

1 FLORIDA RULES OF JUDICIAL ADMINISTRATION

2  
3 **RULE 2.061. FOREIGN ATTORNEYS**

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5 (a) **Eligibility.** Upon filing a verified motion with the court ~~showing that the attorney is~~  
6 ~~an active member in good standing of the bar of another state, such an attorney~~ who is an active  
7 member in good standing of the bar of another state and currently eligible to practice law in a state  
8 other than Florida may be permitted to appear in particular cases in a Florida court upon such  
9 conditions as the court may deem appropriate, provided that a member of The Florida Bar in good  
10 standing is associated as an attorney of record. In determining whether to permit a foreign attorney  
11 to appear pursuant to this rule, the court may consider, among other things, information provided  
12 under subdivision (b)(3) concerning discipline in other jurisdictions. No attorney is authorized to  
13 appear pursuant to this rule if the attorney (1) is a Florida resident; (2) is ~~an inactive or suspended~~  
14 ~~member of The Florida Bar, or has been disbarred or has received a disciplinary resignation from~~  
15 ~~The Florida Bar~~ a member of The Florida Bar but is ineligible to practice law; (3) has previously  
16 been disciplined or held in contempt by reason of misconduct committed while engaged in  
17 representation permitted pursuant to this rule provided, however, the contempt is final and has not  
18 been reversed or abated; ~~or~~ (4) has failed to provide notice to The Florida Bar or pay the filing fee  
19 as required in subdivision (b)(7); or (4) is engaged in a “general practice” before Florida courts.  
20 For purposes of this rule, more than 3 appearances within a 365-day period in separate ~~and~~  
21 ~~unrelated~~ representations shall be presumed to be a “general practice.”; ~~provided, however, that the~~  
22 ~~court shall have discretion to allow other appearances upon a showing that the appearances are not~~  
23 ~~a “general practice,” or that denial will work a substantial hardship on the client.~~ In cases  
24 involving indigent clients, the court may waive the filing fee for good cause shown.

25  
26 (b) **Contents of Verified Motion.** A form verified motion accompanies this rule and  
27 shall be utilized by the foreign attorney. The verified motion required by subdivision (a) shall

28 include:

29

30 (1) a statement identifying all jurisdictions in which the attorney is an active  
31 member in good standing and currently eligible to practice law;

32

33 (2) a statement identifying by date, case name, and case number all other  
34 matters in Florida state courts in which pro hac vice admission has been sought in the preceding 5  
35 years, and whether such admission was granted or denied;

36

37 (3) a statement identifying all jurisdictions in which the attorney has been  
38 disciplined in any manner in the preceding 5 years and the sanction imposed, or in which the  
39 attorney has pending any disciplinary proceeding, including the date of the disciplinary action, the  
40 nature of the violation, ~~and the penalty imposed~~;

41

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

44

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

47

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

50

51 (7) a certificate indicating service of the verified motion upon all counsel of  
52 record in the matter in which leave to appear pro hac vice is sought and upon The Florida Bar at its  
53 Tallahassee office accompanied by a nonrefundable \$250.00 filing fee made payable to The  
54 Florida Bar or notice of the waiver of the fee; and

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

57

1 IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
2 IN AND FOR \_\_\_\_\_, COUNTY, FLORIDA

3 \_\_\_\_\_ Case No. \_\_\_\_\_  
4 Plaintiff

5 \_\_\_\_\_ Division \_\_\_\_\_  
6 VS.

7 \_\_\_\_\_  
8 Defendant

9 **VERIFIED MOTION FOR ADMISSION TO APPEAR *PRO HAC VICE***  
10 **PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.061**

11 Comes now \_\_\_\_\_, Movant  
12 herein, and respectfully represents the following:

13 1. Movant resides at \_\_\_\_\_  
14 (Street Address)

15 \_\_\_\_\_

16 \_\_\_\_\_ (City) \_\_\_\_\_ (County) \_\_\_\_\_ (State)  
17 \_\_\_\_\_  
18 \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Telephone with area code) \_\_\_\_\_ (social security number)

19 and is not a resident of the State of Florida.

20 2. Movant is an attorney and a member of the law firm of (or practices law under the name  
21 of) \_\_\_\_\_, with offices

22 at \_\_\_\_\_,  
23 (Street Address) \_\_\_\_\_ (City)

24 \_\_\_\_\_  
25 \_\_\_\_\_ (County) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Telephone)

26 3. Movant has been retained personally or as a member of the above named law firm on  
27 \_\_\_\_\_ by \_\_\_\_\_

28 (Date Representation Commenced) \_\_\_\_\_ (Name of Party or Parties)  
29 \_\_\_\_\_

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

32 4. Movant is an active member in good standing and currently eligible to practice law in  
33 the following jurisdiction(s): (attach additional sheet if necessary)

34 \_\_\_\_\_  
35 \_\_\_\_\_  
36 \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_  
39 5. There are no disciplinary proceedings pending against Movant, except as provided  
40 below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation  
41 and the sanction, if any, imposed):

42 (attach additional sheet if necessary)  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_

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6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):

(attach additional sheet if necessary)

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7. Movant has never been subject to any suspension proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):

(attach additional sheet if necessary)

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8. Movant has never been subject to any disbarment proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):

(attach additional sheet if necessary)

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9. 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.

