

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

30
31 (2) a statement identifying by date, case name, and case number all other matters in
32 Florida state courts in which pro hac vice admission has been sought in the preceding 5 years, and
33 whether such admission was granted or denied;

34
35 (3) a statement identifying all jurisdictions in which the attorney has been disciplined
36 in any manner in the preceding 5 years and the sanction imposed, or in which the attorney has pending
37 any disciplinary proceeding, including the date of the disciplinary action, the nature of the violation, ~~and~~
38 ~~the penalty imposed~~;

39
40 (4) a statement identifying the date on which the legal representation at issue
41 commenced, and the party or parties represented;

42
43 (5) a statement that all applicable provisions of these rules and the Rules Regulating
44 The Florida Bar have been read, and that the verified motion complies with those rules;

45
46 (6) the name, record bar address, and membership status of the Florida Bar
47 member or members associated for purposes of the representation;

48
49 (7) a certificate indicating service of the verified motion upon all counsel of record
50 in the matter in which leave to appear pro hac vice is sought and upon The Florida Bar at its
51 Tallahassee office accompanied by a nonrefundable \$250.00 filing fee made payable to The Florida
52 Bar or notice of the waiver of the fee; and

53
54 (8) a verification by the attorney seeking to appear pursuant to this rule and the

55 signature of the Florida Bar member or members associated for purposes of the representation.
56

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 of)

21 _____, 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 the
33 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 below
40 (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the
41 sanction, if any, imposed):

42 (attach additional sheet if necessary)

43 _____
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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)

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)

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)

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)

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

16. Local counsel of record associated with Movant in this matter is

102 _____ who is an active member in good standing of The Florida
103 (Name and Florida Bar Number)

104 Bar and has offices at _____.

105 (Street Address)

106 _____, Florida, _____

107 (City)

(County)

(Zip Code)

108 _____.

109 (Telephone with area code)

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

112 17. Movant has read the applicable provisions of Florida Rule of Judicial Administration 2.061
113 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies
114 with those rules.

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

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

119 DATED this _____ day of _____, 20 _____.

120 _____
121 _____
122 Movant

123 STATE OF _____

124 COUNTY OF _____

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

128
129

Movant/Affiant

130
131
132

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
_____ who is personally known to me or who has produced
_____ as identification and who did take an oath.

133

_____ day of _____, 20____.

134
135

Notary Public
Notary Public (Signature)

136
137

(Printed or Typed Name)

138

Commission Number: _____

139

My commission expires: _____

140
141
142

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida
Rule of Judicial Administration 2.061.
DATED this _____ day of _____, 20____.

143
144

Local Counsel of Record

145

146

Florida Bar Number

147

CERTIFICATE OF SERVICE

148

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was furnished by

149

U.S. mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-

150

2300 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar and to

151

152

153

Name and Address of All Counsel of Record and of Parties Not Represented by Counsel

154

this _____ day of _____, 20 _____.

155

Movant

1 **RULE 1-3.10 APPEARANCES BY NON-FLORIDA LAWYERS**
2 **IN A FLORIDA COURT**

3
4 **(a) Non-Florida Lawyers ~~With Professional Business in Florida~~ Appearing in a Florida**
5 **Court**. A practicing lawyer of another state, in good standing and currently eligible to practice, may,
6 upon association of a member of The Florida Bar, ~~in good standing~~, and verified motion, be permitted
7 to practice upon such conditions as the court deems appropriate under the circumstances of the case.
8 Such lawyer shall comply with the applicable portions of this rule and the Florida Rules of Judicial
9 Administration.

10
11 (1) *Application of Rules Regulating The Florida Bar*. Lawyers permitted to appear by this
12 rule shall be subject to these Rules Regulating The Florida Bar while engaged in the permitted
13 representation.

