

LBR 2091-1. Attorneys - Withdrawal and Substitution

Current	Proposed
<p>(a) Withdrawal of Counsel.</p> <p>(1) When Motion Required. Counsel may not withdraw from representing a party to a bankruptcy case or adversary proceeding unless and until counsel files an appropriate motion and obtains an order approving the withdrawal, unless:</p> <p>(A) a law firm that is a partnership, corporation, limited liability partnership, or limited liability company will remain counsel of record upon the termination of services of an individual member of the firm; or</p> <p>(B) court approval of the withdrawing counsel’s retention was not required, and such withdrawal will not leave the client without counsel of record in a pending contested matter or adversary proceeding, or if the client is a debtor, will not leave the debtor without counsel in the bankruptcy case.</p> <p>(2) Bankruptcy Cases.</p> <p>(A) Withdrawal by Motion. Unless subparagraph (a)(1)(A) of this rule applies, an attorney seeking to withdraw in a bankruptcy case must file and serve on the client, the debtor, the trustee, the Office of the United States Trustee, any committee appointed in the case, and parties to any pending contested matters in which the attorney has participated, a motion and notice of hearing under LBR 9013-1(c). If the attorney’s client is not an individual, the notice must advise the client that an artificial entity may only appear through counsel and that adverse consequences may result if legal representation is not retained promptly. The motion requesting permission to withdraw must be accompanied by a declaration stating the basis for withdrawal.</p> <p>(B) Withdrawal by Notice. If no motion is required under this rule, the withdrawing attorney may give notice of the withdrawal by filing a notice substantially conforming to the local form (Notice of Withdrawal</p>	<p>(a) Withdrawal of Counsel. Withdrawal of counsel is the termination of an attorney’s or law firm’s representation of a party in a bankruptcy case or adversary proceeding. These rule provisions do not apply when a partner, member, or associate leaves a law firm that will continue to represent the client.</p> <p>(1) Bankruptcy Cases.</p> <p>(A) When Motion Required. An attorney seeking to withdraw as counsel in a bankruptcy case must file a motion for court approval if:</p> <p>(i) the attorney represents a debtor;</p> <p>(ii) the court approved the attorney’s employment by a trustee or committee under § 327; or</p> <p>(iii) the attorney represents a party in a pending contested matter.</p> <p>(B) Form of Motion. Rule 9013-1(c) governs a motion to withdraw as counsel. The motion must include a statement explaining the reason for withdrawal, unless that would violate the rules of professional conduct, and must indicate whether the client agrees with the withdrawal. If the client is not an individual, the motion must advise the client that an artificial entity may only appear through counsel and that adverse consequences may result if legal representation is not retained promptly.</p> <p>(C) Service of Motion. The withdrawing attorney must serve the motion and a notice of hearing on the client, the debtor, the trustee, the Office of the United States Trustee, any committee appointed in the case, and the parties to any pending contested matter in which the attorney has appeared.</p> <p>(D) Notice of Withdrawal. If a motion for court approval is not required,</p>

