

APPENDIX A

MJP Commission I Recommendations

THE FOLLOWING IS AN EXCERPT OF THE RECOMMENDATIONS OF COMMISSION I APPROVED BY THE BOARD OF GOVERNORS IN MARCH, 2002

After much study and debate, the Commission makes the following recommendations to the Board of Governors of The Florida Bar. All of the endorsements and recommendations discussed in this report are made with the understanding that they will be most effective if they are implemented by the various states. It may be possible to have some variation in what is actually adopted, but the central principles must be the same.

List of Commission Recommendations

- Recommendation 1: The Commission endorses the ABA recommendation to continue to affirm its support for the principle of state judicial licensing and regulation of lawyers.
- Recommendation 2: The Commission does not endorse the amendment of Rule 5.5(b) of the Model Rules of Professional Conduct (Unauthorized Practice of Law) proposed by the ABA.
- Recommendation 3: The Commission modifies the ABA recommendation to adopt proposed Model Rule 5.5(c) - (e) to identify “safe harbors” allowing a lawyer to practice in another state. The Commission would make the list of “safe harbors” exclusive and would add a provision preventing lawyers who are no longer eligible to practice in the host state from practicing under a “safe harbor.”
1. The Commission endorses the ABA recommendation to adopt proposed Model Rule 5.5(c)(1) to allow work as co-counsel with a lawyer admitted to practice in the jurisdiction if it is made clear that the local lawyer share actual responsibility for the representation.
 2. The Commission endorses the ABA recommendation to adopt proposed Model Rule 5.5(c)(2) to allow lawyers to perform professional services that any non-lawyer is legally permitted to render as long as it is made clear that the lawyer is performing the services as a lawyer and remains subject to the Rules of

Professional Conduct.

3. The Commission endorses the ABA recommendation to adopt proposed Model Rule 5.5(c)(3) to allow lawyers to perform work ancillary to pending or prospective litigation if the lawyer is authorized by law to appear in the proceeding or reasonably expects to be so authorized.
4. The Commission does not endorse the recommendation of the ABA to adopt proposed Model Rule 5.5(c)(4) to allow representation of a client in any arbitration, mediation or other ADR setting. The Commission endorses adopting a “safe harbor” which would allow representation in ADR matters if a nexus is established.
5. The Commission endorses the ABA recommendation to adopt proposed Model Rule 5.5(c)(5) to allow transactional representation, counseling and other non-litigation work where the work is performed for a client who resides in or has an office in the lawyer’s home state or where the work arises out of or is reasonably related to a matter that has a substantial connection to the lawyer’s home state.
6. The Commission does not endorse the ABA recommendation to adopt proposed Model Rule 5.5(c)(6) to allow lawyers to provide temporary services involving primarily federal law, international law, the law of a foreign nation or the law of the lawyer’s home state.
7. The Commission does not endorse the ABA recommendation regarding corporate counsel and instead recommends that a rule similar to The Florida Bar’s Authorized House Counsel rule be adopted as providing more protection to the public.
8. The Commission does not endorse the ABA recommendation to adopt proposed Model Rule 5.5(d)(2) to provide that a lawyer may perform legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal law or by the law or a court rule as the rule is not needed.
9. The Commission endorses the ABA recommendation, to adopt proposed Model Rule 5.5(e) to prohibit a lawyer from establishing an office, maintaining a continuous presence, or holding out as authorized to practice law in a jurisdiction in which the lawyer is not admitted, unless permitted to do so by law or this rule, with some changes to further strengthen the rule.

Recommendation 4: The Commission does not endorse the ABA recommendation to adopt a model “admission on motion” rule.

Recommendation 5: The Commission supports the concept of a foreign legal consultant rule but does not endorse the rule proposed by the ABA and does not endorse

amending the rules to allow for a temporary presence.

Recommendation 6: The Commission supports the concept of a model *pro hac vice* rule but does not endorse the adoption of the rule proposed by the ABA.

Recommendation 7: The Commission endorses the ABA recommendation to adopt and promote measures to enhance professional regulation and disciplinary enforcement with respect to lawyers who, pursuant to the above recommendations, practice law in jurisdictions other than those in which they are licensed.