14
15 (2) *General Practice Prohibited*. Non-Florida lawyers shall not be permitted to engage in a
16 general practice before Florida courts. For purposes of this rule more than 3 appearances within a
17 365-day period in separate ~~and unrelated~~ representations shall be presumed to be a “general practice;”
18 ~~provided, however, that the court shall have discretion to allow other appearances upon a showing that~~
19 ~~the appearances are not a “general practice” or that denial will work a substantial hardship on the client.~~

20
21 (3) *Effect of Professional Discipline or Contempt*. Non-Florida lawyers who have been
22 disciplined or held in contempt by reason of misconduct committed while engaged in representation that
23 is permitted by this rule shall thereafter be denied admission under this rule and the applicable
24 provisions of the Florida Rules of Judicial Administration.

25
26 ~~(4) *Inactive, Suspended, and Former Members of The Florida Bar Prohibited*. This rule~~
27 ~~and the applicable portions of the Florida Rules of Judicial Administration shall not be construed to~~
28 ~~permit the admission of inactive, suspended, and former members of The Florida Bar to courts of~~

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

34
35 **(b) Lawyers Prohibited From Appearing.** No lawyer is authorized to appear pursuant to
36 this rule or the applicable portions of the Florida Rules of Judicial Administration if the lawyer:

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

38 (2) is a Florida resident;

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

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

42 (5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this rule;

43 or

44 (6) is engaged in a “general practice” as defined elsewhere in this rule.

45
46 **(b)c) Content of Verified Motion for Leave to Appear.** Any verified motion filed under this
47 rule or the applicable provisions of the Florida Rules of Judicial Administration shall include:

48
49 (1) a statement of the current Florida Bar membership status of the lawyer, if any identifying all
50 jurisdictions in which the lawyer is currently eligible to practice law;

51
52 (2) a statement indicating the lawyer is currently a member in good standing of a jurisdiction
53 other than Florida identifying by date, case name, and case number all other matters in Florida state
54 courts in which pro hac vice admission has been sought in the preceding 5 years, and whether such
55 admission was granted or denied;

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

62
63 (4) a statement identifying, ~~by the date, case name, and case number, all other matters in which~~
64 ~~temporary admission has been sought in the state of Florida in the prior 5 years and whether such~~
65 ~~admission has been granted or denied on which the legal representation at issue commenced and the~~
66 party or parties represented;

67
68 (5) a statement that all applicable provisions of this rule and the applicable provisions of the
69 Florida Rules of Judicial Administration have been read, and that the verified motion ~~for leave to appear~~
70 ~~is filed in compliance therewith~~complies with those rules;

71
72 (6) the name, record bar address, and membership status of the ~~member(s) of The Florida Bar~~
73 member or members associated for purposes of the representation; ~~and~~

74
75 (7) a certificate indicating service of the verified motion upon all counsel of record in the matter
76 in which leave to appear pro hac vice is sought, and upon The Florida Bar at its Tallahassee office
77 accompanied by a nonrefundable \$250.00 filing fee made payable to The Florida Bar or notice of the
78 waiver of the fee; and

79
80 (8) a verification by the lawyer seeking to appear pursuant to this rule or the applicable
81 provisions of the Florida Rules of Judicial Administration and the signature of the Florida Bar member
82 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 lawyer
5 currently eligible to practice law in another United States jurisdiction or a non-United States jurisdiction
6 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 to
18 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 committed
27 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 rule,
30 except that neither notice to The Florida Bar nor a fee shall be required for lawyers appearing in
31 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 in a
40 general practice pursuant to this rule. In all arbitration matters except international arbitration, a lawyer
41 who is not admitted to practice law in this jurisdiction who files more than 3 demands for arbitration or
42 responses to arbitration in separate arbitration proceedings in a 365-day period shall be presumed to
43 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 shall file
47 a verified statement with The Florida Bar and serve a copy of the verified statement on opposing
48 counsel, if known. If opposing counsel is not known at the time the verified statement is filed with The
49 Florida Bar, the non-Florida lawyer shall serve a copy of the verified statement on opposing counsel
50 within 10 days of learning the identity of opposing counsel. The verified statement shall include:

51
52 (1) a statement identifying all jurisdictions in which the lawyer is currently eligible to practice
53 law;

54
55 (2) a statement identifying by date, case name, and case number all other arbitration
56 proceedings in which the non-Florida lawyer has appeared in Florida in the preceding 5 years.

