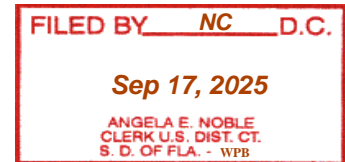


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2025-69

IN RE: AMENDMENTS TO THE LOCAL RULES
NOTICE OF PROPOSED AMENDMENTS,
OF OPPORTUNITY FOR PUBLIC COMMENTS,
AND OF HEARING TO RECEIVE COMMENTS



The Court's Ad Hoc Committee on Rules and Procedures has recommended that the Court amend the Local General Rules. In accordance with Federal Rule of Civil Procedure 83(a)(1) and Federal Rule of Criminal Procedure 57(a)(1), it is:

ORDERED that the Clerk of Court shall alert the public of the opportunity to comment on the proposed rules in the following ways: (a) post prominently on the Court's website this Order and the attached proposed rule amendments; (b) provide notice to the Court's bar through the *CM/ECF* electronic noticing system; and (c) offer every person who files any papers in any action in this Court, and give to anyone who so desires, a copy of this Order with the attached proposed rule amendments.

IT IS FURTHER ORDERED that the Court will conduct an *en banc* public hearing on the proposed rule amendments on Thursday, October 9, 2025, at 3:00 p.m. at the Paul G. Rogers Federal Building and United States Courthouse, 701 Clematis Street, West Palm Beach, Florida 33401. Those who desire to appear and offer oral comments on the proposed rule amendments at this hearing shall file written notice to that effect with the Clerk of the Court no later than five days prior to the hearing. Those who desire to offer only written comments on the proposed rule amendments should do so in accordance with the mechanism provided on the Court's website in connection the publication of the proposed rule amendments.

DONE AND ORDERED in Miami, Florida, this 17th day of September, 2025.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

c: The Honorable William H. Pryor, Jr., Chief Judge, Eleventh Circuit
All Southern District Judges, Bankruptcy Judges and Magistrate Judges
Ashlyn Beck, Circuit Executive, Eleventh Circuit
Angela E. Noble, Court Administrator • Clerk of Court
Scott M. Dimond, Chair, Ad Hoc Committee on Rules and Procedures
All members of the Ad Hoc Committee on Rules and Procedures
Library

RULE 1.1 SCOPE OF THE LOCAL RULES-

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These Local Rules shall apply in all proceedings in civil and criminal actions except where otherwise indicated. [This District is also governed by Internal Operating Procedures, CM/ECF Policies and Procedures, and Administrative Orders, which address matters beyond those set forth in these rules and which are available on the District's website.](#)

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When used in these Local Rules, the word “counsel” shall be construed to apply to a party if that party is proceeding pro se.-

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Effective December 1, 1994. -Amended effective April 15, 1996; April 15, 1997; April 15, 1998;- April 15, 1999; April 15, 2000; April 15, 2001; April 15, 2002; April 15, 2003; April 15, 2004;- April 15, 2005; April 15, 2006; April 15, 2007; April 15, 2008; April 15, 2009; April 15, 2010;- December 1, 2011; December 1, 2014; December 1, 2015; [December 1, 2025.](#)

RULE 7.1 MOTIONS, GENERAL

(a) Filing.

- (1) Every motion when filed and served shall incorporate a memorandum of law citing supporting authorities, except that the following motions need not incorporate a memorandum:
 - (A) petition for writ of habeas corpus ad testificandum or ad prosequendum;
 - (B) motion for out-of-state process;
 - (C) motion for order of publication for process;
 - (D) application for default;
 - (E) motion for judgment upon default;
 - (F) motion to withdraw or substitute counsel;
 - (G) motion for continuance, provided the good cause supporting it is set forth in the motion and affidavit required by Local Rule 7.6;
 - (H) motion for confirmation of sale;
 - (I) motion to withdraw or substitute exhibits;
 - (J) motion for extensions of time providing the good cause supporting it is set forth in the motion;
 - (K) motion for refund of bond, provided the good cause supporting it is set forth in the motion;
 - (L) application for leave to proceed in forma pauperis;
 - (M) motion for admission pro hac vice; and
 - (N) motion for court approval of a stipulation between any parties.
- (2) Those motions listed in (a)(1) above, as well as any motion seeking emergency or ex parte relief or a temporary restraining order, shall be accompanied by a proposed order that is filed and served submitted via e-mail to the Court as prescribed by Section 3I(6) of the CM/ECF Administrative Procedures.

(3) *Pre-filing Conferences Required of Counsel.* Prior to filing any motion in a civil case, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, for pro hac vice admission, or to involuntarily dismiss an action, for garnishment or other relief under Federal Rule of Civil Procedure 64, or otherwise properly filed ex parte under the Federal Rules of Civil Procedure and these Local Rules, or a petition to enforce or vacate an arbitration award, counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion. Counsel conferring with movant's counsel shall cooperate and act in good faith in attempting to resolve the dispute. At the end of the motion, and above the signature block, counsel for the moving party shall certify either: (A) that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so; or (B) that counsel for the movant has made reasonable efforts to confer with all parties or non-parties who may be affected by the relief sought in the motion, which efforts shall be identified with specificity in the statement (including the date, time, and manner of each effort), but has been unable to do so. If certain of the issues have been resolved by agreement, the certification shall specify the issues so resolved and the issues remaining unresolved. Failure to comply with the requirements of this Local Rule may be cause for the Court to grant or deny the motion and impose on counsel an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee. See forms available on the Court's website (www.flstd.uscourts.gov).

(b) Hearings.

