

[Proposed Amended] Rule 2090-1

ATTORNEYS -- ADMISSION TO PRACTICE

(a) ***Admission to the District Court Required.*** Except as set forth in this rule, an attorney who wishes to appear or be heard as counsel for another in any case or proceeding in the Court must first be admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules for the United States District Court for the Middle District of Florida.

(b) ***Limited Appearances by Attorneys not Admitted to the Middle District.*** An attorney residing outside the Middle District of Florida who is not admitted to practice in the United States District Court for the Middle District of Florida may appear without general or special admission to practice in the following limited instances:

(1) the preparation and filing of a notice of appearance and request for service of notices pursuant to Fed. R. Bankr. P. 2002;

(2) the preparation and filing of a proof of claim;

(3) the attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341; and

(4) the attendance and representation of a creditor at a hearing that has been noticed to all creditors other than the representation of a party in a contested matter or adversary proceeding.

(c) ***Special Admission to Practice.***

(1) ***Attorneys not Admitted to Practice in the Middle District.*** An attorney who is a member in good standing of the bar of a District Court of the United States other than the Middle District of Florida (a “Non-Resident Attorney”) may appear *pro hac vice* upon motion to the Court provided that such privilege is not abused by frequent or regular appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in the Middle District of Florida. Motions to appear *pro hac vice* shall be accompanied by a written designation of an attorney admitted to practice in the Middle District and that attorney’s consent to act as local counsel. A form motion to appear *pro hac vice*, a form written designation, and a form order granting the motion are available on the Court’s website, www.flmb.uscourts.gov.

(2) ***Government Attorneys.*** Any attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear specially and be heard in any case or proceeding in which the Government or such agency thereof is a party in interest, without formal or general admission.

(3) ***Separate Requirements for Electronic Filing Users.*** A Non-Resident Attorney who is admitted to practice *pro hac vice* and wishes to file papers with the Court must be an Electronic Filing User as set forth in Local Rule 1001-2. Otherwise, local counsel may file papers on behalf of Non-Resident Attorneys who do not wish to become Electronic Filing Users.

(4) ***Admission Fees.*** The Non-Resident Attorney shall pay to the District Court any admission fee required by the District Court of the Middle District of Florida.

(d) ***Conduct of Attorneys.*** All attorneys who appear in this Court shall be deemed to be familiar with and shall be governed by these Local Rules, the Rules of Professional Conduct, and other requirements governing the professional behavior of members of The Florida Bar. Such attorneys shall be subject to the disciplinary powers of the Court, including the processes and procedures set forth in Local Rule 2090-2. Attorneys should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

(e) ***Attorneys Who Become Ineligible to Practice Law.***

(1) ***Voluntary Resignation.*** An attorney admitted to appear or be heard as counsel for another who resigns from the practice of law in the State of Florida, or from the bar of any state, the District of Columbia or territory upon whose admission the attorney's eligibility to practice law in this Court relies, shall immediately notify the Court of such resignation. Upon such notification, the Court shall suspend the attorney's right to practice before the Court in accordance with Local Rule 2090-2(b).

(2) ***Involuntary Ineligibility to Practice Law.*** An attorney admitted to appear or be heard as counsel for another who becomes ineligible to practice law because of disbarment or suspension by the bar of any state, the District of Columbia, or territory, or any federal district court or other court of competent jurisdiction, shall immediately notify the Court of such disbarment or suspension. Upon such notification, the Court shall suspend the attorney's right to practice before this Court in accordance with Local Rule 2090-2(b).

Notes of Advisory Committee

2016 Amendment

This amendment clarifies the procedure to be followed by attorneys who wish to appear before the Court but who are not admitted to practice in the Middle District of Florida. The amendment also instructs counsel that the District Court requires a filing fee to be paid for special admission to practice. This amended rule is effective July 1, 2016.