57 however, if the case name and case number are confidential pursuant to an order, rule, or agreement of
58 the parties, this information does not need to be provided and only the dates of prior proceedings must
59 be disclosed;

60

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

65

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

70

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

73

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

78

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

80

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

83

84

Comment

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

100

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

20
21 **(f) Diversion to Practice and Professionalism Enhancement Programs.** The removal of
22 a disciplinary matter from the disciplinary system and placement of the matter in a skills enhancement
23 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 a
30 diversion from disciplinary action or as a part of a disciplinary sanction that are intended to provide
31 educational opportunities to members of the bar for enhancing skills and avoiding misconduct
32 allegations.

34 **(j) Probable Cause.** A finding by an authorized agency that there is cause to believe that a
35 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 is
44 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 serve as
50 chief branch discipline counsel at the direction of the regularly assigned chief branch discipline counsel
51 or staff counsel.

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

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

63

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

3-4. STANDARDS OF CONDUCT

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

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

1 **RULE 3-4.6 DISCIPLINE BY FOREIGN OR FEDERAL**
2 **JURISDICTION; CHOICE OF LAW**

3
4 **(a) Disciplinary Authority.** An attorney admitted to practice in this jurisdiction is subject to
5 the disciplinary authority of this jurisdiction, regardless of where the attorney’s conduct occurs. An
6 attorney may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for
7 the same conduct. A final adjudication in a disciplinary proceeding by a court or other authorized
8 disciplinary agency of another jurisdiction, state or federal, that an attorney licensed to practice in that
9 jurisdiction is guilty of misconduct justifying disciplinary action shall be considered as conclusive proof
10 of such misconduct in a disciplinary proceeding under this rule.

11
12 **(b) Choice of Law.** In any exercise of the disciplinary authority of this jurisdiction, the rules of
13 professional conduct to be applied shall be as follows:

14
15 **(1) for conduct in connection with a matter pending before a tribunal, the rules of the**
16 **jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and**

17
18 **(2) for any other conduct, the rules of the jurisdiction in which the attorney’s conduct occurred,**
19 **or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall**
20 **be applied to the conduct.**

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 only
7 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 withholding
12 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 an
15 attorney who has had either a determination or judgment of guilt entered by the trial court in the criminal
16 proceeding.

17
18 **(b) Determination or Judgment of Guilt.** Determination or judgment of guilt of a member
19 of The Florida Bar by a court of competent jurisdiction upon trial of or plea to any crime or offense that
20 is a felony under the laws of this state, or under the laws under which any other court making such
21 determination or entering such judgment exercises its jurisdiction, shall be conclusive proof of guilt of
22 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 or
25 judgment of guilt against a member of The Florida Bar by a court of competent jurisdiction upon trial of
26 or plea to any offense that is a felony under the laws applicable to such court, such convicted attorney
27 shall within 30 days of such determination or judgment notify the executive director of The Florida Bar
28 of such determination or judgment. Notice shall include a copy of the order(s) whereby such

29 determination or judgment was entered.