<p>and Request for Removal from Notice List [hib 2091-1a]).</p> <p>(3) Adversary Proceedings.</p> <p>(A) In general. Subparagraph (a)(2)(A) applies, except that the motion and notice must be served only on the client and all counsel of record in the proceeding.</p> <p>(B) Statement of non-representation. An attorney representing a party in a bankruptcy case, such as a debtor or a trustee, but whose services in a related adversary proceeding are not included in the attorney-client agreement, must promptly file a statement of non-representation in the adversary proceeding and serve it on all counsel of record in the proceeding.</p>	<p>the withdrawing attorney may give notice of the withdrawal by filing a notice substantially conforming to the local form (Notice of Withdrawal and Request for Removal from Notice List [hib_2091-1a]). An ECF user may also file a text-only docket entry without attaching the form but during the electronic filing must add the client’s name and address to the creditor list if the client wishes to receive general notices about the bankruptcy case.</p> <p>(2) Adversary Proceedings.</p> <p>(A) Court Approval Required. An attorney seeking to withdraw as counsel for any party in an adversary proceeding must obtain court approval by filing a motion, as described in subparagraph (a)(1)(B) of this rule.</p> <p>(B) Service of Motion. The withdrawing attorney must serve the motion and notice of hearing on the client, all other counsel of record, and all other unrepresented parties in the adversary proceeding.</p> <p>(C) Statement of Non-Representation. An attorney representing a debtor in the bankruptcy case whose services in related adversary proceedings are not included in the attorney-client agreement, and who has not made an appearance in the adversary proceeding, is not required to seek court approval but must promptly file a statement of non-representation in the adversary proceeding and serve it on all counsel of record.</p>
<p>(b) Substitution of Counsel. Substitution of counsel requires that the newly appearing attorney be admitted to practice in the United States District Court for the District of Hawaii.</p> <p>(1) Bankruptcy Cases.</p> <p>(A) If § 327 applies, substitute counsel must file an application for employment and seek approval of an appointment in the same manner as the original appointment. The application must indicate that it involves a substitution of counsel.</p>	<p>(b) Substitution of Counsel. A substitution of counsel is the contemporaneous replacement of one attorney by another attorney authorized to practice before the court.</p> <p>(1) In General.</p> <p>(A) The substituting attorney must be admitted to practice in the United States District Court for the District of Hawaii.</p> <p>(B) This subdivision (b) does not apply if the party will be left without</p>

<p>(B) Unless subparagraph (b)(1)(A) applies, substitution of counsel may be accomplished by filing a notice of substitution substantially conforming to the local form (Notice of Substitution of Counsel [hib 2091-1b]) containing the signatures of the client and the attorneys involved. The notice must be served on the debtor, trustee, the Office of the United States Trustee, any committee appointed in the case, and parties to any pending contested matter in which the client is involved.</p> <p>(2) Adversary Proceedings. Subparagraph (b)(1)(B) applies, except that the notice must be served only on other counsel of record in the proceeding, and the court must approve the substitution. The local form (Notice of Substitution of Counsel [hib 2091-1b]) may be submitted for the judge to sign “Approved and So Ordered.”</p>	<p>counsel after the “substitution.”</p> <p>(C) If employment of the attorney terminating representation required court approval under § 327, the substitution of counsel will become effective only upon the entry of an order granting an application to employ the substituting attorney.</p> <p>(2) Bankruptcy Cases. Except as provided in subdivision (b)(1)(C), court approval of the substitution is not required. Substitution of counsel may be accomplished by filing a notice substantially conforming to the local form (Notice of Substitution of Counsel [hib 2091-1b]) containing the signatures of the client and the attorneys involved. The notice must be served on other counsel of record and unrepresented parties in the adversary proceeding.</p> <p>(3) Adversary Proceedings. A notice of substitution containing the signatures of the client and the attorneys involved must be served on all other counsel of record and submitted to the judge for approval.</p>
<p>(c) Change of Address or Firm Affiliation. Attorneys may comply with LR 83.1(h) in providing information about a change in business address or firm affiliation by filing a notice substantially conforming to the local form (Attorney’s Notice of Change of Address or Firm Affiliation [hib 2091-1c]). The notice must be filed in each case and proceeding in which the attorney has appeared and within the deadline set in LR 83.1(h).</p>	<p>(c) Change of Business Address or Firm Affiliation. Subdivision (h) of LR83.1 applies in adversary and miscellaneous proceedings. In bankruptcy cases, an attorney who changes the attorney’s business address or firm affiliation must give notice of the change in each pending case in which the attorney has appeared and has not withdrawn. This notice must be filed within 14 days of the effective date of the change.</p> <p>(1) Form and Service of Notice. The notice requirement may be satisfied by filing a notice substantially conforming to the local form (Attorney’s Notice of Change of Address or Firm Affiliation [hib_2091-1c]) or electronically filing a text entry on the case docket, in accordance with procedures established by the clerk. The attorney must serve the notice on all parties not receiving notices of electronic filing under CM/ECF.</p> <p>(2) Change of Firm Affiliation. An attorney who changes firms but will continue to represent the party in a pending case, contested matter, or</p>

adversary proceeding must explicitly indicate that information in the notice. An attorney who will no longer be representing the party must include a notice that the attorney is withdrawing representation of that party and must (i) indicate the name of another member of the former firm upon whom service may be made, or (ii) comply with the provisions under LBR 2091-1 regarding withdrawal and substitution of counsel.

