

LBR 9011-1. ATTORNEYS - DUTIES

(a) Attorney Leaves of Absence.

1. Attorneys practicing in the Bankruptcy Court for the Middle District of Georgia are expected to be available to personally represent the interests of their clients in matters before the Court. ~~The Georgia State Bar Rules regarding appearance conflicts do not apply to this Court. If a leave of absence is requested, the Court shall make reasonable efforts to accommodate an attorney's absence for personal or professional reasons provided compliance with this Rule is shown.~~

2. ~~If an attorney cannot attend a hearing or trial, the attorney must make arrangements to protect the client's interest at the hearing in one of the following ways:~~

A. ~~Engage substitute counsel to represent the client. The substitute counsel must be familiar with the case and competent to represent the client in the case. The client must consent to the substitution.~~

B. ~~Obtain a continuance. Contact opposing parties and request a continuance of the matter. If a request for continuance is refused by any party, file a motion for continuance and request an expedited hearing on such motion before the beginning of the period of absence with adequate notice of the hearing to opposing parties.~~

~~All requests for leave accommodations shall be by letter delivered to the Clerk of Court. A notice of conflict or other such notice as may be required or allowed by Georgia State Bar Rules shall be acceptable provided that the notice meets all the requirements of this Rule. The request shall specify the inclusive dates covered and shall include a list of all cases involving counsel in which a hearing, § 341 meeting of creditors, FRBP 2004 examination, or other discovery examination has been scheduled during the leave and the name of the judge handling the matter. If the matter scheduled is contested, the name, address, and telephone number of opposing counsel shall also be disclosed. It is permissible to recruit substitute counsel to appear, provided substitute counsel is aware of the circumstances of the case and can adequately represent the client's interest in such hearing. If~~

~~substitute counsel has been recruited, the request for leave shall include the name, address, and telephone number of substitute counsel for each matter.~~

3. If an attorney anticipates an extended absence for any reason and may require accommodation for previously unscheduled hearings, the Court will accommodate the attorney on terms as follows:

A. The attorney must request such accommodation by letter delivered to the Clerk of Court in advance of the planned absence.

B. The request for accommodation must designate another member of the bar of this Court who has agreed to act as substitute counsel in matters scheduled during the attorney's absence. Such a designation must include the name, address, and telephone number of substitute counsel.

C. If the request for accommodation is deemed reasonable, the Court will attempt to avoid scheduling routine matters during the period of absence. If an expedited matter must be scheduled during the period of absence, the Court will notify the designated substitute counsel.

D. If the request for accommodation is deemed unreasonable, the Court will advise counsel accordingly.

~~In the event substitute counsel is not available, counsel shall file a motion for continuance in each scheduled hearing and attach a copy of the motion as an exhibit to the leave request. Unless all parties consent to the granting of the motion for continuance, a hearing on any such motion shall be scheduled before the beginning of the leave period, with adequate notice of the hearing to the Trustee and other parties in interest involved in the contested matter and to other such parties as directed by the Court.~~

4. Accommodations for emergency absences shall be made on a case-by-case basis. Subject to the provisions of paragraph 5 below, if a notice scheduling a hearing during a period in which the attorney is absent is issued, the Court shall make reasonable efforts to advise opposing counsel and/or the Trustee and reschedule the hearing.

~~5. In the event an emergency or urgent matter requires that a hearing be conducted during the period~~

~~of the attorney's absence, the Court retains discretion to schedule a hearing despite the absence. Accordingly, all requests for leave accommodations shall be accompanied by a designation of another member of the bar of this Court who has agreed to be available to respond to such an emergency.~~

~~6. Counsel shall update the above disclosures immediately upon any change of circumstances that occurs after the date of counsel's request.~~

(b) Attorney Information. All pleadings and orders tendered to the Court by an attorney shall state the attorney's name, assigned State Bar number, current office address, telephone number, and e-mail address. The e-mail address shall be the address used to register as a filing user of the Court's electronic filing system. The information shall be placed on the document in immediate proximity to the attorney's signature.