1. The Commission agrees with the ABA recommendation to amend Rule 8.5 of The Model Rules of Professional Conduct in order to better address multijurisdictional law practice with some modification of the proposal.
2. The Commission considers the ABA recommendation to amend Rules 6 and 22 of the Model Rules of Disciplinary Enforcement a good first step in promulgating rules to promote effective disciplinary enforcement when lawyers engage in multijurisdictional practice of law. The Commission recommends a modification of the proposal.
3. The Commission endorses the recommendation that the ABA take steps to promote interstate disciplinary enforcement mechanisms.

Recommendation 8: The Commission endorses the ABA recommendation to establish a Coordinating Committee on Multijurisdictional Practice to monitor changes in law practice and the impact of regulatory reform, and to identify additional reform that may be needed.

Unless noted otherwise, all actions were by unanimous vote of the members attending.

APPENDIX B
ABA'S Final Recommendations

The ABA report and final recommendations can be found at
<http://www.abanet.org/cpr/mjp-home.html>.

APPENDIX C
Amendment to Rule 4-5.5

RULE 4-5.5 UNLICENSED PRACTICE OF LAW, MULTIJURISDICTIONAL PRACTICE OF LAW

(a) Practice of law. A lawyer shall not:~~(a)~~ practice law in a jurisdiction, other than the lawyer's home state, where doing so violates in violation of the regulation of the legal profession in that jurisdiction or in violation of the regulation of the legal profession in the lawyer's home state; or assist another in doing so.

(b) Establishing and office and holding out as lawyer prohibited. ~~assist a person who is not a member of the bar in the performance of activity that constitutes the unlicensed practice of law.~~ A lawyer who is not admitted to practice in Florida shall not:

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

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

(c) Authorized temporary practice. A lawyer admitted and authorized to practice law in another United States jurisdiction, and (i) not disbarred or suspended from practice in any jurisdiction or (ii) disciplined or held in contempt in Florida by reason of misconduct committed while engaged in the practice of law permitted pursuant to this rule, may provide legal services on a temporary basis in Florida that:

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

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

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services are:

(i) performed for a client who resides in or has an office in the lawyer's home state, or

(ii) where the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice, and

(iii) the services are not services for which the forum requires *pro hac vice* admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and

(i) are performed for a client who resides in or has an office in the jurisdiction in which the lawyer is authorized to practice or

(ii) arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

Comment

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

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

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

There are occasions in which a lawyer admitted and authorized to practice in another United States jurisdiction may provide legal services on a temporary basis in Florida under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies such circumstances. This rule does not authorize a lawyer to establish an office or other regular presence in Florida without being admitted to practice generally here. Furthermore, no lawyer is authorized to provide legal services pursuant to this rule if the lawyer (1) is disbarred or suspended from practice in any jurisdiction or (2) has been disciplined or held in contempt in Florida by reason of misconduct committed while engaged in the practice of law permitted pursuant to this rule. The contempt must be final and not reversed or abated.

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

Paragraph (c) applies to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice, because, for example, the lawyer is on inactive status.

Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in Florida. For this paragraph to apply, the lawyer admitted to practice in Florida could not serve merely as a conduit for the out-of-state lawyer, but would have to share actual responsibility for the representation and actively participate in the representation.

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

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

Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in Florida if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services are preformed for a client who resides in or has an office in the lawyer's home state or if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the

lawyer is admitted to practice. The lawyer, however, must obtain admission *pro hac vice* in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require. For the purposes of this rule, a lawyer who is not admitted to practice law in Florida who files more than 3 demands for arbitration or responses to arbitration in separate arbitration proceedings in a 365-day period shall be presumed to be providing legal services on a regular, not temporary, basis.

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

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

A lawyer who practices law in Florida pursuant to paragraph (c) or otherwise is subject to the disciplinary authority of Florida. A lawyer who practices law in Florida pursuant to paragraph (c) must inform the client that the lawyer is not licensed to practice law in Florida.

The Supreme Court of Florida has determined that it constitutes the unlicensed practice of law for a lawyer admitted to practice law in a jurisdiction other than Florida to advertise to provide legal services in Florida which the lawyer is not authorized to provide. Paragraph (c) does not authorize advertising legal services to prospective clients in Florida by lawyers who are admitted to practice in jurisdictions other than Florida. Whether and how lawyers may communicate the availability of their services to prospective clients in Florida is governed by Rules 4-7.1 through 4-7.11.

