
**LOCAL RULES OF COURT
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
[CHAPTER TWO]**

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CHAPTER TWO | ATTORNEYS | USFLMD

RULES: 2.01 through 2.05

TITLE: ATTORNEYS

Rule 2.01 | GENERAL ADMISSION TO PRACTICE

(a) No person shall be permitted to appear or be heard as counsel for another in any proceeding in this Court unless first admitted to practice in the Court pursuant to this rule (or heretofore admitted under prior rules of the Court).

(b) Only those persons who are members in good standing of The Florida Bar shall be eligible for general admission to the bar of the Court. If a person ceases to be a member in good standing of The Florida Bar, that person will be suspended from the bar of the Court until that person is reinstated to The Florida Bar. However, if the suspension from The Florida Bar is 90 days or less, the person will be automatically reinstated. If the suspension is 91 days or more, that person must apply with the Clerk of Court for reinstatement. Each applicant for general admission shall file with the Clerk a written petition setting forth his residence and office address, his general and legal education, and the Courts to which he has previously been admitted to practice. The petition shall be accompanied by the certificates of two members in good standing of the bar of the Court attesting that the applicant is of good moral character and is otherwise competent and eligible for general admission to practice in the Court (provided, however, members in good standing of the bars of the Northern or Southern Districts of Florida shall be admitted on petition without necessity of such certificates). In addition, each applicant shall furnish a certificate certifying that the applicant has read and is familiar with each of the following: The Federal Rules of Evidence, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of the Middle District of Florida.

(c) Petitions for general admission to practice shall be called from time to time in open Court on notice to the applicants; except that, under special circumstances, any United States District Judge or United States Magistrate Judge of the Court may entertain a petition at any time. Upon taking the prescribed oath and payment of the prescribed enrollment fee, the applicant shall then be enrolled as a member of the bar of the Court and the Clerk shall issue a suitable certificate to that effect.

(d) To maintain good standing in the bar of this Court, each attorney admitted under this rule, beginning in the year following the year of the attorney's admission, must pay a periodic fee set by administrative order and, unless exempted by the Chief Judge for good cause, must register with the Clerk of Court and maintain an e-mail address for electronic service by the Clerk during the attorney's membership in the bar of this Court. An attorney who fails to pay timely the periodic fee or fails without exemption to maintain a registered e-mail address is subject to removal from membership in the bar of this Court.

Rule 2.02 | SPECIAL ADMISSION TO PRACTICE

(a) Any attorney who is not a resident of Florida but who is a member in good standing of the bar of any District Court of the United States; outside Florida; may appear specially as counsel of record; without formal or general admission; provided, however, such privilege is not abused by appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in Florida; and provided further that whenever appearing as counsel by filing any pleading or paper in any case pending in this Court, a non-resident attorney shall file within fourteen (14) days a written designation and consent-to-act on the part of some member of the bar of this Court, resident in Florida, upon whom all notices and papers may be served and who will be responsible for the progress of the case, including the trial in default of the non-resident attorney. In addition to filing the written designation, the non-resident attorney shall comply with both the fee and e-mail registration requirements of Rule 2.01(d), and the written designation shall certify the non-resident attorney's compliance.

(b) An attorney employed full-time by either the United States, an agency of the United States, or a public entity established under the laws of the United States may appear within the course and scope of the attorney's employment as counsel without general or other formal admission.

(c) Any attorney who appears specially in this Court pursuant to subsections (a) or (b) of this rule shall be deemed to be familiar with, and shall be governed by, these rules in general, including Rule 2.04 hereof in particular; and shall also be deemed to be familiar with and governed by the Code of Professional Responsibility and other ethical limitations or requirements then governing the professional behavior of members of The Florida Bar.

(d) In an extraordinary circumstance (such as the hearing of an emergency matter) a lawyer who is not a member of the Middle District bar may move instant for temporary admission provided the lawyer appears eligible for membership in the Middle District bar and simultaneously initiates proceedings for general or special admission to the Middle District bar. Temporary admission expires in thirty days or upon determination of the application for general or special admission, whichever is earlier.