- (1) No hearing will be held on motions unless set by the Court.
- (2) A party who desires oral argument or a hearing of any motion shall request it within the motion or opposing memorandum in a separate section titled "request for hearing." The request shall set forth in detail the reasons why a hearing is desired and would be helpful to the Court and shall estimate the time required for argument. The Court in its discretion may grant or deny a hearing as requested, upon consideration of both the request and any response thereto by an opposing party.
- (3) Discovery motions may be referred to and heard by a United States Magistrate Judge.
- (4) With respect to:

- (A) any motion in a civil case or any post-conviction motion in a criminal case that has been pending and fully briefed with no hearing set thereon for a period of ninety (90) days, and
- (B) any motion in a civil case or any post-conviction motion in a criminal case as to which the Court has conducted a hearing but has not entered an order or otherwise determined the motion or matter within ninety (90) days of the hearing, the movant, whether party or non-party;

shall file and serve on all parties and any affected non-parties within fourteen (14) days thereafter a “Notice of Ninety Days Expiring,” which shall contain the following information:

- (i) the title and docket entry number of the subject motion, along with the dates of service and filing;
- (ii) the title and docket entry number of any and all responses or opposing memoranda, along with the dates of service and filing, or if no such papers have been filed, the date on which such papers were due;
- (iii) the title and docket entry number of any reply memoranda, or any other papers filed and served in connection with the motion, as well as the dates of service and filing; and
- (iv) the date of any hearing held on the motion.

- (C) any motion filed in a proceeding pursuant to 28 U.S.C. §2255 is not subject to the ninety (90) day notice provision set forth above.

(c) Memorandum of Law.

- (1) *Requirements and Timing.* For all motions, except motions served with the summons and complaint, each party opposing a motion shall file and serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. Failure to do so may be deemed sufficient cause for granting the motion by default. The movant may, within seven (7) days after service of an opposing memorandum of law, file and serve a reply memorandum in support of the motion, which reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the movant’s initial memorandum of law. No further or additional memoranda of law shall be filed and served without prior leave of Court. All materials in support of any motion, response, or reply, including affidavits and declarations, shall be served

with the filing. For a motion served with the summons and complaint, the opposing memorandum of law shall be due on the day the response to the complaint is due.

Time shall be computed under this Local Rule in accordance with applicable federal rules of procedure (e.g., Fed. R. Civ. P. 6(a) and Fed. R. Crim. P. 45(a)).

- (2) *Length.* Absent prior permission of the Court, neither a motion and its incorporated memorandum of law nor the opposing memorandum of law shall exceed twenty (20) pages; a reply memorandum shall not exceed ten (10) pages. As long as no substantive part of the submission appears on the same page(s), the following items do not count toward page limitations for purposes of this rule and any other rules or orders setting forth page limitations: title pages preceding the first page of text, tables of contents, tables of citations, “request for hearing” sections, signature pages, certificates of good faith conferences, and certificates of service.

(d) Emergency Motions and Expedited Motions. The Court may, upon written motion and good cause shown, waive the time requirements of this Local Rule and grant an immediate or expedited hearing on any matter requiring such expedited procedure. A filer may seek expedited consideration through either an emergency motion or an expedited motion in accordance with the following requirements:

- (1) *Emergency Motions.* A filer requesting emergency action must include the words “Emergency Motion” in the title of the motion and must set forth in detail the nature of the emergency, the date by which a ruling is necessary, and the reason the ruling is needed by the stated date. The unwarranted designation of a motion as an emergency motion may result in sanctions. The filer must certify that the matter is a true emergency by including the following certification before the motion’s signature block:

After reviewing the facts and researching applicable legal principles, I certify that this motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling because the Court would not be able to provide meaningful relief to a critical, non-routine issue after the expiration of seven days. I understand that an unwarranted certification may lead to sanctions.

As prescribed by Section 10 of the CM/ECF Administrative Procedures, a party seeking to file an emergency motion must file and serve the documents electronically via CM/ECF using the events specifically earmarked for emergency matters. Motions are not considered emergencies if the urgency arises because of the attorney’s or party’s own dilatory conduct. Generally, unless a motion will become moot if not ruled on within seven (7) days, the motion should not be filed as an emergency motion.

- (2) *Expedited Motions.* A filer whose time-sensitive motion does not qualify as an emergency motion but who nonetheless requires an expedited ruling by a date certain may file an expedited motion in lieu of an emergency motion. The motion must include the words “Expedited Motion” in the title and must set forth in detail the date by which an expedited ruling is needed and the reason the ruling is needed by the stated date.

In criminal cases, emergency motions and expedited motions that are also ex parte ~~or sealed~~ must be conventionally filed.

A party appearing pro se must conventionally file emergency motions and expedited motions.

- (e) Applications Previously Refused.** Whenever any motion or application has been made to any Judge or Magistrate Judge and has been refused in whole or in part, or has been granted conditionally, and a subsequent motion or application is made to a different District Judge or Magistrate Judge for the same relief in whole or in part, upon the same or any alleged different state of facts, it shall be the continuing duty of each party and attorney seeking such relief to present to the District Judge or Magistrate Judge to whom the subsequent application is made an affidavit setting forth the material facts and circumstances surrounding each prior application, including: (1) when and to what District Judge or Magistrate Judge the application was made; (2) what ruling was made thereon; and (3) what new or different facts and circumstances are claimed to exist which did not exist, or were not shown, upon the prior application. For failure to comply with the requirements of this Local Rule, any ruling made on the subsequent application may be set aside sua sponte or on ex parte motion.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 2000; April 1, 2004; April 15, 2005; April 15, 2006; April 15, 2007; April 15, 2009; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2014; December 1, 2015; December 1, 2016; December 1, 2017; December 3, 2018; December 2, 2019; December 1, 2020; December 1, 2021; December 2, 2024; [December 1, 2025](#).

RULE 16.2 COURT ANNEXED MEDIATION

(a) General Provisions.

- (1) *Definitions.* Mediation is a supervised settlement conference presided over by a qualified, certified, and neutral mediator, or anyone else whom the parties agree upon to serve as a mediator, to promote conciliation, compromise and the ultimate settlement of a civil action.

