)(1), there are instances where only notice is required. Former subsection (g)(4) was renumbered to (e)(4) and restyled.