



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia
From: Kyle George, Clerk of Court, U. S. Bankruptcy Court, Middle District of Georgia
Subject: **Amendments and Additions to GAMB Local Rules April 7, 2021**
Date: April 7, 2021

1. Following our January 22, 2021 Judges Meeting, the Judges of this Court directed that two local rules (LBR 2091-1 Attorney Withdrawals and LBR 9013-1 Certificate of Service – Motions) be amended and two local rules (LBR 9072-1 Orders – Proposed and LBR 9073-1 Hearings) be added. Each of the proposals were issued for public commentary between January and March 2021. Rather than updating the Local Rules three separate times, it was decided to wait until the completion of the public commentary period to end for the final proposal prior to issuing the updated Local Rules.

2. **LBR 2091-1:** You can view the memorandum published for public commentary [here](#). In summary, regarding whether it is necessary for an attorney to obtain permission from the Court to substitute counsel, 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 received some public commentary but decided to preserve the amendment as proposed. However, one attorney suggested that we eliminate the term “law firm” in the rule. The Judges agreed and we have stricken that term from the rule. The final amended rule is:

LBR 2091-1. Attorneys – Withdrawals (amended April 7, 2021)

Any attorney 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. **LBR 9072-1 and LBR 9073-1:** You can view the memorandum published for public commentary [here](#). In summary, the Court proposed the addition of two new local rules, LBR 9072-1 Orders - Proposed and LBR 9073-1 Hearings, which clarify the possibility of dismissal for failure to prosecute for motions, applications, objections, or other matters placed on the Final Disposition Calendar where no action has been taken to resolve the matter. We received no comments from the bar on these proposed local rules. The new local rules are:

LBR 9072-1. Orders – Proposed (added April 7, 2021)

When parties report to the Court that a matter has been resolved and that an order will be submitted, the underlying matter (motion, application, objection, other contested matter, etc.) will generally then be placed on the Court’s Final Disposition Calendar. Attorneys (or unrepresented parties) are expected to submit the proposed order before the date on which the matter appears on the Final Disposition Calendar. If the proposed order has not been submitted and signed, the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk’s Instructions, Appendix J.

LBR 9073-1. Hearings (added April 7, 2021)

If a matter (motion, application, objection, other contested matter, etc.) has been placed on a Final Disposition Calendar and is not resolved by the signing of the order submitted by the parties before the hearing on the Final Disposition Calendar, the attorneys (or unrepresented parties) shall appear at the Final Disposition Calendar hearing unless their appearance is excused by the Court. Failure to do so may result in the matter being dismissed for failure to prosecute. More details concerning the Final Disposition Calendar may be found in the Clerk’s Instructions, Appendix J.

4. **LBR 9013-3 Certificate of Service – Motions:** You can view the memorandum published for public commentary [here](#). In summary, on occasion, an attorney files a certificate of service which specifies that the filing was served “on the creditor matrix” without attaching a copy of the matrix to the certificate of service. To ensure full compliance with our local rule on certificates of service, LBR 9013-3, we added language to the rule clarifying that the certificate of service shall include

information required by the rule “except for parties served by electronic service through the Electronic Case Filing system pursuant to LBR 2002-1(e).” The net effect of this amendment is to ensure that the attorney attaches to (or lists within) the certificate of service a list of all parties served by mail, including addresses. For the majority of attorneys in our district, this is no change to their current procedures. The amended local rule is:

LBR 9013-3. Certificate of Service – Motions (amended April 7, 2021)

(a) All motions, briefs, and other documents filed with the Court that require notice to parties in interest shall contain a certificate of service. The certificate of service shall specify the parties served (including their addresses), the method of service, the date of service, and the signature of an attorney, **except for parties served by electronic service through the Electronic Case Filing system pursuant to LBR 2002-1(e)**. The movant shall sign the certificate if not represented by an attorney.

(b) If a certificate of service is not filed as required by this Rule, the Clerk of Court shall send notice to the filing party and give 14 days from the date of the notice for the certificate to be filed. If the certificate is not filed within the 14 days and the filing party within the 14 days does not request relief from the requirements of this Rule, the motion, brief, or other document shall be dismissed or stricken without further notice or hearing.

5. The amended and added local rules will be updated accordingly.

6. I can be reached at kyle_george@gamb.uscourts.gov.