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

11. Movant is not now and has never been a member of The Florida Bar.

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

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

14. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.061, except as provided below (give date of disciplinary action or contempt, reasons therefor, and court imposing contempt):  
(attach additional sheet if necessary)

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

<u>Date of Motion</u>	<u>Case Name</u>	<u>Case Number</u>	<u>Court</u>	<u>Motion Granted/Denied</u>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
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127 know the contents thereof, and the contents are true of my own knowledge and belief.

128 \_\_\_\_\_

129 Movant/Affiant

130 The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

131 \_\_\_\_\_ who is personally known to me or who has produced

132 \_\_\_\_\_ as identification and who did take an oath.

133 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

134 \_\_\_\_\_ Notary Public

135 Notary Public (Signature)

136 \_\_\_\_\_

137 (Printed or Typed Name)

138 Commission Number: \_\_\_\_\_

139 My commission expires: \_\_\_\_\_

140 I hereby consent to be associated as local counsel of record in this cause pursuant to

141 Florida Rule of Judicial Administration 2.061. \_\_\_\_\_

142 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.





29 ~~permit the admission of inactive, suspended, and former members of The Florida Bar to courts of~~  
30 ~~record in this state. Inactive, suspended, and former members of The Florida Bar who seek~~  
31 ~~admission under this rule and the applicable provisions of the Florida Rules of Judicial~~  
32 ~~Administration shall disclose current Florida Bar membership status to the courts. Failure to make~~  
33 ~~such disclosure shall serve as a basis for denial of leave to appear and a bar to future appearances~~  
34 ~~in Florida courts of record under this rule and the applicable portions of the Florida Rules of~~  
35 ~~Judicial Administration.~~

36  
37 **(b) Lawyers Prohibited From Appearing.** No lawyer is authorized to appear pursuant  
38 to this rule or the applicable portions of the Florida Rules of Judicial Administration if the lawyer:

- 39 (1) is disbarred or suspended from practice in any jurisdiction;  
40 (2) is a Florida resident;  
41 (3) is a member of The Florida Bar but ineligible to practice law;  
42 (4) has previously been disciplined or held in contempt by reason of misconduct  
43 committed while engaged in representation permitted pursuant to this rule;  
44 (5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this  
45 rule; or  
46 (6) is engaged in a “general practice” as defined elsewhere in this rule.

47  
48 **(bc) Content of Verified Motion for Leave to Appear.** Any verified motion filed under  
49 this rule or the applicable provisions of the Florida Rules of Judicial Administration shall include:

- 50  
51 (1) a statement of the current Florida Bar membership status of the lawyer, if  
52 any identifying all jurisdictions in which the lawyer is currently eligible to practice law;  
53  
54 (2) a statement indicating the lawyer is currently a member in good standing of a  
55 jurisdiction other than Florida identifying by date, case name, and case number all other matters in  
56 Florida state courts in which pro hac vice admission has been sought in the preceding 5 years, and

57 whether such admission was granted or denied;

58

59 (3) ~~a statement indicating the date the legal representation at issue commenced and the~~  
60 ~~party(ies) represented~~identifying all jurisdictions in which the lawyer has been disciplined in any  
61 manner in the preceding 5 years and the sanction imposed, or all jurisdictions in which the lawyer  
62 has pending any disciplinary proceeding, including the date of the disciplinary action and the  
63 nature of the violation, as appropriate;

64

65 (4) ~~a statement identifying, by the date, case name, and case number, all other matters in~~  
66 ~~which temporary admission has been sought in the state of Florida in the prior 5 years and whether~~  
67 ~~such admission has been granted or denied~~ on which the legal representation at issue commenced  
68 and the party or parties represented;

69

70 (5) a statement that all applicable provisions of this rule and the applicable provisions of  
71 the Florida Rules of Judicial Administration have been read, and that the verified motion for leave  
72 to appear is filed in compliance therewith complies with those rules;

73

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

76

77 (7) a certificate indicating service of the verified motion upon all counsel of record in the  
78 matter in which leave to appear pro hac vice is sought, and upon The Florida Bar at its  
79 Tallahassee office accompanied by a nonrefundable \$250.00 filing fee made payable to The  
80 Florida Bar or notice of the waiver of the fee; and

81

82 (8) a verification by the lawyer seeking to appear pursuant to this rule or the applicable  
83 provisions of the Florida Rules of Judicial Administration and the signature of the Florida Bar  
84 member or members associated for purposes of the representation.



1                                   **RULE 1-3.11 APPEARANCES BY NON-FLORIDA LAWYERS**  
2                                   **IN AN ARBITRATION PROCEEDING IN FLORIDA**

3  
4                   **(a) Non-Florida Lawyers Appearing in an Arbitration Proceeding in Florida.** A  
5 lawyer currently eligible to practice law in another United States jurisdiction or a non-United  
6 States jurisdiction may appear in an arbitration proceeding in this jurisdiction if the appearance is:

7  
8                   (1) for a client who resides in or has an office in the lawyer's home state; or

9  
10                  (2) where the appearance arises out of or is reasonably related to the lawyer's practice in a  
11 jurisdiction in which the lawyer is admitted to practice; and

12  
13                  (3) the appearance is not one that requires pro hac vice admission.

14  
15 Such lawyer shall comply with the applicable portions of this rule and of rule 4-5.5.

