



**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 2.04

TITLE: LAWYERS



Rule 2.01 | PRACTICE IN THE MIDDLE DISTRICT

(a) **REQUIREMENT.** Membership or special admission in the Middle District bar is necessary to practice in the Middle District. But neither membership nor special admission is required for a lawyer employed by the United States or a public entity established by federal law to practice within the course and scope of the lawyer's employment.

(b) **MEMBERSHIP.**

(1) *Requirements.* Membership in the Middle District bar requires:

(A) membership in good standing in The Florida Bar;

(B) an application for admission that lists the applicant's state of residence, business address, undergraduate and legal education, and jurisdictions in which the applicant is admitted to practice;

(C) an acknowledgment that the applicant is familiar with 28 U.S.C. §1927;

(D) an acknowledgment that the applicant will comply with the federal rules and these local rules;

(E) an affirmation of the oath;

(F) payment of the fee; and

(G) registration with the Middle District's CM/ECF system.

(2) *Maintaining Membership.* To maintain membership in the Middle District bar, a member:

(A) must pay a periodic fee set by an administrative order;

(B) must maintain with the clerk a current telephone number, mailing address, and email address; and

(C) must comply with, and remain familiar with, the ethical requirements of The Florida Bar.



(c) SPECIAL ADMISSION OF A NON-RESIDENT LAWYER. A lawyer can move for special admission in an action in the Middle District if the lawyer:

- (1) is not a Florida resident and is not a member in good standing of The Florida Bar,
- (2) is a member in good standing of the bar of a United States district court,
- (3) has not abused the privilege of special admission by maintaining a regular practice of law in Florida,
- (4) lists each case in state or federal court in Florida in which the lawyer has initially appeared in the last thirty-six months, and
- (5) satisfies the requirements for obtaining and maintaining general admission, except the requirements of membership in The Florida Bar, submission of an application, and payment of a periodic fee.

(d) TEMPORARY ADMISSION OF AN ELIGIBLE LAWYER. In an extraordinary circumstance, such as an emergency hearing, a lawyer who is not a member of the Middle District bar or specially admitted can move for temporary admission lasting no longer than thirty days if the lawyer appears eligible for membership or special admission and applies for membership or moves for special admission within seven days after moving for temporary admission.

(e) CONDUCT. A lawyer appearing in the Middle District must remain familiar with, and is bound by, the rules governing the professional conduct of a member of The Florida Bar.

Rule 2.02 | APPEARANCE AND WITHDRAWAL OF A LAWYER

(a) LEAD COUNSEL. The first paper filed on behalf of a party must designate only one “lead counsel” who – unless the party changes the designation – remains lead counsel throughout the action.

(b) APPEARANCE.

(1) A lawyer’s pleading, motion, or other paper serves as that lawyer’s appearance in an action.

(2) A party, other than a natural person, can appear through the lawyer only.

(3) If a lawyer represents a person in an action, the person can appear through the lawyer only.

(c) WITHDRAWAL. If a lawyer appears, the lawyer cannot without leave of court abandon, or withdraw from, the action.

(1) To withdraw, a lawyer:

(A) must notify each affected client fourteen days before moving to withdraw unless the client consents to withdrawal, and

(B) must file a motion to withdraw that includes:

(i) a certification that the lawyer has provided fourteen days’ notice to the client or that the client consents to withdrawal and

(ii) if withdrawal will result in a person proceeding pro se, the person’s mailing address, email address, and telephone number.

(2) The withdrawing lawyer – not the lawyer’s present or former firm or another lawyer – must move to withdraw unless unable because of an emergency, disability, or death.

(3) If withdrawal might cause the continuance of a trial, a lawyer cannot withdraw absent a compelling ethical problem, emergency, disability, or death.

(4) A party that discharges a lawyer must obtain substitute counsel in time to comply with the deadlines. A person no longer represented by counsel must comply with the rules and comply with the deadlines.



