



APPENDIX C

THE FLORIDA BAR NOTICE OF FILING

May 17, 2021

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PROPOSED AMENDMENTS TO RULE 1-3.10 (APPEARANCE BY NON-FLORIDA LAWYER IN A FLORIDA COURT) AND RULE 2.510 (FOREIGN ATTORNEYS)

 Mar 16, 2021  Notices



Proposed Amendments to Rule 1-3.10 (Appearance by Non-Florida Lawyer in a Florida Court) and Rule 2.510 (Foreign Attorneys)

Rule Regulating The Florida Bar 1-3.10 and Florida Rule of General Practice and Judicial Administration 2.510 address the appearance of pro hac vice attorneys within Florida. The Rules of Judicial Administration Committee and The Florida Bar Board of Governors have approved amendments to the rules, which are summarized and set out in full below. A petition to adopt these amendments will be filed on or about April 30, 2021, under Rules Regulating The Florida Bar 1-12.1 and Florida Rules of Judicial Administration 2.140. Comments must be filed with the Clerk of Court, Supreme Court of Florida, after the case has been docketed, with copies served on all named parties within the petition. A copy of the petition may be requested by contacting Kryz Godwin, Director, Legal Publications, The Florida Bar, 651 East Jefferson Street, Tallahassee 32399-2300, or kgodwin@floridabar.org.

Rule Number	Explanation
1-3.10 (Appearance by Non-Florida Lawyer in a Florida Court)	<p>Amends subdivision (a) by deleting specific requirements for out of state attorneys and placing greater reliance on the Florida Rules of Judicial Administration. Adds a sentence directing compliance with this rule. Amends for grammar and punctuation.</p> <p>Amends subdivision (b) by clarifying a lawyer is not permitted to practice in Florida if prohibited by or fails to comply with any requirement imposed by the Rules of Judicial Administration.</p>

	<p>Amends subdivision (c) by clarifying the content of the verified motion for leave to appear is within the Rules of Judicial Administration.</p> <p>Adds subdivision (d) to clarify the nonrefundable fee requirements and the setting of the fee by The Florida Bar Executive Director with approval by the Board of Governors.</p> <p>Updates the grammar and punctuation of the Comment.</p>
<p>2.510 (Foreign Attorneys)</p>	<p>Amends subdivision (a), item (4) to remove the reference to subdivision (b)(7) and add a reference to the Rules Regulating The Florida Bar. Deletes “filing” and corrects grammar.</p> <p>Amends subdivision (b)(7) to add a reference to the service of the verified motion upon The Florida Bar and reference the payment of fees as described by Rules Regulating The Florida Bar.</p> <p>Amends the Certificate of Service in the sample form to add a reference to the payment of fees.</p>

Proposed Amendment to Florida Rule of General Practice and Judicial Administration 2.510

RULE 2.510. FOREIGN ATTORNEYS

(a) Eligibility. Upon filing a verified motion with the court, an attorney who is an active member in good standing of the bar of another state and currently eligible to practice law in a state other than Florida may be permitted to appear in particular cases in a Florida court upon such conditions as the court may deem appropriate, provided that a member of The Florida Bar in good standing is associated as an attorney of record. The foreign attorney must make application in each court in which a case is filed even if a lower tribunal granted a motion to appear in the same case. In determining whether to permit a foreign attorney to appear pursuant to this rule, the court may consider, among other things, information provided under subdivision (b)(3) concerning discipline in other jurisdictions. No attorney is authorized to appear pursuant to this rule if the attorney (1) is a Florida resident, unless the attorney has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar; (2) is a member of The Florida Bar but is ineligible to practice law; (3) has previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation permitted pursuant to this rule provided, however, the contempt is final and has not been reversed or abated; (4) has failed to provide notice to The Florida Bar or pay the ~~filing fee as required in subdivision (b)(7)~~fees described in the Rules Regulating The Florida Bar concerning non-Florida lawyers appearances in a Florida court; or (5) is engaged in a “general practice” before Florida courts. For purposes of this rule, more than 3 appearances within a 365-day period in separate cases shall be presumed to be a “general practice.” Appearances at different levels of the court system in the same case shall be deemed 1 appearance for the purposes of determining whether a foreign attorney has made more than 3 appearances within a 365-day period. In cases involving indigent or pro bono clients, the court may waive the ~~filing fees~~ for good cause shown. This rule shall not affect the eligibility of a foreign attorney to appear in a Florida court when authorized by federal law.