A certified mediator is an attorney, certified by the Chief Judge in accordance with these Local Rules, who possesses the unique skills required to facilitate the mediation process including the ability to suggest alternatives, analyze issues, question perceptions, use logic, conduct private caucuses, stimulate negotiations between opposing sides, and keep order.

The mediation process does not allow for testimony of witnesses. The mediator does not review or rule upon questions of fact or law, or render any final decision in the case. The mediator will report to the Court only: (i) whether the case settled (in full or in part) or was adjourned for further mediation; (ii) whether the mediator declared an impasse; (iii) whether the mediation was conducted in person or by video-conference; and (iv) pursuant to Local Rule 16.2(e), whether any party failed to participate in the mediation.

- (2) *Format.* Unless the Court orders otherwise, the parties shall decide whether their mediation conference will be conducted in person or by video-conference and, if the parties cannot agree, the mediation conference shall be held by videoconference.

(b) Certification; Qualification of Certified Mediators; Compensation of Mediators.

- (1) *Certification of Mediators.* The Chief Judge shall certify those persons who are eligible and qualified to serve as mediators under this Local Rule, in such numbers as the Chief Judge shall deem appropriate. Thereafter, the Chief Judge shall have complete discretion and authority to withdraw the certification of any mediator at any time.
- (2) *Lists of Certified Mediators.* Lists of certified mediators shall be maintained in the offices of the Clerk of the Court and shall be made available to counsel and the public upon request.
- (3) *Qualifications of Certified Mediators.* An individual may be certified to serve as a mediator in this District provided that the individual shall:

- (A) be an attorney who has been admitted for at least ten (10) consecutive years to one or more State Bars or the Bar of the District of Columbia; and
- (B) currently be a member in good standing of The Florida Bar and the Bar of this Court; and
- (C) have substantial experience either as a lawyer or mediator in matters brought in any United States District Court or Bankruptcy Court; and
- (D) have been certified and remain in good standing as a circuit court mediator under the rules adopted by the Supreme Court of Florida; and
- (E) have substantial experience as a mediator.

The advisory committee may recommend for certification an attorney to serve as a mediator in this District if it determines that, for exceptional circumstances, the applicant should be certified who is not otherwise eligible for certification under this section.

Any individual who seeks certification as a mediator shall agree to accept at least two (2) mediation assignments per year in cases where at least one (1) party lacks the ability to compensate the mediator, in which case the mediator's fees shall be reduced accordingly or the mediator shall serve pro bono (if no litigant is able to contribute compensation).

The Chief Judge shall constitute an advisory committee from lawyers who represent those categories of civil litigants who may utilize the mediation program and lay persons to assist in formulating policy and additional standards relating to the qualification of mediators and the operation of the mediation program and to review applications of prospective mediators and to recommend certification to the Chief Judge as appropriate.

- (4) *Standards of Professional Conduct for Mediators.* All individuals who mediate cases pending in this District shall be governed by the Standards of Professional Conduct in the Florida Rules for Certified and Court-Appointed Mediators adopted by the Florida Supreme Court (the "Florida Rules") and shall be subject to discipline and the procedures therefor set forth in the Florida Rules. Every mediator who mediates a case in this District consents to the jurisdiction of the Florida Dispute Resolution Center and the committees and panels authorized thereby for determining the merits of any complaint made against any mediator in this District.

- (5) *Oath Required.* Every certified mediator shall take the oath or affirmation prescribed by 28 U.S.C. § 453 upon qualifying as a mediator.
- (6) *Disqualification of a Mediator.* Any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S. C. § 144, and shall be disqualified in any case in which such action would be required of a justice, judge, or Magistrate Judge governed by 28 U.S.C. § 455.
- (7) *Compensation of Mediators.* Mediators shall be compensated (a) at the rate provided by standing order of the Court, as amended from time to time by the Chief Judge, if the mediator is appointed by the Clerk on a blind, random basis; or (b) at such rate as may be agreed to in writing by the parties and the mediator, if the mediator is selected by the parties. Absent agreement of the parties to the contrary, the cost of the mediator's services shall be borne equally by the parties to the mediation conference. A mediator shall not negotiate or mediate the waiver or shifting of responsibility for payment of mediation fees from one party to the other. All mediation fees payable under this rule shall be due within forty-five (45) days of invoice and shall be enforceable by the Court upon motion.

(c) Types of Cases Subject to Mediation. Unless expressly ordered by the Court, the following types of cases shall not be subject to mediation pursuant to this rule:

- (1) Habeas corpus cases;
- (2) Motion to vacate sentence under 28 U.S.C. § 2255;
- (3) Social Security cases;
- (4) Civil forfeiture matters;
- (5) IRS summons enforcement actions;
- (6) Land condemnation cases;
- (7) Default proceedings;
- (8) Student loan cases;
- (9) Naturalization proceedings filed as civil actions;
- (10) Statutory interpleader actions;
- (11) Truth-in-Lending Act cases not brought as class actions;

- (12) Letters rogatory; and
- (13) Registration of foreign judgments.

(d) Procedures to Refer a Case or Claim to Mediation.

- (1) *Order of Referral.* In every civil case excepting those listed in Local Rule 16.2(c), the Court shall enter an order of referral similar in form to the proposed order available on the Court's website (www.flstd.uscourts.gov), which shall:
 - (A) Direct mediation be conducted not later than sixty (60) days before the scheduled trial date which shall be established no later than the date of the issuance of the order of referral.
 - (B) Direct the parties, within fourteen (14) days of the date of the order of referral, to agree upon a mediator. The parties are encouraged to utilize the list of certified mediators established in connection with Local Rule 16.2(b) but may by mutual agreement select any individual as mediator. The parties shall file and serve a "Notice of Selection of Mediator" within that period of time. If the parties are unable to agree upon a mediator, plaintiff's counsel, or plaintiff if self-represented, shall file and serve a "Request For Clerk To Appoint Mediator," and the Clerk will designate a mediator from the list of certified mediators on a blind, random basis.
 - (C) Direct that, at least fourteen (14) days ~~prior to~~before the mediation date, each party give the mediator a confidential written summary of the case identifying issues to be resolved. The mediator may modify or dispense with the requirements of this subparagraph.
- (2) *Coordination of Mediation Conference.* Plaintiff's counsel (or another attorney agreed upon by all counsel of record) shall be responsible for coordinating the mediation conference date and location agreeable to the mediator and all counsel of record.
- (3) *Stipulation of Counsel.* Any action or claim may be referred to mediation upon stipulation of the parties.
- (4) *Withdrawal from Mediation.* Any civil action or claim referred to mediation pursuant to this rule may be exempt or withdrawn from mediation by the presiding Judge at any time, before or after reference, upon application of a party and/or determination for any reason that the case is not suitable for mediation.