(d) LAW FIRMS. A lawyer changing law firms but remaining as the lawyer in an action need not file a motion but must change the lawyer's contact information.



Rule 2.03 | APPEARANCE BY A LAW STUDENT

A law student may participate in a trial or hearing in a civil or misdemeanor action with the judge's consent if the student:

- (a) is enrolled in an accredited law school, has completed at least forty-eight semester hours of legal study or the equivalent, and agrees that neither the supervising lawyer nor the student will ask for or receive compensation from the client for the student's services;
- (b) is accompanied by a supervising lawyer who assumes professional responsibility for the student's action and the quality of the student's work; and
- (c) is acting on behalf of an indigent person, a government, or a governmental agency.



Rule 2.04 | DISCIPLINE

(a) **DISCIPLINE BY THE COURT.** In addition to a judge's sanction or use of another grievance mechanism, the court can – after a hearing and for good cause – disbar, suspend, reprimand, or otherwise discipline a member of the Middle District bar or a lawyer appearing by special admission.

(b) **REQUIREMENT TO REPORT AND AUTOMATIC SUSPENSION.**

(1) *Requirement to Report.* A lawyer must inform the clerk within fourteen days after the lawyer is convicted of a felony or loses good standing with, is publicly disciplined by, is disbarred on consent from, or has resigned from, any bar.

(2) *Automatic Suspension.* Twenty-one days after an event listed in (b)(1), a lawyer is automatically suspended. But automatic suspension under this rule is stayed if, before the automatic suspension, the lawyer petitions the chief judge for relief. If the lawyer is a member of the Middle District bar, the chief judge or one or more judges designated by the chief judge determines the petition. If the lawyer appeared by special admission, the chief judge or the judge assigned to the action determines the petition. If an automatic suspension results from a bar's suspending the lawyer for ninety days or less, the lawyer's reinstatement is automatic upon reinstatement by the bar.

(c) **GRIEVANCE COMMITTEES.**

(1) *Requirement.* Each division must maintain a committee to investigate alleged lawyer misconduct and report to the chief judge a recommended resolution of the allegation.

(2) *Appointment and Composition.* With the advice and consent of the district judges residing in the division or assigned a material caseload in the division, the chief judge must appoint the committee and designate the chair. The committee must consist of at least five lawyers, each appointed for no more than three years.

(3) *Chair*. The chair must ensure that an investigation and deliberation of the committee remains orderly, reliable, and reasonably speedy and offers fairness and due process to the accused lawyer and any alleged victim.

(4) *Procedure*.

(A) A judge or a committee member can initiate an investigation of alleged lawyer misconduct. A referring committee member must not participate further in investigating or recommending the resolution of an allegation of misconduct.

(B) The chair must appoint at least one committee member to preliminarily investigate the alleged misconduct, although the committee can elect to conduct the preliminary investigation. The investigating member or members must prepare a preliminary report for the committee.

(C) Upon receiving the preliminary report, the committee must determine whether:

(i) to terminate the investigation because the allegation is unsupported or insubstantial or

(ii) to investigate further or refer the allegation to The Florida Bar or both.

(D) If the committee determines to terminate the investigation, the chair must report the determination to the referring judge or committee member.

(E) If the referring judge directs the committee to investigate further, the committee must investigate promptly and report to the judge whether probable cause exists to believe that the lawyer is guilty of unprofessional or unethical conduct justifying disciplinary action.

(F) If the committee finds probable cause for disciplinary action, the chief judge or one or more judges designated by the chief judge:

(i) must order the lawyer to respond,

(ii) must determine whether clear and convincing evidence establishes lawyer misconduct, and

(iii) if so, must impose a proportionate sanction.

(G) The chief judge must notify each district and magistrate judge and the clerk of the sanction imposed.

(5) *Notice*. Unless the committee finds probable cause, a lawyer has no right to notice of the investigation.

(6) *Cooperation*. A lawyer must respond to, and fully cooperate with, the committee during an investigation.



APPENDIX



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