16  
17                  **(b) Lawyers Prohibited From Appearing.** No lawyer is authorized to appear pursuant  
18 to this rule if the lawyer:

19  
20                  (1) is disbarred or suspended from practice in any jurisdiction;

21  
22                  (2) is a Florida resident;

23  
24                  (3) is a member of The Florida Bar but ineligible to practice law;

25  
26                  (4) has previously been disciplined or held in contempt by reason of misconduct  
27 committed while engaged in representation permitted pursuant to this rule;

29 (5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this  
30 rule, except that neither notice to The Florida Bar nor a fee shall be required for lawyers appearing  
31 in international arbitrations; or

32  
33 (6) is engaged in a “general practice” as defined elsewhere in these rules.

34  
35 **(c) Application of Rules Regulating The Florida Bar.** Lawyers permitted to appear by  
36 this rule shall be subject to these Rules Regulating The Florida Bar while engaged in the permitted  
37 representation, including, without limitation, rule 4-5.5.

38  
39 **(d) General Practice Prohibited.** Non-Florida lawyers shall not be permitted to engage  
40 in a general practice pursuant to this rule. In all arbitration matters except international arbitration,  
41 a lawyer who is not admitted to practice law in this jurisdiction who files more than 3 demands for  
42 arbitration or responses to arbitration in separate arbitration proceedings in a 365-day period shall  
43 be presumed to be engaged in a “general practice.”

44  
45 **(e) Content of Verified Statement for Leave to Appear.** In all arbitration proceedings  
46 except international arbitrations, prior to practicing pursuant to this rule, the non-Florida lawyer  
47 shall file a verified statement with The Florida Bar and serve a copy of the verified statement on  
48 opposing counsel, if known. If opposing counsel is not known at the time the verified statement is  
49 filed with The Florida Bar, the non-Florida lawyer shall serve a copy of the verified statement on  
50 opposing counsel within 10 days of learning the identity of opposing counsel. The verified  
51 statement shall include:

52  
53 (1) a statement identifying all jurisdictions in which the lawyer is currently eligible to  
54 practice law;

55  
56 (2) a statement identifying by date, case name, and case number all other arbitration

57 proceedings in which the non-Florida lawyer has appeared in Florida in the preceding 5 years,  
58 however, if the case name and case number are confidential pursuant to an order, rule, or  
59 agreement of the parties, this information does not need to be provided and only the dates of prior  
60 proceedings must be disclosed;

61  
62 (3) a statement identifying all jurisdictions in which the lawyer has been disciplined in any  
63 manner in the preceding 5 years and the sanction imposed, or in which the lawyer has pending any  
64 disciplinary proceeding, including the date of the disciplinary action and the nature of the violation,  
65 as appropriate;

66  
67 (4) a statement identifying the date on which the legal representation at issue commenced  
68 and the party or parties represented, however, if the name of the party or parties is confidential  
69 pursuant to an order, rule, or agreement of the parties, this information does not need to be  
70 provided and only the date on which the representation commenced must be disclosed;

71  
72 (5) a statement that all applicable provisions of this rule have been read, and that the  
73 verified statement complies with this rule;

74  
75 (6) a certificate indicating service of the verified statement upon all counsel of record in the  
76 matter and upon The Florida Bar at its Tallahassee office accompanied by a nonrefundable  
77 \$250.00 filing fee made payable to The Florida Bar, however, such fee may be waived in cases  
78 involving indigent clients; and

79  
80 (7) a verification by the lawyer seeking to appear pursuant to this rule.

81  
82 In addition, the copy of the verified statement filed with The Florida Bar must contain the social  
83 security number of the non-Florida attorney. This information need not be supplied to opposing  
84 counsel.

85 **Comment**

86  
87 This rule applies to arbitration proceedings held in Florida where 1 or both parties are  
88 being represented by a lawyer admitted in another United States jurisdiction or a non-United States  
89 jurisdiction. For the most part, the rule applies to any type of arbitration proceeding and any matter  
90 being arbitrated. However, portions of subdivision (d) and subdivision (e) in their entirety do not  
91 apply to international arbitrations. For the purposes of this rule, an international arbitration is  
92 defined as the arbitration of disputes: between 2 or more persons at least 1 of whom is a  
93 nonresident of the United States; or 2 or more persons all of whom are residents of the United  
94 States if the dispute (1) involves property located outside the United States, (2) relates to a  
95 contract or other agreement which envisages performance or enforcement in whole or in part  
96 outside the United States, (3) involves an investment outside the United States or the ownership,  
97 management, or operation of a business entity through which such an investment is effected, or  
98 any agreement pertaining to any interest in such an entity, (4) bears some other relation to 1 or  
99 more foreign countries, or (5) involves 2 or more persons at least 1 of whom is a foreign state as  
100 defined in 28 U.S.C. §1603. International arbitration does not include the arbitration of any  
101 dispute pertaining to the ownership, use, development, or possession of, or a lien of record upon,  
102 real property located in Florida or any dispute involving domestic relations.

103  
104 The exceptions provided in this rule for international arbitrations in no way exempt lawyers  
105 not admitted to The Florida Bar and appearing in Florida courts from compliance with the  
106 provisions of rule 1-3.10 and any applicable rules of judicial administration, regardless of whether  
107 the court proceeding arises out of or is related to the subject of a dispute in an international  
108 arbitration. For example, a lawyer not a member of The Florida Bar could not appear in a Florida  
109 court or confirm or vacate an award resulting from an international arbitration without being  
110 authorized to appear pro hac vice and without complying with all requirements contained in rule 1-  
111 3.10 and the applicable rules of judicial administration.

