ATTORNEYS

(a) **Eligibility for admission**.

(1) Any attorney who has been admitted to practice in the Supreme Court of the State of Idaho (including one admitted by reciprocity) is eligible for admission to the bar of this court. Any attorney admitted to practice before the district court for the District of Idaho is admitted to the bar of the bankruptcy court without further process.

(2) Each applicant for admission shall present to the clerk a written application stating the applicant's residence and office address and by what courts the applicant has been admitted to practice and the respective dates of admission to those courts.

(3) Each applicant for admission shall pay to the clerk the requisite admission fee.

(b) **Practice in this court.**

Only a member of the bar of this court may enter appearances for a party, sign stipulations or receive payment, or enter satisfactions of judgments, decrees, or orders.

(c) **Attorneys for the United States**.

An attorney, not admitted under this rule who is employed or retained by and representing the United States Government or any of its officers or agencies, may practice in this court in all actions and proceedings where the attorney is:

(1) A member in good standing of and eligible to practice before the bar of any United States Court, or of the highest court of any state or insular possession of the United States and;

(2) Who is of good moral character.

Attorneys permitted to practice in this court are subject to the jurisdiction of the court with respect to their conduct to the same extent as members of the bar of this court.

(d) **Admission *pro hac vice*.**

(1) Any member in good standing of the bar of any United States Court, or of the highest court of any state or any territory or insular possession of the United States, who is of good moral character and has been retained to appear in this court, and who is not admitted to the bar of this court, may be permitted, after written application and without previous notice, to appear and participate in a particular case and related proceedings.

(2) The attorney filing pro hac vice must (1) designate a member of the bar of this court as co-counsel with the authority to act as attorney of record for all purposes, and (2) file with such designation the address, telephone number, and written consent of such designee. Designated local counsel shall be responsible both for filing the pro hac vice application through ECF and for payment of the prescribed fee. The pro hac vice application must be presented to the clerk and must state under penalty of perjury: the attorney's residence and office addresses; by what court(s) the attorney has been admitted to practice and the date(s) of admission; that the attorney is in good standing and eligible to practice in said court(s); and, that the attorney is not currently suspended, disbarred or subject to any pending disciplinary proceedings in any other court(s).

(A) Upon the electronic filing of the pro hac vice application and payment of fees by designated local counsel in ECF, out-of-state counsel shall immediately register for ECF.

(3) Unless otherwise ordered, the designee shall personally appear with the attorney on all matters heard and tried before the court.

(4) All pleadings filed with the clerk of court must contain the names, addresses and signatures, as prescribed in the ECF Procedures, of the attorney appearing *pro hac vice* and associated local counsel.

(e) **Appearances**.

(1) Only attorneys of this court may make appearances in this court, unless the party appears in propria persona. Whenever a party has appeared by an attorney, the party may not thereafter appear or act on their own behalf in the action, or take any steps therein unless a request for substitution or withdrawal, in accordance with this rule shall first have been made by that party and filed with the clerk. The court may, in its discretion, hear a party in open court notwithstanding the party has appeared or is represented by an attorney.

(A) At the discretion of the presiding judge, a legal intern who possesses a limited license issued by the Idaho State Bar may appear before the bankruptcy court in the presence of a supervising attorney, who shall be an attorney licensed to practice before this court.

(2) Persons representing themselves without an attorney must appear personally for such purpose and may not delegate that duty to any other person. Any person so represented without an attorney is bound by these Local Rules, the Federal Rules of Bankruptcy Procedure, and by the Federal Rules of Civil Procedure. Failure to comply therewith may be grounds for dismissal or judgment by default. In exceptional circumstances, a judge may modify these provisions to serve the ends of justice.

(3) Whenever a corporation, partnership or other entity desires or is required to make an appearance in this court, only an attorney of the bar of this court or an attorney permitted to practice under these rules shall make the appearance.

(4) In all Oregon cases heard before this court, and in all proceedings related thereto, Oregon counsel not previously admitted to the bar of this court under subdivision (a) of this rule may appear for the debtor(s) or a creditor or party in interest without compliance with the requirements of *pro hac vice* admission as set forth in subdivision (d) of this rule.