(e) Party Participation Required. Unless excused in writing by the Court, all parties and required claims professionals (*e.g.*, insurance adjusters) must participate in the mediation conference with full authority to negotiate a settlement as follows:

- (i) if the mediation is being conducted by video-conference, participation requires connecting to and participating via video and audio in the mediation conference; and
- (ii) if the mediation is being conducted in person, participation requires attending the mediation conference in person (*i.e.*, in person if the party is a natural person, not through an agent; or if the party is an entity, by the personal attendance of an entity representative).

If a party to a mediation is a public entity required to conduct its business pursuant to Florida Statutes Chapter 286, and is a defendant or counterclaim defendant in the litigation, that party shall be deemed to participate in the mediation conference by the participation of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity. The representative shall not be solely the public entity's counsel (or firm) of record, however, the representative may be the public entity's in-house counsel where another counsel of record for the public entity is also present. In cases where the in-house counsel is counsel of record, that counsel and another representative may act as duly authorized representatives of the public entity. In cases where the parties include a public entity and/or individuals who were or are employed by a public entity or elected officials of a public entity, such individual parties do not need to attend the mediation conference if all claims asserted against the individuals are covered by insurance or by an indemnification from the public entity for purposes of mediation. Notwithstanding the foregoing, counsel representing the individual defendants shall provide the individual defendants with notice of the mediation conference and the individual defendants shall have the right to attend the mediation conference. The mediator shall report non-participation to the Court. Failure to comply with the participation or settlement authority requirements may subject a party to sanctions by the Court.

(f) Mediation Report; Notice of Settlement; Judgment.

- (1) *Mediation Report.* Within seven (7) days following the mediation conference, the mediator shall provide the parties with a Mediation Report. If the mediator is an authorized user of the Court's electronic filing system (CM/ECF) then the mediator shall electronically file and serve a Mediation Report. If the mediator is not an authorized CM/ECF user, the mediator shall either: (a) file the Mediation Report conventionally; or (b) with the consent of the parties, arrange for one of the parties to file a "Notice of Filing Mediator's Report," which shall attach the report as an exhibit.
- (2) *Notice of Settlement.* In the event that the parties reach an agreement to settle the case or claim, counsel shall promptly notify the Court of the settlement pursuant to the requirements of S.D. Fla. L.R. 16.4.

(g) Trial upon Failure to Settle.

- (1) *Trial upon Failure to Settle.* If the mediation conference fails to result in a settlement, the case will be tried as originally scheduled.
- (2) *Restrictions on the Use of Information Derived During the Mediation Conference.* All proceedings of the mediation shall be confidential and are privileged in all respects as provided under federal law and Florida Statutes § 44.405. The proceedings may not be reported, recorded, placed into evidence, made known to the Court or jury, or construed for any purpose as an admission against interest. A party is not bound by anything said or done at the conference, unless a written settlement is reached, in which case only the terms of the settlement are binding.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 1999; April 15, 2004; April 15, 2005; April 15, 2007; April 15, 2009; April 15, 2010; December 1, 2011; December 3, 2012; December 1, 2014; December 1, 2015; December 1, 2017; December 3, 2018; December 2, 2019; December 1, 2022; [December 1, 2025](#).

RULE 88.11 AFTER HOURS CRIMINAL DUTY ~~ARREST~~ PROCEDURES

When a defendant is arrested, the Duty Assistant United States Attorney shall promptly notify the Duty Magistrate Judge of the arrest. The Duty Magistrate Judge may order the arrestee released on an interim bond or may order the arrestee held in custody pending an initial appearance at the next available Duty Magistrate Judge Court session.

If the Duty Magistrate Judge sets a bond, the Duty Assistant United States Attorney shall transmit the bond information to the Duty Marshal and/or the arresting agents for transmittal to the receiving institution.

Arrests occurring after 10:00 p.m. need not be communicated to the Duty Magistrate Judge that night, but shall be reported by the Duty Assistant United States Attorney to the Duty Magistrate Judge the following morning prior to the Duty Magistrate Judge Court session. In emergency situations, the Duty Magistrate Judge may be contacted at any hour.

When a criminal complaint is required, that complaint must be presented to the Duty Magistrate Judge for review and approval within the earlier of forty-eight (48) hours after the arrest or the arrestee's initial appearance.

All arrests (including but not limited to arrests on warrants where bonds have already been endorsed/set) shall be reported to the Duty Magistrate Judge by the Duty Assistant United States Attorney.

If an arrested individual does not have retained counsel, court personnel will notify the Federal Public Defender of the arrest. Nothing in this Rule requires a law enforcement officer to question an arrestee about whether the person has retained counsel.

Effective April 15, 2006. Amended effective April 15, 2007; December 1, 2011; December 1, 2015; December 2, 2024; [December 1, 2025](#).⁷

RULE 5. STUDENT PRACTICE

(a) Purpose. The following Rule for Student Practice is designed to encourage law schools to provide clinical instructions in litigation of varying kinds, and thereby enhance the competence of lawyers in practice before the United States courts.