1 3-2. DEFINITIONS

2  
3 **RULE 3-2.1 GENERALLY**

4  
5 Wherever used in these rules the following words or terms shall have the meaning herein  
6 set forth unless the use thereof shall clearly indicate a different meaning:

7  
8 **(a) Bar Counsel.** A member of The Florida Bar representing The Florida Bar in any  
9 proceeding under these rules.

10  
11 **(b) The Board or the Board of Governors.** The board of governors of The Florida Bar.

12  
13 **(c) Complainant or Complaining Witness.** Any person who has complained of the  
14 conduct of any member of The Florida Bar to any officer or agency of The Florida Bar.

15  
16 **(d) This Court or the Court.** The Supreme Court of Florida.

17  
18 **(e) Court of this State.** A state court authorized and established by the constitution or  
19 laws of the state of Florida.

20  
21 **(f) Diversion to Practice and Professionalism Enhancement Programs.** The removal  
22 of a disciplinary matter from the disciplinary system and placement of the matter in a skills  
23 enhancement program in lieu of a disciplinary sanction.

24  
25 **(g) Executive Committee.** The executive committee of the board of governors of The  
26 Florida Bar.

27  
28 **(h) Executive Director.** The executive director of The Florida Bar.

29           **(i) Practice and Professionalism Enhancement Programs.** Programs operated either as  
30 a diversion from disciplinary action or as a part of a disciplinary sanction that are intended to  
31 provide educational opportunities to members of the bar for enhancing skills and avoiding  
32 misconduct allegations.

34           **(j) Probable Cause.** A finding by an authorized agency that there is cause to believe that  
35 a member of The Florida Bar is guilty of misconduct justifying disciplinary action.

37           **(k) Referral to Practice and Professionalism Enhancement Programs.** Placement of a  
38 lawyer in skills enhancement programs as a disciplinary sanction.

40           **(l) Referee.** A judge or retired judge appointed to conduct proceedings as provided under  
41 these rules.

43           **(m) Respondent.** A member of The Florida Bar or an attorney subject to these rules who  
44 is accused of misconduct or whose conduct is under investigation.

46           **(n) Staff Counsel.** The director of the legal division and an employee of The Florida Bar.

48           **(o) Chief Branch Discipline Counsel.** Chief branch discipline counsel is the counsel in  
49 charge of a branch office of The Florida Bar. Any counsel employed by The Florida Bar may  
50 serve as chief branch discipline counsel at the direction of the regularly assigned chief branch  
51 discipline counsel or staff counsel.

53           **(p) Designated Reviewer.** The designated reviewer is a member of the board of  
54 governors responsible for review and other specific duties as assigned by the board of governors  
55 with respect to a particular grievance committee or matter. If a designated reviewer recuses or is  
56 unavailable, any other board member may serve as designated reviewer in that matter. The

57 designated reviewer will be selected, from time to time, by the board members from the circuit of  
58 such grievance committee. In circuits having an unequal number of grievance committees and  
59 board members, review responsibility will be reassigned, from time to time, to equalize workloads.  
60 On such reassignments responsibility for all pending cases from a particular committee passes to  
61 the new designated reviewer. The chief branch discipline counsel will be given written notice of  
62 changes in the designated reviewing members for a particular committee.

63

64 **(q) Final Adjudication.** A decision by the authorized disciplinary authority or court  
65 issuing a sanction for professional misconduct that is not subject to judicial review except on direct  
66 appeal to the Supreme Court of the United States.

### 3-4. STANDARDS OF CONDUCT

#### **RULE 3-4.1 NOTICE AND KNOWLEDGE OF RULES; JURISDICTION OVER ATTORNEYS OF OTHER STATES AND FOREIGN COUNTRIES**

Every member of The Florida Bar and every attorney of another state or foreign country who ~~is admitted to practice for the purpose of a specific case before a court of record of this state~~ provides or offers to provide any legal services in this state is within the jurisdiction and subject to the disciplinary authority of this court and its agencies under this rule and is charged with notice and held to know the provisions of this rule and the standards of ethical and professional conduct prescribed by this court. Jurisdiction over an attorney of another state who is not a member of The Florida Bar shall be limited to conduct as an attorney in relation to the business for which the attorney was permitted to practice in this state and the privilege in the future to practice law in the state of Florida.



1                   **RULE 3-7.2 PROCEDURES UPON CRIMINAL OR PROFESSIONAL**  
2                   **MISCONDUCT; DISCIPLINE UPON DETERMINATION OR JUDGMENT**  
3                   **OF GUILT OF CRIMINAL MISCONDUCT**

4                   **(a) Definitions .**

5  
6                   (1) *Judgment of Guilt.* For the purposes of these rules, “judgment of guilt” shall include  
7 only those cases in which the trial court in the criminal proceeding enters an order adjudicating the  
8 respondent guilty of the offense(s) charged.

9  
10                  (2) *Determination of Guilt.* For the purposes of these rules, “determination of guilt” shall  
11 include only those cases in which the trial court in the criminal proceeding enters an order  
12 withholding adjudication of the respondent’s guilt of the offense(s) charged.

13  
14                  (3) *Convicted Attorney.* For the purposes of these rules, “convicted attorney” shall mean  
15 an attorney who has had either a determination or judgment of guilt entered by the trial court in the  
16 criminal proceeding.

