

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Miscellaneous Proceeding
Notice of Withdrawal of Appearance and
Entry of Appearance of Substitution Counsel

M.P. Case No.:

**NOTICE OF WITHDRAWAL OF APPEARANCE AND
ENTRY OF APPEARANCE OF SUBSTITUTION COUNSEL**

NOTICE IS HEREBY GIVEN that subject to the approval of the Court, Attorney [New Attorney] substitutes [Withdrawing Attorney] as counsel of record in the place of ["Debtor(s)" "a Creditor" or "an Interested Party."] in all cases on the list attached hereto as Exhibit A.

Pursuant to MLBR 9010-3 (a), both attorneys certify that in all cases on the list attached hereto as Exhibit A (1) there are no pending motions before the Court, or the ["Debtor(s)" "Creditor" or "Interested Party"] is not a party to the pending motions before the Court; (2) no trial date has been set or the or the ["Debtor(s)" "Creditor" or "Interested Party"] is not a party to the trial; and (3) no hearings or conferences are scheduled, and nor are reports, oral or written are due or the ["Debtor(s)" "Creditor" or "Interested Party"] is not a party to any scheduled hearings or conferences, nor are any reports, oral or written are due.

NOTICE IS HEREBY GIVEN that Attorney [New Attorney] has hereby entered his appearance in the case and all notices, pleadings and correspondence should be directed to:

Printed Name:
Address:
BBO#:
Telephone/Fax:
Email:

Dated:

I hereby enter my appearance on behalf of _____.

By: _____
New Attorney (Printed Name):
Address:
BBO#:
Telephone
Email

WITHDRAWAL OF APPEARANCE AND SUBSTITUTE COUNSEL PROCEDURES

Pursuant to MLBR 9010-3, it is the Court's practice to require counsel to file a motion or notice to withdraw their appearance in each individual case. In situations where there are 25 or more cases, counsel may file a *Notice and Request for Approval to Withdraw Appearance and Entry of Appearance of Substitute Counsel* as a Miscellaneous Proceeding so long as the following requirements are met:

1. The withdrawing attorney and the new counsel are from the same firm.
2. Service is provided to their client and all other parties in interest;
3. After reviewing the status of each case, they certify to the Court that there are:
 - a. No motions pending before the Court;
 - b. No trial dates set; and
 - c. No hearings or conferences scheduled, and no reports, oral or written that are due.

Miscellaneous Proceedings Procedures

Counsel must review all pending cases for compliance with MLBR 9010-3. A list of all pending cases is available from the Clerk's office. Please note, each judge will act on those cases assigned to him/her so more than one miscellaneous proceeding may need to be filed.

Caption: The Miscellaneous Proceedings should be captioned *Miscellaneous Proceeding – Notice and Request for Approval to Withdraw Appearance and Entry of Appearance of Substitute Counsel*.

Case Number: No number should appear on the proceeding, as a separate case number will be assigned by the Clerk's office.

Proposed Order and List of Cases: A list of pending cases and a proposed order must be attached to the proceeding.

Filing the Proceeding: The MP event is not available to attorneys from ECF and therefore cannot be filed electronically. The motion must be filed in electronic format on disk, CD-ROM or other storage device with the Clerk's office.

Cover Letter: A cover letter should accompany the disc, CD-ROM or storage device indicating that the pleading is a Miscellaneous Petition relating to a Notice and Request for Approval to Withdraw Appearance and Entry of Appearance of Substitute Counsel.

Entry of the Court's Order: After a determination has been made by the Court, an order will be entered in the MP case only. The order is not issued to any parties with the exception of the withdrawing and/or substituted attorney. A docket entry regarding the notice of substitution in the MP case will be mass docketed in all the affected bankruptcy cases by the Clerk's office.

There is no written notice and this entry merely serves as a cross reference to the MP case explaining why the attorney's appearance is withdrawn or substituted.

IMPORTANT NOTE: If an attorney is entering an appearance on behalf of the debtor, a disclosure of compensation must be filed in each case of the entry of appearance.

Sample Proceeding: A sample proceeding is attached.