Rule 2.03 | APPEARANCE AND WITHDRAWAL

(a) Every pleading or paper of any kind filed by an attorney in this Court shall conform and be subject to the requirements of Rule 11, Fed.R.Civ.P., and unless otherwise expressly stated therein, shall constitute a general appearance on behalf of the persons or parties for whom the pleading or paper is filed.

(b) No attorney, having made a general appearance under subsection (a) of this rule, shall thereafter abandon the case or proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by written leave of Court obtained after giving ten (10) days' notice to the party or client affected thereby, and to opposing counsel.

(c) In all criminal cases non-payment of attorney's fees shall not be sufficient justification for seeking leave to withdraw if the withdrawal of counsel is likely to cause a continuance of a scheduled trial date; nor shall leave be given to withdraw in any other case, absent compelling ethical considerations, if such withdrawal would likely cause continuance or delay. If a party discharges an attorney it shall be the responsibility of that party to proceed pro se or obtain the appearance of substitute counsel in sufficient time to meet established trial dates or other regularly scheduled proceedings as the Court may direct.

(d) Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person, absent prior leave of Court; nor shall any party, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

(e) A corporation may appear and be heard only through counsel admitted to practice in the Court pursuant to Rule 2.01 or Rule 2.02.

Rule 2.04 | DISCIPLINE

(a) Any member of the bar of this Court, admitted generally under Rule 2.01 or specially under Rule 2.02, may, after hearing and for good cause shown, be disbarred, suspended, reprimanded or subjected to such other discipline as the Court may deem proper.

(b) Whenever it appears to the Court that any member of its bar, admitted generally under Rule 2.01 or then appearing specially under Rule 2.02, has been disbarred or suspended from practice by the Supreme Court of Florida, or by any other court of competent jurisdiction, as the case might be, or has been disbarred on consent or resigned from the bar of any other court while an investigation into allegations of misconduct is pending, or has been convicted of a felony in any court, such disbarment, suspension, resignation, or conviction shall, twenty-one (21) days thereafter, operate as an automatic suspension of such attorney's right to practice in this Court; provided, however, the attorney may file, within such twenty-one (21) day period, a petition, with a copy served upon the United States Attorney, seeking relief from the operation of this rule, and if a timely petition is filed, suspension shall be stayed until the petition is determined. If such petition is filed by an attorney who has been admitted to practice generally under Rule 2.01 of these rules, it shall be heard and determined by the Chief Judge of the Court sitting with any two or more of other judges of the District as the Chief Judge shall designate. If such petition is filed by an attorney who has been admitted to practice specially under Rule 2.02 of these rules, it shall be heard and determined by the judge assigned to the case in which such special appearance has been made.

(c) Any attorney admitted to practice before this Court, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, including any attorney who is disbarred on consent or resigns from any bar while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of this Court of such action.

(d) The professional conduct of all members of the bar of this Court, admitted generally under Rule 2.01 or specially under Rule 2.02, shall be governed by the Model Rules of Professional Conduct of the American Bar Association as modified and adopted by the Supreme Court of Florida to govern the professional behavior of the members of The Florida Bar.

(e) The Court may appoint a Grievance Committee in each Division of the Court to conduct investigations of alleged misconduct on the part of any member of its bar, whether admitted generally under Rule 2.01 or specially under Rule 2.02. Each Grievance Committee shall consist of not less than five members of the bar of this Court regularly practicing in that Division, three of whom shall constitute a quorum. Appointments shall be for three (3) years. The Court shall designate the Chairman of the Committee in each Division, but each Committee shall otherwise organize itself as it sees fit. All proceedings before the Committees may be conducted informally, but shall remain confidential unless otherwise ordered by the Court. Each Committee shall function as follows:

(1) Any matter or question touching upon the professional behavior of a member of the bar may be referred at any time to the Chairman of the appropriate Committee by any judge of the Court. The Chairman of the Committee will promptly designate himself, or some other member, to investigate the matter and make a preliminary report to the Committee as a whole for the Committee's determination as to whether

(i) the inquiry should be terminated because the question raised is unsupported or insubstantial; or

(ii) the question raised justifies further inquiry but should be referred to the appropriate grievance committee of The Florida Bar; or

(iii) the question raised justifies further inquiry and should be pursued by the Committee due to distinctly Federal features or other appropriate reason. The Chairman of the Committee shall then report the Committee's preliminary recommendation to the referring judge and shall follow his direction.