(5) For purposes of this rule, an appearance before this court does not include the preparation, signing, and filing by a creditor of:

(A) a proof of claim, or an amendment, withdrawal, or notice of assignment of such proof of claim,

(B) a stipulation for relief from the automatic stay,

(C) a reaffirmation agreement,

(D) a request for service of documents,

(E) an application for payment of unclaimed funds,

(F) a Statement Confirming Registration for Electronic Bankruptcy Noticing, or

(G) a Statement Accepting Electronic Court Notices at an Account Created by the Bankruptcy Noticing Center.

(f) **Substitutions and Withdrawals**.

(1) When an attorney of record for any party ceases to act, that party shall appear in person or appoint another attorney by:

(A) A written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney or;

(B) By a written designation filed in the action and served upon the attorney ceasing to act.

(i) If the attorney ceasing to act is deceased, the designation shall so state and service of the designation shall not be required.

(2) No attorney of record who is the sole representative for a party may withdraw from representation without leave of the court, upon notice to the client, and notice and hearing. The withdrawing attorney may utilize this court's negative notice rules, LBR 2002-2(d), or set the matter for hearing. When appropriate, the withdrawing attorney shall submit a proposed order which directs the client to appear in person or appoint another attorney to appear, and to file a

written notice with the court stating how the client will be represented within twenty-one (21) days from the date of the order authorizing withdrawal. The order shall also inform the client that no further proceedings will be held in the action that would affect the client's rights within those twenty-one (21) days and if the client is an individual and fails to appear in the action through newly appointed counsel within that twenty-one (21) day period, the client shall be deemed to represent himself or herself pro se. If the client is a non-individual, failure to obtain new counsel shall be sufficient grounds for entry of default or dismissal of the action without further notice at the court's discretion.

(A) The withdrawing attorney shall continue to represent the client until the court enters and serves the order granting the attorney's motion to withdraw.

(B) Upon entry of the order, the court shall serve copies upon the withdrawing attorney, the former client and all parties entitled to notice under Federal Rule(s) of Bankruptcy Procedure or these rules.

(C) Upon the entry of the order, no further proceedings can be had in the action that will affect the rights of the party represented by the withdrawing attorney for a period of twenty-one (21) days. If an individual fails to appear in the action, through a newly appointed attorney within such twenty-one (21) day period, the client shall be deemed to represent himself herself pro se. If the client is a non-individual, such failure shall be sufficient grounds for the entry of default against such party or dismissal of the action without further notice at the court's discretion.

(3) Anything in this subsection (f) notwithstanding, any incoming debtor's attorney, whether by substitution, by an appearance following an order permitting withdrawal of another attorney or otherwise, shall forthwith give notice of the appearance as attorney of record to all parties in interest and file a proof of service with the court.

(4) Upon notice of the death of an attorney or other good cause for termination of an attorney-client relationship, the Court may enter and serve an order consistent with subsection (f)(2).

(g) **Standards of professional responsibility**.

The members of the bar of this court shall adhere to the Rules of Professional Conduct promulgated and adopted by the Supreme Court of the State of Idaho. These provisions, however, shall not be interpreted to be exhaustive of the standards of professional conduct and responsibility. No attorney permitted to practice before this court shall engage in any conduct that degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(h) **Attorney discipline**.

Discipline will be governed by the provisions of D. Id. L. Civ. R. 83.5.

(i) **Multiple counsel**.

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the court, unless the court otherwise permits.

Related Authority:
Fed. R. Bankr. P. 9010, 9011, 9020
District Court of Idaho General Order Nos. 329 and 368
D. Id. L. Civ. R. 83.4 and 83.5.

Advisory Committee Notes:

The provision of (e)(4) is meant to continue current practice under which members of the bar of the District of Oregon may appear in those eastern Oregon bankruptcy cases and proceedings administered by this court through agreement with the U.S. Bankruptcy Court for the District of Oregon. Such counsel need not be admitted to practice *pro hac vice*, but the authority to appear is limited solely to the Oregon

case and its related proceedings.

A form of *pro hac vice* application and order can be viewed at www.id.uscourts.gov.