17  
18                  **(b) Determination or Judgment of Guilt.** Determination or judgment of guilt of a  
19 member of The Florida Bar by a court of competent jurisdiction upon trial of or plea to any crime  
20 or offense that is a felony under the laws of this state, or under the laws under which any other  
21 court making such determination or entering such judgment exercises its jurisdiction, shall be  
22 conclusive proof of guilt of the criminal offense(s) charged for the purposes of these rules.

23  
24                  **(c) Notice of Determination or Judgment of Guilt.** Upon the entry of a determination  
25 or judgment of guilt against a member of The Florida Bar by a court of competent jurisdiction  
26 upon trial of or plea to any offense that is a felony under the laws applicable to such court, such  
27 convicted attorney shall within 30 days of such determination or judgment notify the executive  
28 director of The Florida Bar of such determination or judgment. Notice shall include a copy of the

29 order(s) whereby such determination or judgment was entered.

30

31 **(d) Notice of Determination or Judgment of Guilt by Courts of the State of Florida.**

32 If any such determination or judgment is entered by a court of the State of Florida, the judge or  
33 clerk thereof shall transmit to the Supreme Court of Florida and the executive director of The  
34 Florida Bar a certified copy of the order(s) whereby the determination or judgment was entered.

35

36 **(e) Suspension by Judgment of Guilt (Felonies).** Upon receiving notice that a member  
37 of the bar has been determined or adjudicated guilty of a felony, bar counsel will file a “Notice of  
38 Determination or Judgment of Guilt” in the Supreme Court of Florida. A copy of the judgment  
39 shall be attached to the notice. Upon the filing with the Supreme Court of Florida by The Florida  
40 Bar and service upon the respondent of a notice of determination or judgment of guilt for offenses  
41 that are felonies under applicable law, the respondent shall stand suspended as a member of The  
42 Florida Bar on the eleventh day after filing of the notice of determination or judgment of guilt  
43 unless the respondent shall, on or before the tenth day after filing of such notice, file a petition to  
44 terminate or modify such suspension.

45

46 **(f) Petition to Modify or Terminate Suspension.**

47

48 (1) At any time after the filing of a notice of determination or judgment of guilt, the  
49 respondent may file a petition with the Supreme Court of Florida to modify or terminate such  
50 suspension and shall serve a copy thereof upon the executive director.

51

52 (2) If such petition is filed on or before the tenth day following the filing of the notice, the  
53 suspension will be deferred until entry of an order on the petition.

54

55 (3) If such petition is filed after the tenth day following the filing of the notice of judgment  
56 of guilt, the suspension shall remain in effect pending disposition of the petition. Modification or

57 termination of the suspension shall be granted only upon a showing of good case.

58  
59 **(g) Response to Petition to Modify or Terminate Automatic Suspension.** The Florida  
60 Bar shall be allowed 20 days from the filing of a petition to modify or terminate automatic  
61 suspension to respond to the same. Bar counsel will oppose all petitions to modify or withhold an  
62 automatic suspension on a notice of determination or judgment of guilt unless the designated  
63 reviewer recommends and the executive committee concurs in not opposing such a petition.

64  
65 **(h) Term of Suspension.**

66  
67 (1) *Maximum Term of Suspension.* Unless the Supreme Court of Florida permits an  
68 earlier application for reinstatement, the suspension imposed on the determination or judgment of  
69 guilt shall remain in effect for 3 years and thereafter until civil rights have been restored and until  
70 the respondent is reinstated under rule 3-7.10 hereof.

71  
72 (2) *Continuation During Appeal.* A final termination of the criminal cause resulting in the  
73 affirmance of a determination or judgment of guilt shall continue the suspension until expiration of  
74 all periods for appeal and rehearing.

75  
76 (3) *Continuation of Suspension Until Final Disposition.* If an appeal is taken by the  
77 respondent from the determination or judgment of the trial court in the criminal proceeding, and on  
78 review the cause is remanded for further proceedings, the suspension shall remain in effect until  
79 the final disposition of the criminal cause unless modified or terminated by the Supreme Court of  
80 Florida as elsewhere provided.

81  
82 (4) *Termination and Expunction of Suspension.* A final disposition of the criminal cause  
83 resulting in acquittal will terminate the suspension. Upon motion of the respondent, the Supreme  
84 Court of Florida may expunge a suspension entered under this rule when a final disposition of the

85 criminal cause has resulted in acquittal.

86

87 (5) *Effect of Expunction.* A respondent who is the subject of a disciplinary history record  
88 that is expunged under this rule lawfully may deny or fail to acknowledge the sanctions covered by  
89 the expunged record, except when the respondent is a candidate for election or appointment to  
90 judicial office.

91

92 (i) **Separate Disciplinary Action.**

93

94 (1) *Initiation of Action.* The Florida Bar may, at any time, initiate separate disciplinary  
95 action against the respondent.

96

97 (2) *Conclusive Proof of Probable Cause.* A determination or judgment of guilt, where the  
98 offense is a felony under applicable law, shall constitute conclusive proof of probable cause and  
99 The Florida Bar may file a complaint with the Supreme Court of Florida, or proceed under rule 3-  
100 7.9, without there first having been a separate finding of probable cause.