(b) Contents of Verified Motion. A form verified motion accompanies this rule and must be utilized by the foreign attorney. Within 10 days of discovering any information which is different than the representations made in the verified motion, the foreign attorney must supplement the motion with the new information. The supplemental information must be filed with the court and The Florida Bar. The obligation to supplement the motion exists until the motion is denied or the foreign attorney is no longer counsel in the case. The verified motion required by subdivision (a) must include:

(1) a statement identifying all jurisdictions in which the attorney is an active member in good standing and currently eligible to practice law, including all assigned bar numbers and attorney numbers, for which a certificate of good standing is not required;

(2) a statement identifying by date, case name, and case number all other matters in Florida state courts in which pro hac vice admission has been sought in the preceding 5 years, including any lower tribunals for the case in which the motion is filed, and whether such admission was granted or denied;

(3) a statement identifying all jurisdictions in which a judicial officer or the entity responsible for attorney regulation:

(A) initiated disciplinary, suspension, disbarment, or contempt proceedings against the attorney in the preceding 5 years including the date on which the proceeding was initiated, the nature of the alleged violation, and the result of the proceeding including any sanction, or;

(B) disciplined, suspended, disbarred, or held in contempt the attorney in the preceding 5 years including the date on which the sanction was entered and the nature of the violation;

(4) a statement identifying the date on which the legal representation at issue commenced, and the party or parties represented;

(5) a statement that all applicable provisions of these rules and the Rules Regulating The Florida Bar have been read, and that the verified motion complies with those rules;

(6) the name, record bar address, and membership status of the Florida Bar member or members associated for purposes of the representation;

(7) a certificate indicating service of the verified motion upon The Florida Bar and all counsel of record in the matter in which leave to appear pro hac vice is sought and upon payment of the fees described in the Rules Regulating The Florida Bar at its Tallahassee office accompanied by a nonrefundable \$250.00 filing fee made payable to The concerning non-Florida Bar court or notice that the movant has requested a judicial waiver of said fees; and

(8) a verification by the attorney seeking to appear pursuant to this rule and the signature of the Florida Bar member or members associated for purposes of the representation.

IN THE _____ COURT OF
THE _____ JUDICIAL
CIRCUIT,
IN AND FOR _____,
COUNTY, FLORIDA

Plaintiff

v.

Case No.
Division

Defendant

**VERIFIED MOTION FOR ADMISSION TO APPEAR PRO HAC VICE
PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE AND
JUDICIAL ADMINISTRATION 2.510**

Comes now _____
, Movant herein, and respectfully represents the following:

1. Movant resides in _____, _____
(City) (State)

Movant is not a resident of the State of Florida.

Movant is a resident of the State of Florida and has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar.

2. Movant is an attorney and a member of the law firm of (or practices law under the name of) _____, with offices at

_____, _____,
(Street Address) (City)

_____, _____, _____, _____,
(County) (State) (Zip Code) (Telephone)

3. Movant has been retained personally or as a member of the above named law firm on _____ by _____
(Date Representation Commenced) (Name of Party or Parties)

to provide legal representation in connection with the above-styled matter now pending before the above-named court of the State of Florida.

4. Movant is an active member in good standing and currently eligible to practice law in the following jurisdiction(s): Include attorney or bar number(s). (Attach an additional sheet if necessary.)

JURISDICTION	ATTORNEY/BAR NUMBER
_____	_____
_____	_____
_____	_____
_____	_____

5. A judicial officer or the entity responsible for attorney regulation has neither initiated disciplinary, suspension, disbarment or contempt

proceedings or disciplined, suspended, disbarred or held Movant in contempt in the preceding 5 years, except as provided below (give jurisdiction of proceeding, date upon which proceeding was initiated, nature of alleged violation, statement of whether the proceeding has concluded or is still pending, and sanction, if any, imposed): (Attach an additional sheet if necessary.)

6. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

7. Movant is not an inactive member of The Florida Bar.

8. Movant is not now a member of The Florida Bar.

9. Movant is not a suspended member of The Florida Bar.

10. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation or disciplinary revocation from The Florida Bar.

11. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of General Practice and Judicial Administration 2.510, except as provided below (give date of disciplinary action or contempt, reasons therefor, and court imposing contempt): (Attach an additional sheet if necessary.)

12. Movant has filed motion(s) to appear as counsel in Florida state courts during the past five (5) years in the following matters: (Attach an additional sheet if necessary.)

Date of Motion Case Name Case Number Court Date Motion
Granted/Denied

13. Local counsel of record associated with Movant in this matter is _____ who is an active member in good standing of The Florida Bar (Name and Florida Bar Number)

and has offices at _____, _____, _____

(Street Address)

(City)

(County)

_____, _____, _____
(State) (Zip Code) (Telephone with area code)

(If local counsel is not an active member of The Florida Bar in good standing, please provide information as to local counsel's membership status. _____)

14. Movant has read the applicable provisions of Florida Rule of General Practice and Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

15. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this _____ day of _____, 20____.

Movant

Address

Address

City, State, Zip Code

Telephone Number

E-mail Address

STATE OF _____

COUNTY OF _____

I, _____, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.

Movant

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of General Practice and Judicial Administration 2.510.

DATED this _____ day of _____,
20____.

Local Counsel of Record

Address

Address

City, State, Zip Code

Telephone Number

Florida Bar Number

E-mail Address

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 ~~accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar, or notice that the movant has requested a judicial waiver of said fee;~~ and by (e-mail) (delivery) (mail) (fax) to (name of attorney or party if not represented), and that the movant has paid the fees described in the Rules Regulating The Florida Bar concerning non-Florida lawyer appearances in a Florida court or has notified The Florida Bar of movant's request for a judicial waiver of said fees.

this _____ day of _____, 20____.

Movant