

Proposed rule

Reasons for change

RULE 2.060. ATTORNEYS

(a) **Generally.** [no change]

(b) ~~**Clerks and Secretaries**~~ **Staff Attorneys, Law Clerks, and Judicial Assistants Not to Practice.** No one serving as a ~~research aide or secretary~~ staff attorney, law clerk, or judicial assistant to a justice or judge of any court shall practice as an attorney in any court or before any agency of government while continuing in that position, ~~nor participate in any manner in any proceeding that was docketed in the court during the term of service or prior thereto.~~ Any attorney designated by the court may represent the court, or any judge in the judge's official capacity, in any proceeding in which the court or judge is an interested party. An attorney shall not represent anyone in connection with a matter in which the attorney participated personally and substantially as a judicial staff attorney, law clerk, or judicial assistant.

(c) **Pleadings to Be Signed.** [no change]

(d) **Party Not Represented by Attorney to Sign.**
[no change]

(e) **Form of Signature of Attorney, Party, or Other Person.** [no change]

(f) **Attorney Not to Be Surety.** [no change]

(g) **Stipulations.** [no change]

Subdivision (a) has been amended to modernize the language of the rule regarding court personnel; to provide that any attorney designated by the court may represent the court or a judge, in the judge's official capacity, in proceedings in which either is an interested party; and to narrow the scope of disqualification of attorneys on account of work formerly performed as a court employee.

(h) ~~**Substitution of Attorneys.** Attorneys for a party may be substituted at any time by order of court. No substitute attorney shall be permitted to appear in the absence of an order.~~ **Appearance of Attorney.** An attorney may appear in a proceeding in any of the following ways:

(1) By serving and filing, on behalf of a party, the party's first pleading or paper in the proceeding.

(2) By substitution of counsel, but only by order of court and with written consent of the client, filed with the court. The court may condition substitution upon payment of, or security for, the substituted attorney's fees and expenses, or upon such other terms as may be just. ~~The client shall be notified in advance of the proposed substitution and shall consent in writing to the substitution. The written consent shall be filed with the court.~~

(3) By filing with the court and serving upon all parties a notice of appearance as counsel for a party that has already appeared in a proceeding pro se or as co-counsel for a party that has already appeared in a proceeding by non-withdrawing counsel.

(i) ~~**Withdrawal of Attorney.** An attorney shall not be permitted to withdraw from an action unless the withdrawal is approved by the court. The attorney shall file a motion for that purpose stating the reasons for withdrawal and the client's address. A copy of the motion shall be served on the client and adverse parties. The motion shall be set for hearing and notice of hearing shall be served on the client and adverse parties.~~ **Termination of Appearance of Attorney.** The appearance of an attorney for a party in a proceeding shall terminate only in one of the following

Subdivisions (h)–(j) have been extensively amended. Subdivision (h), now titled “Appearance of Attorney,” identifies how an attorney may appear in a proceeding.

Subdivision (i), now titled “Termination of Appearance of Attorney,” identifies how an attorney may terminate an appearance in a proceeding and, thereby, terminate further responsibility.

ways:

(1) **Withdrawal of Attorney.** By order of court, where the proceeding is continuing, upon motion and hearing, on notice to all parties and the client, such motion setting forth the reasons for withdrawal and the client's last known address.

(2) **Substitution of Attorney.** By order of court, under the procedure set forth in subdivision (h)(2) of this rule.

(3) **Termination of Proceeding.** Automatically, without order of court, upon the termination of a proceeding, whether by final order of dismissal, by final adjudication, or otherwise, and following the expiration of any applicable time for appeal, where no appeal is taken.

~~(j) **Addition of Attorneys.** After a proceeding has been filed in a court, additional attorneys may appear without securing permission of the court. All additional attorneys so appearing shall file a notice of appearance with the court and shall serve a copy of the notice of appearance on all parties in the proceeding.~~

~~(k) **Law Student Participation.** Eligible law students shall be permitted to participate as provided under the conditions of chapter 11 of the Rules Regulating The Florida Bar as amended from time to time.~~

~~(l) **Attorney as Agent of Client.** In all matters~~

Because of the amendments to (h) and (i) above, subdivision (j) has been deleted and the remaining subdivisions are relettered accordingly.

concerning the prosecution or defense of any proceeding in the court, the attorney of record shall be the agent of the client, and any notice by or to the attorney or act by the attorney in the proceeding shall be accepted as the act of or notice to the client.