101

102 (3) *Determination or Judgment of Guilt as Evidence.* A determination or judgment of  
103 guilt, whether for charges that are felony or misdemeanor in nature, shall be admissible in  
104 disciplinary proceedings under these rules, and in those cases where the underlying criminal  
105 charges constitute felony charges, determinations or judgments of guilt shall, for purposes of these  
106 rules, constitute conclusive proof of the criminal offense(s) charged. The failure of a trial court to  
107 adjudicate the convicted attorney guilty of the offense(s) charged shall be considered as a matter of  
108 mitigation only.

109

110 (j) **Professional Misconduct in Foreign Jurisdiction.**

111

112 (1) *Notice of Discipline by a Foreign Jurisdiction.* A member of The Florida Bar who has

113 submitted a disciplinary resignation or otherwise surrendered a license to practice law in lieu of  
114 disciplinary sanction, or has been disbarred or suspended from the practice of law by a court or  
115 other authorized disciplinary agency of another state or by a federal court shall within 30 days after  
116 the effective date of disbarment or suspension file with the Supreme Court of Florida and the  
117 executive director of The Florida Bar a copy of the order or judgment effecting such disbarment or  
118 suspension.

119

120 (2) *Adjudication or Discipline by a Foreign Jurisdiction.* In cases of a final adjudication  
121 by a court or other authorized disciplinary agency of another jurisdiction, such adjudication of  
122 misconduct shall be sufficient basis for the filing of a complaint by The Florida Bar and  
123 assignment for hearing before a referee without a finding of probable cause under these rules.

1                                   **RULE 4-5.5 UNLICENSED PRACTICE OF LAW,**  
2                                   **MULTIJURISDICTIONAL PRACTICE OF LAW**

3  
4           **(a) Practice of Law.** A lawyer shall not:

5 \_\_\_\_\_  
6 ~~\_\_\_\_\_ (a) practice law in a jurisdiction where doing so violates other than the lawyer's home~~  
7 ~~state, in violation of the regulation of the legal profession in that jurisdiction, or in violation of the~~  
8 ~~regulation of the legal profession in the lawyer's home state; or, assist another in doing so.~~

9  
10           **(b) assist a person who is not a member of the bar in the performance of activity that**  
11 ~~constitutes the unlicensed practice of law.~~ **Establishing an Office and Holding Out as Lawyer**

12 **Prohibited.** A lawyer who is not admitted to practice in Florida shall not:

13  
14 \_\_\_\_\_ (1) except as authorized by other law, establish an office or other regular presence in  
15 Florida for the practice of law; or

16  
17 \_\_\_\_\_ (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law  
18 in Florida.

19  
20 \_\_\_\_\_ **(c) Authorized Temporary Practice by Lawyer Admitted in Another United States**

21 **Jurisdiction.** A lawyer admitted and authorized to practice law in another United States  
22 jurisdiction who has been neither disbarred or suspended from practice in any jurisdiction, nor  
23 disciplined or held in contempt in Florida by reason of misconduct committed while engaged in the  
24 practice of law permitted pursuant to this rule, may provide legal services on a temporary basis in  
25 Florida that:

26  
27 \_\_\_\_\_ (1) are undertaken in association with a lawyer who is admitted to practice in Florida and  
28 who actively participates in the matter;

29 \_\_\_\_\_ (2) are in or reasonably related to a pending or potential proceeding before a tribunal in  
30 this or another jurisdiction, if the lawyer or a person the lawyer is assisting, is authorized by law or  
31 order to appear in such proceeding or reasonably expects to be so authorized;

32  
33 \_\_\_\_\_ (3) are in or reasonably related to a pending or potential arbitration, mediation, or other  
34 alternative dispute resolution proceeding in this or another jurisdiction, and the services are not  
35 services for which the forum requires pro hac vice admission:

36  
37 \_\_\_\_\_ (A) if the services are performed for a client who resides in or has an office in the  
38 lawyer's home state, or

39  
40 \_\_\_\_\_ (B) where the services arise out of or are reasonably related to the lawyer's  
41 practice in a jurisdiction in which the lawyer is admitted to practice; or

42  
43 \_\_\_\_\_ (4) are not within subdivisions (c)(2) or (c)(3), and

44  
45 \_\_\_\_\_ (A) are performed for a client who resides in or has an office in the jurisdiction in  
46 which the lawyer is authorized to practice, or;

47  
48 \_\_\_\_\_ (B) arise out of or are reasonably related to the lawyer's practice in a jurisdiction in  
49 which the lawyer is admitted to practice.

50  
51 \_\_\_\_\_ **(d) Authorized Temporary Practice by Lawyer Admitted in a Non-United States**  
52 **Jurisdiction.** A lawyer who is admitted only in a non-United States jurisdiction who is a member  
53 in good standing of a recognized legal profession in a foreign jurisdiction, whose members are  
54 admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective  
55 regulation and discipline by a duly constituted professional body or a public authority, and who  
56 has been neither disbarred or suspended from practice in any jurisdiction nor disciplined or held in

57 contempt in Florida by reason of misconduct committed while engaged in the practice of law  
58 permitted pursuant to this rule, does not engage in the unlicensed practice of law in Florida when  
59 on a temporary basis the lawyer performs services in Florida that:

60  
61 \_\_\_\_\_ (1) are undertaken in association with a lawyer who is admitted to practice in Florida and  
62 who actively participates in the matter;

63  
64 \_\_\_\_\_ (2) are in or reasonably related to a pending or potential proceeding before a tribunal held  
65 or to be held in a jurisdiction outside the United States if the lawyer, or a person the lawyer is  
66 assisting, is authorized by law or by order of the tribunal to appear in such proceeding or  
67 reasonably expects to be so authorized;