(3) Effect of Noncompliance. An attorney who fails to give or serve notice as required by this subdivision (c) may not use deficient service as a defense if pleadings were sent timely to the attorney's former address or law firm.

(4) CM/ECF User Account. An attorney who is a registered ECF user is responsible for changing, promptly after the effective date of the change, the office, address, and email information in the attorney's user account.

LBR 9072-1. Orders - Proposed

Current	Proposed
<p style="text-align: center;">***</p>	<p style="text-align: center;">***</p>
<p>(c) Format and Content. Unless the proposed order is prepared using a court-issued form order, the following apply.</p> <p>(1) Identification of Drafting Party. The drafting party’s name, address, telephone number, fax number, and email address must be placed in the upper left corner of the caption page. If prepared by counsel, the representation must be stated, e.g., “Attorney for Debtor.”</p> <p>(2) Hearing Information. If the underlying matter was the subject of a hearing, the date and time of the hearing and the name of the judge hearing the matter must appear on the caption page.</p> <p>(3) Related Docket Entry. If known at the time of drafting, the number of the docket entry of any related motion or application must appear on the caption page.</p> <p>(4) Findings and Conclusions Stated on the Record. If the judge indicates at the hearing that the findings and conclusions of the court are being stated on the record, the proposed order may state the following as the basis for the ruling: “For the reasons stated on the record, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure,”</p> <p>(5) Adequate Description of Relief Granted. The text of the proposed order must provide an adequate description of the specific relief being granted, rather than a mere recitation that the motion has been granted.</p> <p>(6) Reference to Another Document. If the order approves another document such as a plan, disclosure statement, or agreement, a copy of the subject document must be attached as an exhibit.</p>	<p>(c) Format and Content. Unless the proposed order is prepared using a court-issued form order, the following apply.</p> <p>(1) Space for Judge’s Signature on First Page. The top 4 inches of the proposed order’s first page must be blank to accommodate placement of the judge’s electronic signature.</p> <p>(2) Hearing Information. If the underlying matter was the subject of a hearing, the date and time of the hearing and the name of the judge hearing the matter must appear on the caption page.</p> <p>(3) Related Docket Entry. If known at the time of drafting, the number of the docket entry of any related motion or application must appear on the caption page.</p> <p>(4) Findings and Conclusions Stated on the Record. If the judge indicates at the hearing that the findings and conclusions of the court are being stated on the record, the proposed order may state the following as the basis for the ruling: “For the reasons stated on the record, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure,”</p> <p>(5) Adequate Description of Relief Granted. The text of the proposed order must provide an adequate description of the specific relief being granted, rather than a mere recitation that the motion has been granted.</p> <p>(6) Reference to Another Document. If the order approves another document such as a plan, disclosure statement, or agreement, a copy of the subject document must be attached as an exhibit.</p>