30

31 **(d) Notice of Determination or Judgment of Guilt by Courts of the State of Florida.** If
32 any such determination or judgment is entered by a court of the State of Florida, the judge or clerk
33 thereof shall transmit to the Supreme Court of Florida and the executive director of The Florida Bar a
34 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 of
37 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 shall be
39 attached to the notice. Upon the filing with the Supreme Court of Florida by The Florida Bar and
40 service upon the respondent of a notice of determination or judgment of guilt for offenses that are
41 felonies under applicable law, the respondent shall stand suspended as a member of The Florida Bar on
42 the eleventh day after filing of the notice of determination or judgment of guilt unless the respondent
43 shall, on or before the tenth day after filing of such notice, file a petition to terminate or modify such
44 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 respondent
49 may file a petition with the Supreme Court of Florida to modify or terminate such suspension and shall
50 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 of
56 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 suspension to
61 respond to the same. Bar counsel will oppose all petitions to modify or withhold an automatic
62 suspension on a notice of determination or judgment of guilt unless the designated reviewer
63 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 earlier
68 application for reinstatement, the suspension imposed on the determination or judgment of guilt shall
69 remain in effect for 3 years and thereafter until civil rights have been restored and until the respondent is
70 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 all
74 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 the final
79 disposition of the criminal cause unless modified or terminated by the Supreme Court of Florida as
80 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 Court
84 of Florida may expunge a suspension entered under this rule when a final disposition of the criminal

85 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 the
89 expunged record, except when the respondent is a candidate for election or appointment to judicial
90 office.

91

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

93

94 (1) *Initiation of Action.* The Florida Bar may, at any time, initiate separate disciplinary action
95 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 The
99 Florida Bar may file a complaint with the Supreme Court of Florida, or proceed under rule 3-7.9,
100 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 guilt,
103 whether for charges that are felony or misdemeanor in nature, shall be admissible in disciplinary
104 proceedings under these rules, and in those cases where the underlying criminal charges constitute
105 felony charges, determinations or judgments of guilt shall, for purposes of these rules, constitute
106 conclusive proof of the criminal offense(s) charged. The failure of a trial court to adjudicate the
107 convicted attorney guilty of the offense(s) charged shall be considered as a matter of mitigation only.

108

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

110

111 (1) *Notice of Discipline by a Foreign Jurisdiction.* A member of The Florida Bar who has
112 submitted a disciplinary resignation or otherwise surrendered a license to practice law in lieu of

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

117

118 (2) *Adjudication or Discipline by a Foreign Jurisdiction.* In cases of a final adjudication by
119 a court or other authorized disciplinary agency of another jurisdiction, such adjudication of misconduct
120 shall be sufficient basis for the filing of a complaint by The Florida Bar and assignment for hearing
121 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 state, in~~
7 ~~violation of the regulation of the legal profession in that jurisdiction, or in violation of the regulation of the~~
8 ~~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 Florida~~
15 ~~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 in~~
18 ~~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 jurisdiction
22 ~~who has been neither disbarred or suspended from practice in any jurisdiction, nor disciplined or held in~~
23 ~~contempt in Florida by reason of misconduct committed while engaged in the practice of law permitted~~
24 ~~pursuant to this rule, may provide legal services on a temporary basis in Florida that:~~

25
26 _____ (1) ~~are undertaken in association with a lawyer who is admitted to practice in Florida and who~~
27 ~~actively participates in the matter;~~

29 (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or
30 another jurisdiction, if the lawyer or a person the lawyer is assisting, is authorized by law or order to
31 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 services
35 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 practice in
41 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 in
53 good standing of a recognized legal profession in a foreign jurisdiction, whose members are admitted to
54 practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and
55 discipline by a duly constituted professional body or a public authority, and who has been neither
56 disbarred or suspended from practice in any jurisdiction nor disciplined or held in contempt in Florida

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

60

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

63

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

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 which the
82 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 connection

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

86
87 (5) are governed primarily by international law or the law of a non-United States jurisdiction in
88 which the lawyer is a member.

89
90
91 **Comment**

92
93 Subdivision (a) applies to unlicensed practice of law by a lawyer, whether through the lawyer's
94 direct action or by the lawyer assisting another person. A lawyer may practice law only in a jurisdiction
95 in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction
96 on a regular basis or may be authorized by court rule or order or by law to practice for a limited
97 purpose or on a restricted basis. Regardless of whether the lawyer is admitted to practice law on a
98 regular basis or is practicing as the result of an authorization granted by court rule or order or by the
99 law, the lawyer must comply with the standards of ethical and professional conduct set forth in these
100 Rules Regulating The Florida Bar.