(b) Student Requirements. An eligible student must:

- (1) be duly enrolled in a law school;
- (2) have completed at least four semesters of legal studies or the equivalent or, for Bankruptcy Clinical Placement Program students seeking to practice in Bankruptcy Court, at least two semesters of legal studies or the equivalent;
- (3) have knowledge of the Federal Rules of Civil and Criminal Procedure and of Evidence, and the Code of Professional Responsibility;
- (4) be enrolled for credit in a law school clinical program which has been certified by the Court;
- (5) be certified by the Dean of the law school, or the dean's designee, as being of good character and sufficient legal ability, and as being adequately trained, in accordance with paragraphs (1)—(4) above, to fulfill his or her other responsibilities as a legal intern to both his or her client and the Court;
- (6) be certified by the Court to practice pursuant to this Rule;
- (7) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services, but this shall not prevent a lawyer, legal aid bureau, law school, public defender agency, or the state from paying compensation to the eligible law student (nor shall it prevent any agency from making such charges for its services as it may otherwise properly require).

(c) Program Requirements. The program:

- (1) must be a law school clinical practice program for credit, in which a law student obtains academic and practice advocacy training, under supervision of qualified attorneys including federal or state government attorneys or private practitioners;
- (2) must be certified by the Court;
- (3) must be conducted in such a manner as not to conflict with normal Court schedules;
- (4) must be under the direction of a member or members of the regular or adjunct faculty of the law school;
- (5) must arrange for the designation and maintenance of an office in this District to which may be sent all notices which the Court may from time to time have occasion

or need to send in connection with this Rule or any legal representation provided pursuant to this Rule.

(d) Supervisor Requirements. A supervising attorney must:

- (1) be a lawyer whose service as a supervising attorney for this program is approved by the dean of the law school in which the law student is enrolled and who is a member of The Florida Bar in good standing;
- (2) be a member in good standing of the bar of this Court;
- (3) be certified by the Court as a student supervisor;
- (4) be present with the student when required by the Court;
- (5) co-sign all pleadings or other documents filed with this Court;
- (6) assume full personal professional responsibility for a student's guidance in any work undertaken and for the quality of a student's work, and be available for consultation with represented clients;
- (7) assist the student in his preparation to the extent the supervising attorney considers it necessary.

(e) Certification of Student, Program and Supervising Attorneys.

- (1) *Students.*
 - (A) Certification by the law school dean or his designee, if said certification is approved by the Court, shall be filed with the Clerk of the Court, and served upon all parties, and unless it is sooner withdrawn, shall remain in effect until the expiration of eighteen months;
 - (B) Certification to appear in a particular case may be withdrawn by the Court at any time, in the discretion of the Court, and without any showing of cause. Notice of termination may be filed with the Clerk of the Court.
- (2) *Program.*
 - (A) Certification of a program by the Court shall be filed with the Clerk of the Court and shall remain in effect indefinitely unless withdrawn by the Court;
 - (B) Certification of a program may be withdrawn by the Court at the end of any academic year without cause, or at any time, provided notice stating the cause for such withdrawal is furnished to the law school dean.
- (3) *Supervising Attorney.*

- (A) Certification of a supervising attorney by the law school dean, if said certification is approved by the Court, shall be filed with the Clerk of the Court, and shall remain in effect indefinitely unless withdrawn by the dean or by the Court;
- (B) Certification of a supervising attorney may be withdrawn by the Court at the end of any academic year without cause, or at any time upon notice and a showing of cause;
- (C) Certification of a supervising attorney may be withdrawn by the dean at any time by mailing of notice to that effect to the Clerk of the Court;
- (D) Any Judge of this Court retains the authority to withdraw or limit a supervising attorney's participation in any individual case before the Judge.

(f) Activities.

- (1) An eligible law student may participate in proceedings in open court in the Bankruptcy Court on behalf of any indigent person if the person on whose behalf the student is appearing has indicated in writing their consent to that appearance and the supervising attorney has also indicated in writing approval of that appearance. The written consent and approval shall be filed in the record of the case, served upon all parties, and shall be brought to the attention of the Judge.
- (2) The Board of Governors of The Florida Bar shall fix the standards by which indigency is determined under this Rule upon the recommendation of the largest voluntary bar association located in the state judicial circuit in which this program is implemented.
- (3) In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this Court, but outside the personal presence of that lawyer, including:
 - (A) preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney;
 - (B) preparation of briefs, abstracts and other documents to be filed in appellate courts, but such documents must be signed by the supervising attorney;
 - (C) except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of this Court, assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the Court on behalf of such a client must be signed by the attorney of record;

- (D) each document or pleading must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it, that fact may be mentioned.

(g) Court Administration. The Chief Judge¹, or one or more members of the Court appointed by the Chief Judge, shall act on behalf of the Court in connection with any function of this Court under this Rule. The Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney Grievance shall assist the Court to administer this Rule including the review of applications and continuing eligibility for certification of programs, supervising attorneys, and students.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015; December 1, 2017; December 2, 2019; December 1, 2020; December 1, 2021; December 1, 2025.

¹ In these Rules, references to the Chief Judge shall mean ~~to the Chief Judge or the Chief Judge's designee.~~ and references to the Court, unless the context clearly appears otherwise, shall mean the Chief Judge.

RULE 6. COMMITTEE ON ATTORNEY ADMISSIONS, PEER REVIEW, AND ATTORNEY GRIEVANCE

(a) Establishment and Membership. There shall be an Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (the "Committee"). The Committee shall consist of attorneys ~~practicing~~ admitted to practice within this District. The Chief Judge, ~~or one or more members of the Court appointed by the Chief Judge,~~ shall appoint the members of the Committee. In addition to other considerations given by the Court ~~to establish a~~ in the establishment of the Committee ~~that reflects,~~ the diversity of the Bar of the Court, ~~and~~ the geographic location of the members should also be weighed in the Court's selection of members of the Committee. The members shall serve renewable terms of three (3) years and shall be staggered so that approximately ~~one-third~~ of the members' terms expire each year. The Chief Judge shall select the Committee Chair. Selections shall be made by Administrative Order entered by the Chief Judge. ~~All persons appointed to the Committee~~ members shall serve at the pleasure of the Court, ~~and the Chief Judge may extend or shorten any member's term as the Court may determine is necessary for the effective operation of the Committee.~~ The Committee shall not exceed twenty-five (25) members.

