

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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Administrative Order 2023-02

In Re:

Adoption of Interim Local Rule 2090-1(C)(2)

The District Court for the Southern District of Florida has amended Local Rule 4(b) “Appearance Pro Hac Vice” of its Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys which modifies provisions addressing restrictions on the number of pro hac vice appearances. Accordingly, it is

ORDERED as follows:

1. Effective immediately, Local Rule 2090-1(C)(2) is amended by substituting the following text as Interim Local Rule 2090-1(C)(2):

(2) Pro Hac Vice Appearances. *Any attorney who is a member in good standing of the bar of any state, territory or insular possession of the United States, and who is otherwise qualified to practice in this court but is (a) not a member of the bar of the United States District Court for the Southern District of Florida, or (b) a member of the bar of the United States District Court for the Southern District of Florida but is not in compliance with subsection (A)(3) of this Rule (a “visiting attorney”), may seek to appear pro hac vice in any case or proceeding before this court. Any applicable fee authorized under these local rules or established under General Orders or Local Rules of the United States District Court for the Southern District of Florida for pro hac vice appearances in the bankruptcy court must be paid at the filing of a motion to appear pro hac vice. Such visiting attorney must associate with an attorney who is (a) qualified to practice with this court, (b) is a member in good standing of the bar of the United States District Court for the Southern District of Florida, and (c) maintains an office in this District for the practice of law (a “local attorney”). Such local attorney must file the Local Form “Motion to Appear Pro Hac Vice” and proposed Local Form “Order Admitting Attorney Pro Hac Vice” in the relevant main bankruptcy case, unless the visiting attorney intends to appear only in a specific adversary proceeding in which case the motion must be filed only in such adversary proceeding and the local form motion and proposed order may be edited accordingly. In the motion, the local attorney shall certify that he or she is a member in good standing of the bar of the United States District Court for the Southern District of Florida and qualified to practice before this court, that he or she is willing to act as local counsel, and that he or she will participate in the preparation and presentation of, and accept service of all papers in, the case in which the motion is filed and any adversary proceedings in which the visiting attorney appears on behalf of the same client or clients (unless the motion is limited to a particular adversary proceeding). If the motion is filed in the main case, the local attorney must acknowledge that if he or she declines to serve as local counsel in any adversary proceeding involving the same client or clients, separate local counsel must file an additional Motion to Appear Pro Hac Vice, and that absent such separate motion and an order of this court approving the same he or she will continue to act as local counsel for the client(s) in all such proceedings.*

In a separate affidavit filed with or as part of the motion, the proposed visiting attorney must certify that he or she is qualified to practice before this court, and that he or she is a member in good standing of the bar of at least one state, territory, or insular possession of the United States, and a member in good standing of the bar of at least one United States District Court, and indicate such jurisdictions. The proposed visiting attorney must certify that he or she has never been disbarred, that he or she is not currently suspended from the practice of law in the State of Florida or any other state, territory, or insular

possession of the United States, and that he or she is not currently suspended from the practice of law before any United States Court of Appeals, United States District Court, or United States Bankruptcy Court. The proposed visiting attorney must certify that he or she has not filed more than three pro hac vice motions in different cases in this District within the last 365 days. The proposed visiting attorney must designate local counsel consistent with this local rule. The proposed visiting attorney must acknowledge that local counsel is required to participate in the preparation and the presentation of, and accept service in, the case and any adversary proceedings in which the visiting attorney appears on behalf of the same client or clients, unless and until other local counsel is designated under this local rule (except where the motion is limited to a particular adversary proceeding). The proposed visiting attorney must certify that he or she is familiar with and will be governed by the local rules of this court, the rules of professional conduct and all other requirements governing the professional behavior of members of The Florida Bar.

An attorney admitted pro hac vice for one or more parties may appear on behalf of additional parties in the same case by filing a Notice of Appearance Pro Hac Vice. No additional appearance fee is required. The Notice must state that all information provided in support of the initial pro hac vice motion remains current and correct, including the sponsoring co-counsel. If any such information has changed since the filing of the initial pro hac vice motion, the attorney may not use the notice procedure set forth herein and must instead repeat the process for filing a new Motion to Appear Pro Hac Vice.

District Court Local Rule 4(b)(2) applies to pro hac vice appearances before this court as the bankruptcy court is a court of the Southern District of Florida.

The court may waive the requirement of association with a local attorney upon good cause shown after the filing of a motion requesting such relief. The Local Form "Motion to Appear Pro Hac Vice" and proposed Local Form "Order Admitting Attorney Pro Hac Vice" may be modified as necessary for this purpose.

Lawyers who are not members of the bar of the United States District Court for the Southern District of Florida are not permitted to engage in general practice in the District. For purposes of this rule, the filing of more than three motions to appear pro hac vice within a 365-day period in separate cases before the courts of the United States District Court for the Southern District of Florida will be presumed to be a "general practice." Upon written motion and for good cause shown, the court may waive or modify this prohibition. The Local Form "Motion to Appear Pro Hac Vice" and proposed Local Form "Order Admitting Attorney Pro Hac Vice" may be modified as necessary for this purpose.

3. Local Form Motion To Appear Pro Hac Vice (LF-44) is amended to reflect Interim Local Rule 2090-1(C)(2).
4. The Clerk of Court is directed to provide notice of entry of this Order and to update the Local Rules as published by this Court to reflect Interim Rules 2090-1(C)(2).

ORDERED in the Southern District of Florida, this 11th day of April 2023.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All Southern District Bankruptcy Judges
Joe Falzone, Bankruptcy Clerk of Court