68  
69 \_\_\_\_\_ (3) are in or reasonably related to a pending or potential arbitration, mediation, or other  
70 alternative dispute resolution proceeding held or to be held in Florida or another jurisdiction and  
71 the services are not services for which the forum requires pro hac vice admission

72  
73 \_\_\_\_\_ (A) if the services are performed for a client who resides in or has an office in the  
74 jurisdiction in which the lawyer is admitted to practice, or

75  
76 \_\_\_\_\_ (B) where the services arise out of or are reasonably related to the lawyer's  
77 practice in a jurisdiction in which the lawyer is admitted to practice;

78  
79 \_\_\_\_\_ (4) are not within subdivisions (d)(2) or (d)(3), and

80  
81 \_\_\_\_\_ (A) are performed for a client who resides or has an office in a jurisdiction in  
82 which the lawyer is authorized to practice to the extent of that authorization, or

83  
84 \_\_\_\_\_ (B) arise out of or are reasonably related to a matter that has a substantial

85 connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that  
86 authorization; or

87  
88 (5) are governed primarily by international law or the law of a non-United States  
89 jurisdiction in which the lawyer is a member.

90  
91  
92 **Comment**

93  
94 Subdivision (a) applies to unlicensed practice of law by a lawyer, whether through the  
95 lawyer's direct action or by the lawyer assisting another person. A lawyer may practice law only  
96 in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to  
97 practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by  
98 law to practice for a limited purpose or on a restricted basis. Regardless of whether the lawyer is  
99 admitted to practice law on a regular basis or is practicing as the result of an authorization granted  
100 by court rule or order or by the law, the lawyer must comply with the standards of ethical and  
101 professional conduct set forth in these Rules Regulating The Florida Bar.

102  
103 The definition of the practice of law is established by law and varies from one jurisdiction  
104 to another. Whatever the definition, limiting the practice of law to members of the bar protects the  
105 public against rendition of legal services by unqualified persons. ~~Subdivision (b)~~ This rule does  
106 not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to  
107 them, so long as the lawyer supervises the delegated work and retains responsibility for their work.  
108 See rule 4-5.3. Likewise, it does not prohibit lawyers from providing professional advice and  
109 instruction to nonlawyers whose employment requires knowledge of law; for example, claims  
110 adjusters, employees of financial or commercial institutions, social workers, accountants, and  
111 persons employed in government agencies. In addition, a lawyer may counsel nonlawyers who  
112 wish to proceed pro se.

113 Other than as authorized by law, a lawyer who is not admitted to practice in Florida  
114 violates subdivision (b) if the lawyer establishes an office or other regular presence in Florida for  
115 the practice of law. Presence may be regular even if the lawyer is not physically present here.  
116 Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to  
117 practice law in Florida.

118  
119 There are occasions in which a lawyer admitted and authorized to practice in another  
120 United States jurisdiction or in a non-United States jurisdiction may provide legal services on a  
121 temporary basis in Florida under circumstances that do not create an unreasonable risk to the  
122 interests of their clients, the public, or the courts. Subdivisions (c) and (d) identify such  
123 circumstances. This rule does not authorize a lawyer to establish an office or other regular presence  
124 in Florida without being admitted to practice generally here. Furthermore, no lawyer is authorized  
125 to provide legal services pursuant to this rule if the lawyer is disbarred or suspended from practice  
126 in any jurisdiction or has been disciplined or held in contempt in Florida by reason of misconduct  
127 committed while engaged in the practice of law permitted pursuant to this rule. The contempt must  
128 be final and not reversed or abated.

129  
130 There is no single test to determine whether a lawyer's services are provided on a  
131 "temporary basis" in Florida, and may therefore be permissible under subdivision (c). Services  
132 may be "temporary" even though the lawyer provides services in Florida on a recurring basis, or  
133 for an extended period of time, as when the lawyer is representing a client in a single lengthy  
134 negotiation or litigation.

135  
136 Subdivision (c) applies to lawyers who are admitted to practice law in any United States  
137 jurisdiction, which includes the District of Columbia and any state, territory, or commonwealth of  
138 the United States. The word "admitted" in subdivision (c) contemplates that the lawyer is  
139 authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer  
140 who while technically admitted is not authorized to practice, because, for example, the lawyer is

141 on inactive status. Subdivision (d) applies to lawyers who are admitted to practice law in a non-  
142 United States jurisdiction if the lawyer is a member in good standing of a recognized legal  
143 profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or  
144 counselors at law or the equivalent and subject to effective regulation and discipline by a duly  
145 constituted professional body or a public authority. Due to the similarities between the  
146 subsections, they will be discussed together. Differences will be noted.

147  
148 Subdivisions (c)(1) and (d)(1) recognize that the interests of clients and the public are  
149 protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to  
150 practice in Florida. For these subdivisions to apply, the lawyer admitted to practice in Florida  
151 could not serve merely as a conduit for the out-of-state lawyer, but would have to share actual  
152 responsibility for the representation and actively participate in the representation.