(b) Purpose. Subject to the direction of the Court, the Committee shall have the authority ~~and to~~ perform the functions assigned by these Rules and shall otherwise assist the Court in the implementation and evaluation of these Rules. The Committee may ~~under no circumstances initiate and investigate such matters without prior referral by the Court.~~ not, under any circumstances, initiate any investigation of any matters without prior Court referral. Notwithstanding the foregoing, the Committee may investigate any related matters that arise during the Committee's investigation prompted by the initial referral and may consider filings in other District cases that demonstrate or reflect conduct similar to the conduct underlying the

¹ ~~In these Rules, references to the Chief Judge shall mean to the Chief Judge or the Chief Judge's designee.~~

Court's referral. If the Committee has a question regarding the scope of its investigation, it may seek direction or an order from the Court.

- (1) *Peer Review.* ~~It is recognized that~~ Because the Court and the ~~b~~Bar have a joint obligation to improve the level of professional performance in the courtroom. ~~To this end, one of the Committee's, a primary functions~~ objective of the Committee is to determine whether individual attorneys are failing to perform to an adequate level of competence necessary to protect the interests of their clients. In furtherance of that objective, the Committee shall have the authority to establish and administer a remedial program designed to ~~raise~~ improve the competence of an underperforming attorney ~~who is not performing adequately~~; to refer an attorney to appropriate institutions and professional personnel for assistance ~~in raising his or her level of competency~~; to determine, through evaluation, testing, or other appropriate means, whether an attorney who has been referred for assistance has attained an adequate level of competency; and to report to the Court ~~any~~ an attorney who refuses to cooperate by participating in a remedial program ~~to raise the attorney's level of competence~~, or fails to achieve an adequate level of competence within a reasonable time.
- (2) *Attorney Discipline.* The other primary function of the Committee shall be to conduct investigations of alleged misconduct of any attorney-whether a member of the Bar of this Court or not; to conduct and preside over disciplinary hearings when appropriate and as hereinafter provided; and to submit written findings and recommendations for appropriate action by the Court, except as otherwise described herein.
 - (A) Standards for Professional Conduct. Acts and omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct, Chapter 4 of the Rules Regulating The Florida Bar, ("Rules of Professional Conduct"), shall constitute "misconduct" and shall be grounds for discipline, regardless of whether the act or omission occurred in the course of an attorney/client relationship. Attorneys practicing before this Court shall be governed by this Court's Local Rules, including this Court's Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, and by the Rules of Professional Conduct, except as otherwise provided by specific Rule of this Court. (All of the foregoing shall sometimes collectively be referred to as the "Standards of Professional Conduct.")
 - (B) Discipline. Discipline for misconduct defined in these Rules may consist of (1) disbarment; (2) suspension; (3) reprimand; (4) monetary sanctions; (5) removal from this Court's roster of attorneys eligible for practice before this Court; or (6) referral to the Florida Bar or other bar if the attorney is admitted pro hac vice, or (7) any other sanction the Court may deem appropriate.
 - (C) Court's Retention of Inherent Power. Nothing contained in these Rules shall be construed to deny the Court its inherent power to maintain control over

the proceedings conducted before it or to deny the Court those powers derived from statute, rule, or procedure. When alleged attorney misconduct is brought to the attention of the Court, whether by a Judge of the Court, any lawyer admitted to practice before the Court, any officer or employee of the Court, the Supreme Court of Florida, or otherwise, the Court may, in its discretion, dispose of the matter through the use of its inherent, statutory, or other powers; refer the matter to an appropriate state bar agency for investigation and disposition; refer the matter to the Committee; or take any other action the Court deems appropriate. These procedures are not mutually exclusive.

(c) Procedures.

- (1) *Internal Referral.* Any District Judge, Magistrate Judge, or Bankruptcy Judge may, in the Judge's discretion, refer in writing to the Committee the name of any attorney ~~the Judge observed practicing law in a manner which~~ whose alleged misconduct either: (a) raises a significant question as to the adequacy of such attorney's ability to represent clients in a competent manner (~~S~~see Rule 6(b)(1) Peer Review); and/or (b) whose ~~acts or omissions~~ alleged misconduct may violate the Standards for Professional Conduct (~~S~~see Rule 6(b)(2)(A)). Each referral shall document the facts ~~of the matter, with giving rise to the referral. Unless the referral so directs,~~ the Committee ~~having~~ shall have the discretion to ~~determine the type of review after its initial investigation unless the referral so directs.~~ in its Final Report and Recommendation to the Court whether the Committee considers the matter to be categorized as Peer Review or Attorney Discipline, or both.
 - (2) *Investigation and Proceedings.* Promptly after receipt of such a referral, the Chair~~person~~ of the Committee shall select an Investigative Committee consisting of at least three members ~~of the Committee.~~ The Investigative Committee may request that the referred attorney meet with it informally to explain the circumstances ~~which that~~ gave rise to the referral ~~and.~~ It may also conduct such ~~inquiries~~ investigations as it deems appropriate. Following ~~the initial inquiry~~ its investigation, the Investigative Committee shall report its findings and recommendations to the Committee, and the Committee may, at its discretion, further investigate, including but not limited to having the attorney appear before the Committee. If the Committee determines that additional investigation is not warranted, the Committee shall document ~~the its~~ findings in writing a Final Report and Recommendation to the Court and close ~~the its~~ investigation unless the Court directs the Committee otherwise. No further action shall be taken unless the Court takes exception to the findings. Upon closing a referred matter, the Chair~~man~~ shall notify the referring Judge, Chief Judge, Clerk of Court, and the attorney. ~~Otherwise the.~~ If the Committee does not recommend closing the referred matter at this point, the Clerk of Court shall assign a case number to the matter, and it shall proceed to ~~peer review or disciplinary~~ additional proceedings as ~~further~~ described in ~~subsections (A) and (B)~~ below.
- (A) Peer Review –
 - i. If the Committee determines that the attorney's conduct raises a significant question as to the adequacy of such attorney's ability to