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

Florida.

APPENDIX D
Amendment to Rule 3-4.1

RULE 3-4.1 NOTICE AND KNOWLEDGE OF RULES; JURISDICTION OVER ATTORNEYS OF OTHER STATES

Every member of The Florida Bar and every attorney of another state 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.~~

APPENDIX E

Amendment to Rule 3-4.6

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

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

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

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

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

APPENDIX F
Amendment to Rule 3-7.2

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

- (a) Definitions.**[no change]

- (b) Determination or Judgment of Guilt.** [no change]

- (c) Notice of Determination or Judgment of Guilt.** [no change]

- (d) Notice of Determination or Judgment of Guilt by Courts of the State of Florida.** [no change]

- (e) Suspension by Judgment of Guilt (Felonies).** [no change]

- (f) Petition to Modify or Terminate Suspension.** [no change]

- (g) Response to Petition to Modify or Terminate Automatic Suspension.** [no change]

- (h) Term of Suspension.** [no change]

- (i) Separate Disciplinary Action.** [no change]

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

(1) *Notice of Discipline by a Foreign Jurisdiction.* A member of The Florida Bar who has submitted a disciplinary resignation or otherwise surrendered a license to practice law in lieu of disciplinary sanction, or has been disbarred or suspended from the practice of law by a court or other authorized disciplinary agency of another state or by a federal court shall within 30 days after the effective date of disbarment or suspension file with the Supreme Court of Florida and the executive director of The Florida Bar a copy of the order or judgment effecting such disbarment or suspension.

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

APPENDIX G
Amendment to Rule 3-2.1

3-2. DEFINITIONS

RULE 3-2.1 GENERALLY

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

- (a) **Bar Counsel.** [no change]

- (b) **The Board or the Board of Governors.** [no change]

- (c) **Complainant or Complaining Witness.** [no change]

- (d) **This Court or the Court.** [no change]

- (e) **Court of this State.** [no change]

- (f) **Diversion to Practice and Professionalism Enhancement Programs.** [no change]

- (g) **Executive Committee.** [no change]

- (h) **Executive Director.** [no change]
- (i) **Practice and Professionalism Enhancement Programs.** [no change]

- (j) **Probable Cause.** [no change]

- (k) **Referral to Practice and Professionalism Enhancement Programs.** [no change]

(l) Referee. [no change]

(m) Respondent. [no change]

(n) Staff Counsel. [no change]

(o) Chief Branch Discipline Counsel. [no change]

(p) Designated Reviewer. [no change]

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

APPENDIX H
Amendment to Florida Rule of Judicial Administration 2.061

RULE 2.061. FOREIGN ATTORNEYS

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

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

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

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

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

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

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

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

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

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

APPENDIX I
Amendment to Rule 1-3.10

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

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

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

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

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

~~(4) Inactive, Suspended, and Former Members of The Florida Bar Prohibited.~~

~~This rule and the applicable portions of the Florida Rules of Judicial Administration shall not be construed to permit the admission of inactive, suspended, and former members of The Florida Bar to courts of record in this state. Inactive, suspended, and former members of The Florida Bar who seek admission under this rule and the applicable provisions of the Florida Rules of Judicial Administration shall disclose current Florida Bar membership status to the courts. Failure to make such disclosure shall serve as a basis for denial of leave to appear and a bar to future appearances in Florida courts of record under this rule and the applicable portions of the Florida Rules of Judicial Administration.~~

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

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

(2) is a Florida resident;

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

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

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

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

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

~~(1) a statement of the current Florida Bar membership status of the lawyer, if any;~~

~~(2) a statement indicating the lawyer is currently a member in good standing of a~~

~~jurisdiction other than Florida;~~

~~_____ (3) a statement indicating the date the legal representation at issue commenced and the party(ies) represented;~~

~~_____ (4) a statement identifying, by date, case name, and case number, all other matters in which temporary admission has been sought in the state of Florida in the prior 5 years and whether such admission has been granted or denied;~~