153  
154 Lawyers not admitted to practice generally in Florida may be authorized by law or order of  
155 a tribunal or an administrative agency to appear before the tribunal or agency. This authority may  
156 be granted pursuant to formal rules governing admission pro hac vice or pursuant to formal rules of  
157 the agency. Under subdivision (c)(2), a lawyer does not violate this rule when the lawyer appears  
158 before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law  
159 of Florida requires a lawyer who is not admitted to practice in Florida to obtain admission pro hac  
160 vice prior to appearing before a tribunal or to obtain admission pursuant to applicable rule(s) prior  
161 to appearing before an administrative agency, this rule requires the lawyer to obtain that authority.

162  
163 Subdivision (c)(2) also provides that a lawyer rendering services in Florida on a temporary  
164 basis does not violate this rule when the lawyer engages in conduct in anticipation of a proceeding  
165 or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer  
166 reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with  
167 the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer  
168 admitted only in another jurisdiction may engage in conduct temporarily in Florida in connection

169 with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be  
170 authorized to appear, including taking depositions in Florida.

171  
172 Subdivision (d)(2) is similar to subdivision (c)(2), however, the authorization in (d)(2) only  
173 applies to pending or potential proceedings before a tribunal to be held outside of the United  
174 States.

175  
176 Subdivision (c)(3) and (d)(3) permit a lawyer admitted to practice law in another  
177 jurisdiction to perform services on a temporary basis in Florida if those services are in or  
178 reasonably related to a pending or potential arbitration, mediation, or other alternative dispute  
179 resolution proceeding in this or another jurisdiction, if the services are performed for a client who  
180 resides in or has an office in the lawyer's home state, or if the services arise out of or are  
181 reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to  
182 practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed  
183 arbitration or mediation or otherwise if court rules or law so require. For the purposes of this rule,  
184 a lawyer who is not admitted to practice law in Florida who files more than 3 demands for  
185 arbitration or responses to arbitration in separate arbitration proceedings in a 365-day period shall  
186 be presumed to be providing legal services on a regular, not temporary, basis, however, this  
187 presumption shall not apply to a lawyer appearing in international arbitrations as defined in the  
188 comment to rule 1-3.11(or elsewhere in these rules).

189  
190 Subdivision (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal  
191 services on a temporary basis in Florida that are performed for a client who resides or has an office  
192 in the jurisdiction in which the lawyer is authorized to practice or arise out of or are reasonably  
193 related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within  
194 subdivisions (c)(2) or (c)(3). These services include both legal services and services that  
195 nonlawyers may perform but that are considered the practice of law when performed by lawyers.  
196 When performing services which may be performed by nonlawyers, the lawyer remains subject to

197 the Rules of Professional Conduct.

198

199 Subdivisions (c)(3), (d)(3), and (c)(4) require that the services arise out of or be reasonably  
200 related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of  
201 factors evidence such a relationship. The lawyer's client may have been previously represented by  
202 the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the  
203 lawyer is admitted. The matter, although involving other jurisdictions, may have a significant  
204 connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be  
205 conducted in that jurisdiction or a significant aspect of the matter may involve the law of that  
206 jurisdiction. The necessary relationship might arise when the client's activities or the legal issues  
207 involve multiple jurisdictions, such as when the officers of a multinational corporation survey  
208 potential business sites and seek the services of their lawyer in assessing the relative merits of each.  
209 In addition, the services may draw on the lawyer's recognized expertise developed through regular  
210 practice of law in a body of law that is applicable to the client's particular matter.

211

212 Subdivision (d)(4) permits a lawyer admitted in a non-United States jurisdiction to provide  
213 certain services on a temporary basis in Florida that are performed for a client who resides in or has  
214 an office in the jurisdiction where the lawyer is authorized to practice or arise out of or are  
215 reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer  
216 is authorized to practice to the extent of that authorization but are not within subdivisions (d)(2)  
217 and (d)(3). The scope of the work the lawyer could perform under this provision would be limited  
218 to the services the lawyer may perform in the authorizing jurisdiction. For example, if a German  
219 lawyer came to the United States to negotiate on behalf of a client in Germany, the lawyer would  
220 be authorized to provide only those services that the lawyer is authorized to provide for that client  
221 in Germany. Subdivision (d)(5) permits a lawyer admitted in a non-United States jurisdiction to  
222 provide services in Florida that are governed primarily by international law or the law of a non-  
223 United States jurisdiction in which the lawyer is a member.

224

225 \_\_\_\_\_ A lawyer who practices law in Florida pursuant to subdivisions (c), (d), or otherwise is  
226 subject to the disciplinary authority of Florida. A lawyer who practices law in Florida pursuant to  
227 subdivision (c) must inform the client that the lawyer is not licensed to practice law in Florida.

228  
229 \_\_\_\_\_ The Supreme Court of Florida has determined that it constitutes the unlicensed practice of  
230 law for a lawyer admitted to practice law in a jurisdiction other than Florida to advertise to provide  
231 legal services in Florida which the lawyer is not authorized to provide. The rule was codified in  
232 820 So. 2d 210 (Fla. 2002). The court first stated the proposition in 762 So. 2d 392, 394 (Fla.  
233 1999). Subdivisions (c) and (d) do not authorize advertising legal services to prospective clients in  
234 Florida by lawyers who are admitted to practice in jurisdictions other than Florida. Whether and  
235 how lawyers may communicate the availability of their services to prospective clients in Florida is  
236 governed by rules 4-7.1 through 4-7.11.

237  
238 \_\_\_\_\_ A lawyer who practices law in Florida is subject to the disciplinary authority of Florida.