(2) If a Committee is directed by the referring judge to pursue its inquiry, it shall proceed with dispatch to make such further investigation as it deems necessary to make a final report to the Court as to whether there is, or is not, probable cause to believe that the subject member of the bar has been guilty of unprofessional or unethical conduct justifying disciplinary action by the Court. If the Committee makes a report of probable cause, such report shall then be transmitted to the United States Attorney (or, if the United States Attorney be disqualified by interest, to another member of the bar appointed by the Chief Judge for that purpose) who shall file and serve a petition for an order to show cause upon the accused attorney. Such petition, and all further proceedings thereon, shall be heard and determined by the Chief Judge of the District sitting together with any two or more judges of the District as the Chief Judge shall designate.

(f) It shall be the duty of every member of the bar of the Court, admitted generally under Rule 2.01 or specially under Rule 2.02, to respond to and cooperate fully with any Grievance Committee of the Court during the course of any investigation being conducted pursuant to subsection (d) of this rule; provided, however, no attorney shall be entitled as of right to notice of the pendency of any such investigation unless and until he is named in a petition to show cause filed pursuant to subsection (e) (2) of this rule.

(g) Nothing in this rule shall be construed as providing an exclusive procedure for the discipline of members of the bar in appropriate cases, nor as a limitation upon the power of the Court to punish for contempt in appropriate cases.

(h) Attorneys and litigants should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

Rule 2.05 | APPEARANCE BY LAW STUDENTS

(a) The purpose of this rule is to authorize, under certain circumstances, the appearance of eligible law students in this Court as a means of providing assistance to lawyers who represent clients unable to pay for such services, and to encourage participating law schools to provide clinical instruction in the conduct of litigation in federal court.

(b) An eligible law student, as hereafter defined, may appear and be heard in this Court on behalf of any person found by the Court to be indigent and who consents in writing to such appearance. The written consent of the client and his or her attorney of record (the supervising attorney) shall be filed in the case; and, absent excusal by the Court, all such appearances shall be made in the presence of the supervising attorney. An eligible law student shall neither ask for nor receive any compensation or remuneration of any kind for services rendered pursuant to this rule, whether in court or out-of-court.

(c) In addition to appearance in Court, an eligible law student, having the written consent of the client and the supervising attorney as provided in subsection (b) of this rule, may engage in other activities outside the presence, but under the general supervision and direction of the supervising attorney including preparation of pleadings, legal research and brief writing, and preparation of discovery requests and responses. Any paper filed with the Court or served upon the opposing party should reflect the name of the eligible law student, if any, who participated in its preparation, and any such paper must be signed by the supervising attorney as counsel of record. An eligible law student may also engage in the conduct of any informal discovery or investigation authorized by the supervising attorney; may participate in reviewing and inspecting discovery materials; and may participate in oral depositions (provided that the supervising attorney shall be present at all depositions).

(d) An eligible law student is one who

(1) is enrolled in a participating law school accredited by the American Bar Association;

(2) has completed legal studies amounting to at least four semesters or six quarters for which the student has received not less than 48 semester hours or 72 quarter hours of academic credit;

(3) has read and is familiar with the Federal Rules of Civil and Criminal Procedures, the Federal Rules of Evidence, the Code of Professional Responsibility and the Rules of this Court; and

(4) is certified by the Dean of the participating law school as being of good character, competent legal ability, adequately trained to perform as a legal intern, and is otherwise qualified under the terms of this rule.

(e) The certification of a student or students by the participating law school Dean shall be filed with the Clerk and, unless sooner withdrawn, shall remain in effect for so long as the student continues to be enrolled as an active student in the participating law school. Any certification of a student may be withdrawn by the Dean at any time on notice to the Clerk without statement of cause. Similarly, any certification of a student may be terminated by the Court at any time on notice to the Dean without statement of cause.

APPENDIX

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