represent clients ~~in a competent manner~~ competently, it shall report its findings to the Chief Judge, Clerk of Court, and the attorney and describe the recommended remedial program designed to raise the competence of the attorney. The remedial program can include, but is not limited to, ordering mandatory participation in continuing legal education programs and participation in group and individual study programs, referring the attorney to appropriate institutions and professional personnel for assistance in raising his or her level of competency, requiring the attorney obtain co-counsel in matters before the Court, and, if the attorney's lack of competency relates to drug or alcohol abuse, requiring the attorney to seek treatment for that condition and requiring the attorney to submit periodic reports from the individuals responsible for such treatment.

- ii. If the attorney objects to the Committee's findings or recommendations, the attorney shall have the right to, within fourteen (14) days of receipt of the Committee's ~~findings~~ Proposed Report and ~~Recommendations~~, serve a written response seeking revision or revocation of, or suggesting alternatives to, the findings or proposed recommendations. The Committee shall consider the attorney's response and thereafter, the Committee shall issue its ~~Final~~ Final Report and Recommendation to the Court.
- iii. The Committee is authorized to monitor the attorney's progress to ensure that it is consistent with the Court's Order adopting the Committee's Final Report and Recommendation, in whole or in part, ~~and~~ It may make such interim reports or periodic reports relative to its activities as requested by the Court. Upon completion of the Committee's activities ~~in~~ with respect to each attorney referred by the Court, the Committee ~~may file and shall~~ serve a supplemental Report and Recommendation upon the attorney and file with ~~to~~ the Court, ~~its~~ The Supplemental Report and Recommendation, which shall ~~include documentation as to document~~ the Committee's evaluation, testing, or other appropriate means used to determine whether the attorney ~~has~~ attained an adequate level of competency or ~~if the attorney failed~~ to achieve an adequate level of competency within a reasonable time do so. If the Committee finds that the attorney has not complied with the Court's order and there is a substantial likelihood that the attorney's continued practice of law may result in serious harm to the attorney's clients, the Committee may undertake ~~disciplinary~~ further proceedings or recommendations pursuant to section (B), infra.

(B) Discipline –

- i. If the Committee determines that probable cause exists to support a finding that the attorney has violated the Standards for Professional Conduct it shall provide the attorney with a written Proposed Report and Recommendation specifying: (1) its findings of fact supporting

a finding of misconduct; and (2) its proposed recommendations ~~as to~~ for the disciplinary measures to be applied by the Court. The Proposed Report and Recommendation shall ~~also~~ notify the attorney of the attorney's rights and obligations under these Rules.

- ii. An attorney who objects to the Committee's Proposed Report and Recommendation shall have the right ~~to~~, within fourteen (14) days of receipt of the Committee's Proposed Report and Recommendation, to serve a written response seeking revision or revocation of, or suggesting alternatives to, the recommendation, and/or requesting a hearing before the Committee, if a hearing was previously not held.
- iii. If the attorney does not serve a written response within fourteen (14) days, the Committee shall serve the attorney and file ~~and serve with the Court~~ its Final Report and Recommendation ~~with the Court~~, noting that the attorney failed to respond, and shall apply to the Court for the issuance of an order requiring the attorney to show cause within fourteen (14) days after service of that order why the ~~attorney-Court~~ should not ~~be disciplined~~ accept the Committee's Final Report and Recommendation.
- iv. If the attorney serves a written response and simultaneously requests a hearing on the issues raised in the written response, the Committee may or may not, in its discretion, hold a hearing on the response. If no such hearing is requested, the Committee shall review the response and ~~make submit its a f~~ Final Report and Recommendation to the Court. If the attorney fails to appear at ~~the a~~ scheduled hearing, then the Committee shall take the steps outlined in subsection (B)(iii), ~~supra~~ supra.
- v. If the referred attorney ~~does appear~~ appears for ~~the any~~ hearing before the Committee, the attorney shall be entitled to be represented by counsel, to present witnesses and other evidence on his or her behalf, and to confront and cross examine witnesses against the attorney. The attorney does not have the right to confront or cross examine members of the Court or members of the Committee.
- vi. The disciplinary proceedings before the Committee shall be guided by the Federal Rules of Evidence. The Committee may consider and may take judicial notice of any filings in the case in which the referred attorney appeared and which case gave rise to the referral, and the discipline record of the referred attorney with The Florida Bar or any other bar to which the referred attorney is a member. The Committee may call the ~~accused-referred~~ attorney as a witness to make specific and complete disclosure of all ~~matters-information~~ material to the charge of misconduct, unless-although the attorney ~~asserts a may assert any~~ privilege or right properly available to the attorney under applicable federal or state law. Upon the conclusion

of ~~the a first~~ hearing, the Committee shall ~~file and~~ serve ~~a final~~ the attorney and file with the Court its Proposed Report and Recommendation to the Court, and at the conclusion of a second hearing, if any, the Committee shall serve the attorney and file with the Court its Final Report and Recommendation.

~~v.~~vii Upon receipt of the Committee's ~~f~~Final Report and Recommendation, the Chief Judge shall issue an order requiring the attorney to show cause within fourteen (14) days why the Committee's ~~f~~Final Report and Recommendation should not be adopted by the Court. The Chief Judge may, after considering the attorney's response, by majority vote of the active District Judges thereof, adopt, modify, or reject the Committee's findings that misconduct occurred, and may either impose those sanctions recommended by the Committee or fashion whatever penalties provided by the rules which ~~it~~ the Court deems appropriate.

