

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**INVITATION FOR COMMENT ON AMENDMENTS TO
LOCAL BANKRUPTCY RULE 2090-1
ATTORNEYS – RIGHT TO PRACTICE BEFORE THE
COURT; PRO SE PARTIES**

Comments are invited to amendments to Rule 2090-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. Effective December 1, 2024, the amendments will discontinue the procedures regarding attorney reinstatements and, in lieu thereof, will require that any formerly admitted attorney who has failed to comply with the reinstatement process, instead must proceed to undertake those requirements, as set forth in the Rule, to become readmitted to practice before the Court.

Accordingly, as of above effective date, rather than filing the Affirmation of Attorney Admission to Practice and Good Standing in the United States District Court for the Eastern District of Virginia, and requesting reinstatement, a noncompliant attorney, in its place, should file an Application to Qualify as an Attorney for the United States Bankruptcy Court for the Eastern District of Virginia, the Western District of Virginia District and Bankruptcy Courts' Certifications for reciprocal admission (see the Certificate of Member of Bar of Western District of Virginia), or a Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a). Stylistic changes are made to the amended Rule, as well. For additional information, see the **Comments** following the amended Rule.

Also, effective December 1, 2024, as a consequence of this change in procedures, Exhibit 14 to the Court's Local Rules, Continuing Practice Protocol, will be rescinded.

The above cited revision to the Local Bankruptcy Rules may be accessed at the Court's Internet web site, at www.vaeb.uscourts.gov, under News and Announcements.

Comments may be submitted, by mail, to:

Local Rules Changes
c/o William C. Redden
U.S. Bankruptcy Court
701 East Broad Street Suite 4000
Richmond, VA 23219-1888

or, by e-mail, at:
localrules@vaeb.uscourts.gov

Comments will be received by mail or at the Court's web site until 5:00 P.M., local time, September 20, 2024.

William C. Redden
Clerk of Court

Date: August 22, 2024

Attachment

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA**

**AMENDMENTS TO LOCAL BANKRUPTCY RULE 2090-1
AND EXHIBIT 14**



Effective: December 1, 2024
(Ver. 8/21/2024)

**RULE 2090-1 ATTORNEYS - RIGHT TO PRACTICE BEFORE THE COURT;
PRO SE PARTIES**

...

(B) ***Qualifications for Admission and the Right to Practice Before the Court:*** ~~Effective September 1, 2019, a~~An attorney, to qualify for admission (or readmission) and to maintain the right to practice before this Court, shall be administered the oath of admission upon the filing of an acceptable application to practice before the Court under paragraph (C) of this Local Bankruptcy Rule and shall be and at all times must remain a member in good standing of the Bar of the Commonwealth of Virginia and of the Bar of the United States District Court for the Eastern District of Virginia.

(1) ***Members of the Bar of this Court as of September 1, 2019:*** To maintain the right to practice before this Court, all members in good standing of the Bar of this Court as of September 1, 2019, must comply with Sections 1 or 2 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) ~~(rescinded effective December 1, 2024)~~ no later than January 8, 2021. A member of the Bar of this Court in good standing who has ~~failed~~ to timely comply with this subparagraph will not be permitted to practice before this Court, which includes, but is not limited to, the suspension of the attorney's CM/ECF privileges.

(a) An attorney who ~~loses~~lost the privilege to practice in this Court under paragraph (B)(1) of this Local Bankruptcy Rule may apply for ~~reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules)~~readmission in accordance with paragraph (B) of this Local Bankruptcy Rule.

...

(E) ***Other Attorneys:***

(1) ***Western District of Virginia:*** Any attorney who is a member in good standing of both the Bar of the United States District Court for the Western District of Virginia and the Bar of the United States Bankruptcy Court for the Western District of Virginia shall be admitted (or readmitted) to practice in the bankruptcy courts of the Eastern District of Virginia upon filing with the Clerk of this Court:

...

(2) ***Members of the Bar of this Court as of September 1, 2019, based upon a certificate of good standing of the United States Bankruptcy Court for the Western District of Virginia:*** To maintain the right to practice before this Court, all members admitted to practice based upon a certificate of good standing of the United States Bankruptcy Court for the Western District of Virginia and who are in good standing of the Bar of this Court as of September 1, 2019, must comply with Section 3 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) (rescinded effective December 1, 2024).