~~_____ (5) a statement that all provisions of this rule and the applicable provisions of the Florida Rules of Judicial Administration have been read and that the motion for leave to appear is filed in compliance therewith;~~

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

~~_____ (7) a certificate indicating service of the verified motion upon all counsel of record in the matter in which leave to appear is sought.~~

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

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

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

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

_____ (5) a statement that all applicable provisions of this rule and the applicable provisions of the Florida Rules of Judicial Administration have been read, and that the verified motion complies with those rules;

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

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

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

APPENDIX J

Pro Hac Vice Fee Chart by States

State	Pro Hac Vice Fee
Alabama	\$100.00
Alaska	\$250.00 per case per year
Arizona	\$348.50
California	\$50.00 per case
Colorado	Fee \$250.00
Delaware	\$300.00 per attorney, per case, per year
Hawaii	\$200.00
Idaho	\$200.00
Indiana	\$90.00
Montana	\$100.00
Nevada	\$350.00 per case, per year
New Jersey	Varies; up to \$175.00 per year
North Dakota	\$100.00
Oregon	\$250.00 per case, per year
South Carolina	\$100.00
South Dakota	\$100.00
Utah	\$175.00
Washington, D.C.	\$100.00
West Virginia	\$100.00

APPENDIX K

Verified Motion for Admission to Appear Pro Hac Vice

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

Plaintiff

Case No. _____

Division _____

VS.

Defendant

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

Comes now _____,

Movant herein, and respectfully represents the following:

1. Movant resides at _____
(Street Address)

_____, _____,
(City) (County) (State)

_____, _____ and is not a resident
of _____
(Zip Code) (Telephone with area code)
the State of Florida.

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

with offices

at _____,

_____,
(Street Address)

(City)

_____, _____, _____,

_____.
(County) (State) (Zip Code)

(Telephone)

3. Movant has been retained personally or as a member of the above named law firm on _____ by

(Date Representation Commenced) (Name of Party or Parties)

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

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

5. There are no disciplinary proceedings pending against Movant, 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)

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)

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

_____ who is an active member in good standing of The Florida

(Name and Florida Bar Number)

Bar and has offices at

_____,
(Street Address)

_____, Florida,

(City)

(County)

(Zip Code)

_____.
(Telephone with area code)

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

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

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

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

DATED this _____ day of _____,
20____.

Movant

STATE OF _____

COUNTY OF _____

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

Movant/Affiant

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.

_____ day of _____, 20___.

_____ Notary Public

Notary Public (Signature)

(Printed or Typed Name)

Commission Number: _____

My commission expires:

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___.

Local Counsel of Record

Florida Bar Number

_____ CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was furnished by U.S. mail to PHV Admissions, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 accompanied by payment of the \$250.00 filing fee made payable to The Florida Bar and to

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

this _____ day of _____, 20____.

Movant

APPENDIX L
New Rule 1-3.11

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

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

- (1) for a client who resides in or has an office in the lawyer's home state, or**
- (2) where the appearance arises out of or is reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice, and**
- (3) the appearance is not one which requires *pro hac vice* admission. Such lawyer shall comply with the applicable portions of this rule and of rule 4-5.5.**

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

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

(c) Application of Rules Regulating The Florida Bar. Lawyers permitted to appear by this rule shall be subject to these Rules Regulating The Florida Bar while

engaged in the permitted representation, including, without limitation, rule 4-5.5.

(d) General Practice Prohibited. Non-Florida lawyers shall not be permitted to engage in a general practice pursuant to this rule. For the purposes of this rule, a lawyer who is not admitted to practice law in this jurisdiction who files more than 3 demands for arbitration or responses to arbitration in separate arbitration proceedings in a 365 day period shall be presumed to be engaged in a “general practice.”

(e) Content of Verified Statement for Leave to Appear. Prior to practicing pursuant to this rule, the non-Florida lawyer shall file a verified statement with The Florida Bar and serve a copy of the verified statement on opposing counsel, if known. If opposing counsel is not known at the time the verified statement is filed with The Florida Bar, the non-Florida lawyer shall serve a copy of the verified statement on opposing counsel within 10 days of learning the identity of opposing counsel. The verified statement shall include:

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

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

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

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

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

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

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