<p>(7) Judge’s Signature. A proposed order submitted on paper should contain the text “United States Bankruptcy Judge” below a signature line. A proposed order submitted electronically should not include a signature line and should provide space for the judge’s electronic signature by leaving a minimum of 2 inches between the last line of text and the bottom of the page.</p> <p>(8) Notice List. The notice list required by LBR 9022-1(b) should be attached to the proposed order as a separate page.</p>	<p>(7) Notice List. The notice list required by LBR 9022-1(b) should be attached to the proposed order as a separate page.</p> <p>(8) End of Order. The text “END OF ORDER” in bold, upper case letters and centered on the page, must be placed at the end of the order.</p> <p>(9) Identification of Drafting Party. The drafting party’s name, address, telephone number, fax number, and email address must be placed at the end of the order, immediately below the “END OF ORDER” notation. If prepared by counsel, the representation must be stated, e.g., “Attorney for Debtor.”</p>
<p>(d) Submission of Proposed Order.</p> <p>(1) When Approval as to Form Not Required. Unless the court directs that other parties approve the order as to form, the drafting party must submit the proposed order to the court within 7 days after the announcement of the court’s ruling.</p> <p>(2) When Approval as to Form Required. If the court directs that certain parties approve the order as to form, the drafting party must circulate the proposed order for approval within 7 days after the hearing and submit the proposed order promptly to the court after all approvals have been given or waived. If one or more of the parties objects to the form of order, the drafting party must promptly submit the proposed order to the court and provide notice of the submission to the other parties.</p>	<p>(d) Preparation and Approval of Proposed Order.</p> <p>(1) When Approval as to Form Not Required. Unless the court directs that other parties approve the order as to form, the drafting party must submit the proposed order to the court within 7 days after the announcement of the court’s ruling.</p> <p>(2) When Approval as to Form Required. If the court directs that certain parties approve the order as to form, the drafting party must circulate the proposed order for approval within 7 days after the announcement of the court’s ruling and submit the proposed order promptly to the court after all approvals have been given or waived. If one or more of the parties objects to the form of order, the drafting party must promptly submit the proposed order to the court as provided in paragraph (e)(2) below and provide notice of the submission to the other parties.</p> <p>(3) Opportunity to Object to Form of Order. If the court has provided the opportunity for other parties to object to the form of order, an objecting party may submit, in the manner provided in paragraph (e)(2) below, a statement of objections and an alternate form of order within 7 days after the date of the drafting party’s notice of submission of the proposed order. Thereafter, the court may take such action as is appropriate in the circumstances.</p>

	<p>(4) Use of /s/. An attorney’s electronic submission of a proposed order with the signatures of other individuals using the “/s/” convention is that attorney’s representation to the court that the signatory has explicitly authorized the affixing of his or her signature to the document. An attorney’s electronic submission of a proposed order is that attorney’s representation to the court that the attorney has complied with the applicable provisions of this rule.</p> <p>(5) Reservation of Court’s Discretion. Nothing in this rule limits the court’s discretion to dispense with the approval as to form of a proposed order, to shorten or lengthen the time periods stated in this rule, or to enter an order at any time.</p>
<p>(e) Opportunity to Object to Form of Order. If the court has provided the opportunity for other parties to object to the form of order, an objecting party may submit a statement of objections within 7 days after the date of the drafting party’s notice of submission of the proposed order. The objecting party may also submit an alternate form of order with the statement of objections. Thereafter, the court may take such action as is appropriate in the circumstances. Nothing in this rule limits the court’s discretion to enter an order at any time.</p>	
<p>(f) Electronic Submission of Proposed Order.</p> <p>(1) Submission by Email Permitted. Unless the court directs otherwise, a proposed order may be submitted in PDF format by email to orders@hib.uscourts.gov. The email transmission must be copied to other parties who appeared at the hearing who have email addresses in the record. The email subject line or body of the message must clearly state:</p> <p>(A) The number of the case or proceeding;</p> <p>(B) The name of the debtor(s) or the short title of the action, e.g., Able v. Baker;</p> <p>(C) A brief description of the order’s subject matter, e.g., Order Granting Relief from Stay;</p>	<p>(e) Electronic Submission of Proposed Order.</p> <p>(1) CM/ECF Order Upload. Unless paragraph (2) applies, a proposed order should be submitted to the court in PDF format using the Order Upload module in CM/ECF.</p> <p>(2) Submission by Email. If (i) a party submits proposed findings of fact and conclusions of law, (ii) a party entitled to approve the form of an order has failed or refused to do so timely, (iii) the order includes blanks for the court to complete, (iv) the party wishes to present with the proposed order a letter or other document (such as a redlined version of the order), or (v) the court so directs, the drafting party shall submit the proposed order by email to orders@hib.uscourts.gov as a word processing file. Objections to proposed orders and alternate forms of order shall be submitted in the same manner. The email transmission must be copied to other parties who appeared at the hearing who have</p>