- (3) *Relationship Between Peer Review and Attorney Discipline Functions and Procedures.* Unless otherwise ordered by the Chief Judge, the Committee has discretion ~~to proceed with~~ treat the referral as one focusing on peer review, ~~or undertake focusing on~~ disciplinary action ~~or both~~. This discretion continues throughout the proceedings to allow the Committee ~~to elevate a peer review action to a disciplinary action or vice versa~~ the flexibility to fashion its Report and Recommendation as it may determine, depending on the facts discovered during the investigation. ~~At any time~~ In the event a State or Federal Bar is investigating the same or similar action of the attorney under review by the Committee, ~~upon review,~~ the Committee may consider those facts and may recommend to the Court to stay the proceedings pending the resolution of the other body's investigation. If the Court approves of the stay, the attorney must immediately notify the Court by written notice when the investigation is concluded. Any deadlines imposed under these rules will resume upon receipt of the notice.
- (4) *Timing: Transmittals, Hearings.* Within one hundred and eighty (180) days of receipt of the referral, unless additional time is requested for good cause, the Committee ~~must have submitted~~ shall submit its ~~f~~Final Report and Recommendation to the Court, setting forth, ~~inter alia~~ inter alia, the procedures undertaken and under which rule(s); what standard(s) of professional conduct have been violated, if any, or competency questioned; recommendations as to remedial or disciplinary measures to be applied; and a recommendation regarding the next steps that the Court should take. The Committee shall include its findings of fact as to the charges of misconduct, recommendations ~~as to~~ regarding whether ~~or not~~ the accused attorney should be found guilty of misconduct justifying disciplinary actions by the Court, and recommendations as to the disciplinary measures to be applied by the Court. The Final Report and Recommendation shall be accompanied by a transcript of the proceedings before the Committee, all pleadings, and all evidentiary exhibits. Unless otherwise set by Court Order, any hearing to be conducted by the Committee shall be held in person or by video conference, as determined at the discretion of the Chair.

- (5) *Interim Restrictions on Practice.* If the Committee finds that there is a substantial likelihood that the attorney's continued practice of law may result in serious harm to the attorney's clients pending completion of an investigation, it may recommend that the Court limit or otherwise impose appropriate restrictions on the attorney's continued practice in the District ~~Court~~.

(d) **Immunity.** Any Committee determination that a referred attorney is adequately competent does not render the Committee potentially liable as a guarantor of the validity of that determination. The Committee is not liable for the misconduct or non-conduct of any referred attorney. Unauthorized disclosure of confidential information is outside the ~~scope of the~~ Committee's responsibilities. ~~The members of the Committee, w~~While serving in their official capacities, the Committee members shall be considered ~~to be~~ representatives of and acting under the powers and immunities of the Court, and shall enjoy all such immunities while acting in good faith and in their official capacities.

(e) **Obligation to Cooperate ~~W~~with Committee.** Any member of the bar of this Court, who is referred to the Committee for any reason, shall regard it to be an obligation as an officer of this Court to cooperate fully with the Committee, which ~~constitutes~~ exists as an official arm of the Court. Any failure to cooperate and/or to meet any deadline imposed by the rules, the Committee, or the Court, without good cause shown, ~~will~~ shall be reported to the Chief Judge and recorded in the records of the Committee and may constitute separate grounds for disciplinary action, including suspension or disbarment.

(f) **Confidentiality.** All matters referred to the Committee, all information in the possession of the Committee and all recommendations or other actions taken by the Committee are matters relating to the administration of the Court and shall be confidential, and shall be disclosed only by order of the Court. Correspondence, records and all written material coming to the Committee shall be retained in an office designated by the Court and are documents of the Court and shall be kept confidential unless the Court directs otherwise. No statement made by the attorney to the Committee shall be admissible in any action for malpractice against the attorney, nor shall any part of the Committee's investigative files be admissible in such proceedings. No statement made by the attorney to the Committee shall be admissible in any 28 U.S.C. § 2255 collateral attack for incompetency of counsel in a criminal case, nor shall any part of the Committee's investigative files be admissible in proceedings under 28 U.S.C. § 2255. Likewise, any information given by a client of the attorney to the Committee shall be privileged to the same extent as if the statements were made by the client to the attorney.

(g) **Notice.** All referrals, orders, and recommendations shall be provided to the Chief Judge, referring judge, attorney, and the Clerk of Court, unless otherwise specified. Any resulting orders shall be served in accordance with Rule 16.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015; December 1, 2017; December 2, 2019; December 1, 2025.

RULE 16. SERVICE OF PAPER AND OTHER NOTICES

Service of an ~~e~~Order to ~~s~~Show ~~e~~Cause, either instituting a formal disciplinary proceeding or during the process of the Court's consideration of the Committee's reports and recommendations, shall

be made by personal service or by registered or certified mail addressed to the affected attorney at the address shown on the roll of attorneys admitted to practice before this Court or by email upon consent of the affected attorney to waive formal service. Service of any other papers ~~or~~, notices ~~required by or other orders arising from matters brought pursuant to~~ these Rules ~~subsequent to the original order to show cause~~ shall be deemed to have been made if such paper, ~~or~~ notice ~~or order~~ is ~~mailed~~ sent electronically via email to the affected attorney ~~at the~~ (and, if applicable) to affected attorney's counsel at the email address shown ~~in the roll of attorneys~~ CM/ECF system for the attorneys admitted to practice before the Court, or alternatively via regular mail to ~~counsel or the respondent's~~ affected attorney or the affected attorney's counsel at the mailing address indicated in the most recent pleading or document filed by them in the course of any proceeding, or any other method permitted by Federal Rule of Civil Procedure 5(b).

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015; December 1, 2017-; December 1, 2025.