101
102 The definition of the practice of law is established by law and varies from one jurisdiction to
103 another. Whatever the definition, limiting the practice of law to members of the bar protects the public
104 against rendition of legal services by unqualified persons. ~~Subdivision (b)~~ This rule does not prohibit a
105 lawyer from employing the services of paraprofessionals and delegating functions to them, so long as
106 the lawyer supervises the delegated work and retains responsibility for their work. See rule 4-5.3.
107 Likewise, it does not prohibit lawyers from providing professional advice and instruction to nonlawyers
108 whose employment requires knowledge of law; for example, claims adjusters, employees of financial or
109 commercial institutions, social workers, accountants, and persons employed in government agencies. In
110 addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

111
112 Other than as authorized by law, a lawyer who is not admitted to practice in Florida violates

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

116
117 There are occasions in which a lawyer admitted and authorized to practice in another United
118 States jurisdiction or in a non-United States jurisdiction may provide legal services on a temporary
119 basis in Florida under circumstances that do not create an unreasonable risk to the interests of their
120 clients, the public, or the courts. Subdivisions (c) and (d) identify such circumstances. This rule does
121 not authorize a lawyer to establish an office or other regular presence in Florida without being admitted
122 to practice generally here. Furthermore, no lawyer is authorized to provide legal services pursuant to
123 this rule if the lawyer is disbarred or suspended from practice in any jurisdiction or has been disciplined
124 or held in contempt in Florida by reason of misconduct committed while engaged in the practice of law
125 permitted pursuant to this rule. The contempt must be final and not reversed or abated.

126
127 There is no single test to determine whether a lawyer's services are provided on a "temporary
128 basis" in Florida, and may therefore be permissible under subdivision (c). Services may be
129 "temporary" even though the lawyer provides services in Florida on a recurring basis, or for an
130 extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or
131 litigation.

132
133 Subdivision (c) applies to lawyers who are admitted to practice law in any United States
134 jurisdiction, which includes the District of Columbia and any state, territory, or commonwealth of the
135 United States. The word "admitted" in subdivision (c) contemplates that the lawyer is authorized to
136 practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically
137 admitted is not authorized to practice, because, for example, the lawyer is on inactive status.
138 Subdivision (d) applies to lawyers who are admitted to practice law in a non-United States jurisdiction
139 if the lawyer is a member in good standing of a recognized legal profession in a foreign jurisdiction, the
140 members of which are admitted to practice as lawyers or counselors at law or the equivalent and

141 subject to effective regulation and discipline by a duly constituted professional body or a public
142 authority. Due to the similarities between the subsections, they will be discussed together. Differences
143 will be noted.

144
145 Subdivisions (c)(1) and (d)(1) recognize that the interests of clients and the public are protected
146 if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in Florida.
147 For these subdivisions to apply, the lawyer admitted to practice in Florida could not serve merely as a
148 conduit for the out-of-state lawyer, but would have to share actual responsibility for the representation
149 and actively participate in the representation.

150
151 Lawyers not admitted to practice generally in Florida may be authorized by law or order of a
152 tribunal or an administrative agency to appear before the tribunal or agency. This authority may be
153 granted pursuant to formal rules governing admission pro hac vice or pursuant to formal rules of the
154 agency. Under subdivision (c)(2), a lawyer does not violate this rule when the lawyer appears before a
155 tribunal or agency pursuant to such authority. To the extent that a court rule or other law of Florida
156 requires a lawyer who is not admitted to practice in Florida to obtain admission pro hac vice prior to
157 appearing before a tribunal or to obtain admission pursuant to applicable rule(s) prior to appearing
158 before an administrative agency, this rule requires the lawyer to obtain that authority.

159
160 Subdivision (c)(2) also provides that a lawyer rendering services in Florida on a temporary
161 basis does not violate this rule when the lawyer engages in conduct in anticipation of a proceeding or
162 hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer
163 reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the
164 client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only
165 in another jurisdiction may engage in conduct temporarily in Florida in connection with pending litigation
166 in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including
167 taking depositions in Florida.