<p>(D) If all parties directed to approve the form of order have not given their approval the form of order, the names of the parties and their counsel who have withheld approval; and</p> <p>(E) If the underlying matter was not heard and was subject to an opportunity to object and request a hearing, a statement that the objection period has expired and no objections were filed.</p> <p>(2) Use of /s/. An attorney’s email submission of a proposed order with the signatures of other individuals using the “/s/” convention is that attorney’s representation to the court that the signatory has explicitly authorized the affixing of his or her signature to the document.</p>	<p>email addresses in the record. The email subject line or body of the message must clearly state:</p> <p>(A) The number of the case or proceeding;</p> <p>(B) The name of the debtor(s) or the short title of the action, e.g., Able v. Baker;</p> <p>(C) A brief description of the order’s subject matter, e.g., Order Granting Relief from Stay; and</p> <p>(D) If all parties directed to approve the form of order have not given their approval the form of order, the names of the parties and their counsel who have withheld approval.</p>
<p>(g) Proposed Findings and Conclusions. If proposed findings of fact and conclusions of law are being submitted, the drafting party must include a copy of the document as a word processing file.</p>	
<p>(h) Proposed Order to be Submitted Separately from Motion. A proposed order must be submitted separately from a motion or other document filed with the court. A proposed order attached to a filed document is treated only as an exhibit and will not be reviewed for action by the judge.</p>	<p>(f) Proposed Order to be Submitted Separately from Motion. A proposed order must be submitted separately from a motion or other document filed with the court. A proposed order attached to a filed document is treated only as an exhibit and will not be reviewed for action by the judge.</p>
<p>(i) Stipulated Orders. A stipulation submitted with a line or space for the judge to sign “Approved and So Ordered” will not be filed and entered on the docket until after being signed by the judge. If the underlying matter may be affected by a filing deadline, the stipulation should be filed separately prior to submitting a proposed order attaching a copy of the stipulation as an exhibit.</p>	<p>(g) Stipulated Orders. A stipulation submitted with a line or space for the judge to sign “Approved and So Ordered” will not be filed and entered on the docket until after being signed by the judge. If the underlying matter may be affected by a filing deadline, the stipulation should be filed separately prior to submitting a proposed order attaching a copy of the stipulation as an exhibit.</p>
<p>(j) Amended Orders. If an order has been entered that contains a typographical or other non-substantive error that is not substantive, an amended order may be submitted without filing a motion to alter or amend the existing order. In this situation, the amended order being submitted must concisely describe either in the first paragraph or in a footnote on the first page the correction that is the purpose of the amendment. Any amendment that is substantive in nature must be sought by way of an appropriate motion.</p>	<p>(h) Amended Orders. If an order has been entered that contains a typographical or other non-substantive error that is not substantive, an amended order may be submitted without filing a motion to alter or amend the existing order. In this situation, the amended order being submitted must concisely describe either in the first paragraph or in a footnote on the first page the correction that is the purpose of the amendment. Any amendment that is substantive in nature must be sought by way of an appropriate motion.</p>

(k) Conformed Copies. If the party submitting the order wishes additional conformed copies, the clerk will conform a reasonable amount of additional copies. If stamped, addressed envelopes are provided, the clerk will mail the copies of the order to the addressees. Otherwise, the conformed copies will be available in the Clerk's Office for 30 days.

(i) Conformed Copies. If the party submitting the order wishes additional conformed copies, the clerk will conform a reasonable amount of additional copies. If stamped, addressed envelopes are provided, the clerk will mail the copies of the order to the addressees. Otherwise, the conformed copies will be available in the Clerk's Office for 30 days.