

RULE 46-6 | CLERK'S AUTHORITY TO ACCEPT FILINGS

(a) Filings from an Attorney Who Is Not Authorized to Practice Before this Court.

(1) Subject to the provisions of this rule, the clerk may conditionally file the following papers received from an attorney who is not authorized to practice before this court, unless the attorney has been suspended or disbarred from practice before this court or has been denied admission to the bar of this court:

- a petition or application that initiates a proceeding in this court;
- an emergency motion as described in 11th Cir. R. 27-1(b);
- a motion or petition that is treated by the clerk as "time sensitive" as that term is used in 11th Cir. R. 27-1(b).

(2) Upon filing the petition, application, or motion, the clerk will notify the attorney that in order to participate in the appeal the attorney must submit an appropriate application for admission, renewal form, or application to appear pro hac vice within 21 days from the date of such notice.

(3) Within the 21-day notice period, the clerk may conditionally file motions and other papers received from the attorney, subject to receipt of an appropriate application or renewal form within that period. At the expiration of the 21-day notice period, if an appropriate application or renewal form has not been received, the motions and other papers may be clerically stricken and treated as though they were never filed. The clerk may stay further proceedings in the appeal for 60 days, if necessary, to allow the attorney's client to seek new counsel.



(4) When an appropriate application is received within the 21-day notice period, the clerk may continue to conditionally file motions and other papers received from the attorney, subject to the court's approval of the attorney's application or renewal form. If the attorney's application or renewal is denied, the motions and other papers may be clerically stricken and treated as though they were never filed. The clerk may stay further proceedings in the appeal for 60 days, if necessary, to allow the attorney's client to seek new counsel.

(b) Filings from an Attorney Who Has Not Filed an Appearance of Counsel Form Within 14 Days After Notice is Mailed by the Clerk. When an attorney fails to file a required Appearance of Counsel Form within 14 days after notice of that requirement is mailed by the clerk, the clerk may not accept any further filings (except for a brief) from the attorney until the attorney files an Appearance of Counsel Form. When an attorney who has not filed an Appearance of Counsel Form tenders a brief for filing, the clerk will treat the failure to file an Appearance of Counsel Form as a deficiency in the form of the brief. An Appearance of Counsel Form need not be accompanied by a motion to file out of time.