168

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

171
172 Subdivision (c)(3) and (d)(3) permit a lawyer admitted to practice law in another jurisdiction to
173 perform services on a temporary basis in Florida if those services are in or reasonably related to a
174 pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or
175 another jurisdiction, if the services are performed for a client who resides in or has an office in the
176 lawyer's home state, or if the services arise out of or are reasonably related to the lawyer's practice in a
177 jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission
178 pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so
179 require. For the purposes of this rule, a lawyer who is not admitted to practice law in Florida who files
180 more than 3 demands for arbitration or responses to arbitration in separate arbitration proceedings in a
181 365-day period shall be presumed to be providing legal services on a regular, not temporary, basis,
182 however, this presumption shall not apply to a lawyer appearing in international arbitrations as defined
183 in the comment to rule 1-3.11(or elsewhere in these rules).

184
185 Subdivision (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal
186 services on a temporary basis in Florida that are performed for a client who resides or has an office in
187 the jurisdiction in which the lawyer is authorized to practice or arise out of or are reasonably related to
188 the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within subdivisions
189 (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform
190 but that are considered the practice of law when performed by lawyers. When performing services
191 which may be performed by nonlawyers, the lawyer remains subject to the Rules of Professional
192 Conduct.

193
194 Subdivisions (c)(3), (d)(3), and (c)(4) require that the services arise out of or be reasonably
195 related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors
196 evidence such a relationship. The lawyer's client may have been previously represented by the lawyer,

197 or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted.
198 The matter, although involving other jurisdictions, may have a significant connection with that
199 jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that
200 jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary
201 relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such
202 as when the officers of a multinational corporation survey potential business sites and seek the services
203 of their lawyer in assessing the relative merits of each. In addition, the services may draw on the
204 lawyer's recognized expertise developed through regular practice of law in a body of law that is
205 applicable to the client's particular matter.

206
207 _____ Subdivision (d)(4) permits a lawyer admitted in a non-United States jurisdiction to provide
208 certain services on a temporary basis in Florida that are performed for a client who resides in or has an
209 office in the jurisdiction where the lawyer is authorized to practice or arise out of or are reasonably
210 related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to
211 practice to the extent of that authorization but are not within subdivisions (d)(2) and (d)(3). The scope
212 of the work the lawyer could perform under this provision would be limited to the services the lawyer
213 may perform in the authorizing jurisdiction. For example, if a German lawyer came to the United States
214 to negotiate on behalf of a client in Germany, the lawyer would be authorized to provide only those
215 services that the lawyer is authorized to provide for that client in Germany. Subdivision (d)(5) permits a
216 lawyer admitted in a non-United States jurisdiction to provide services in Florida that are governed
217 primarily by international law or the law of a non-United States jurisdiction in which the lawyer is a
218 member.

219
220 _____ A lawyer who practices law in Florida pursuant to subdivisions (c), (d), or otherwise is subject
221 to the disciplinary authority of Florida. A lawyer who practices law in Florida pursuant to subdivision
222 (c) must inform the client that the lawyer is not licensed to practice law in Florida.

223
224 _____ The Supreme Court of Florida has determined that it constitutes the unlicensed practice of law

225 for a lawyer admitted to practice law in a jurisdiction other than Florida to advertise to provide legal
226 services in Florida which the lawyer is not authorized to provide. The rule was codified in 820 So. 2d
227 210 (Fla. 2002). The court first stated the proposition in 762 So. 2d 392, 394 (Fla. 1999).
228 Subdivisions (c) and (d) do not authorize advertising legal services to prospective clients in Florida by
229 lawyers who are admitted to practice in jurisdictions other than Florida. Whether and how lawyers may
230 communicate the availability of their services to prospective clients in Florida is governed by rules 4-7.1
231 through 4-7.11.

232

233 A lawyer who practices law in Florida is subject to the disciplinary authority of Florida.