Such members who have failed to comply with this subparagraph will not be permitted to practice in this Court, which includes, but is not limited to, suspension of the attorney's CM/ECF privileges.

(a) An attorney who ~~loses~~lost the privilege to practice in this Court under paragraph (E)(2) of this Local Bankruptcy Rule may apply for ~~reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules)~~readmission in accordance with paragraph (E)(1) of this Local Bankruptcy Rule.

(3) Foreign Attorneys:

...

(g) ***Pro Hac Vice Admittees Prior to November 16, 2020:*** Attorneys admitted *pro hac vice* under subparagraph (a) prior to November 16, 2020, must comply with Section 5 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) (rescinded effective December 1, 2024) no later than January 8, 2021. Such *pro hac vice* admittees who have failed to timely comply with this subparagraph will retain the privilege to appear and practice *pro hac vice* under subparagraph (a); but will lose CM/ECF filing privileges until they comply with ~~Section 5 of the Continuing Practice Protocol, confirming their pro hac vice in an active case or proceedings~~subparagraph (E)(3)(g)(i).

(i) An attorney whose CM/ECF filing privileges were suspended under subparagraph (E)(3)(g) will be automatically reinstated with limited filing privileges upon the attorney's (or local counsel's) submission of a PDF copy of the Pro Hac Vice Order of Admission entered in an active case or proceeding to the Clerk of this Court.

(4) Attorneys for Federal, State, or Local Governments:

...

(b) ***Attorneys Under Subparagraph (E)(4)(a)(i)-(iii) Who Have Appeared or Filed a Pleading in this Court Prior to November 16, 2020:*** To maintain the privilege to appear and practice in performance of their official duties, attorneys must, no later than January 8, 2021, either become admitted to practice before this Court under paragraphs (B), (B)(1), (E)(1) or (E)(2) of this Local Bankruptcy Rule or file with the Clerk an acceptable "Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a)" in accordance with Section 4 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) (rescinded effective December 1, 2024). An attorney who has failed to timely comply with this subparagraph will not be permitted to practice before this Court, which includes, but is not limited to, the suspension of the attorney's CM/ECF privileges.

(i) An attorney who ~~loses~~lost the privileges to practice in this Court under subparagraph (E)(4)(b) of this Local Bankruptcy Rule may either apply for reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules), if applicable readmission in accordance with paragraphs (B) or (E)(1) of this Local Bankruptcy Rule or file with the Clerk an acceptable “Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a).”

...

(d) Attorneys Under Subparagraph (E)(4)(c) Who Have Appeared or Filed a Pleading in this Court Prior to November 16, 2020: To maintain the privilege to appear and practice before this Court, attorneys must become admitted to practice before this Court under paragraphs (B), (B)(1), (E)(1) or (E)(2) of this Local Bankruptcy Rule no later than January 8, 2021. An attorney who has failed to comply with this subparagraph will not be permitted to practice before the Court, which includes, but is not limited to, the suspension of the attorney’s CM/ECF privileges.

(i) An attorney who ~~loses~~lost the privilege to practice in this Court under subparagraph (E)(4)(d) of this Local Bankruptcy Rule may apply for ~~reinstatement in accordance with Section 6 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules), if applicable~~ readmission in accordance with paragraphs (B) or (E)(1) of this Local Bankruptcy Rule.

...

Comments

2090-1(B) Subparagraph (B)(1)(a) is amended to provide that attorneys who lost the privilege to practice in this Court due to their failure to comply with the Continuing Practice Protocol (Exhibit 14) may be readmitted in accordance with paragraph (B). Subparagraph (B)(1) is amended to reflect the rescission of the Continuing Practice Protocol (Exhibit 14). Paragraph (B) is amended to clarify that its requirements apply to attorneys seeking readmission. Stylistic changes are made, as well. [Changes effective 12/01/24]

2090-1(E)(1) This subparagraph has been amended to clarify that its requirements apply to attorneys seeking readmission. [Changes effective 12/01/24]

2090-1(E)(2) Subparagraph (E)(2)(a) is amended to provide that attorneys who lost the privilege to practice in this Court due to their failure to comply with the Continuing Practice Protocol (Exhibit 14)

may be readmitted in accordance with paragraph (E)(1). Subparagraph (E)(2) is amended to reflect the rescission of the Continuing Practice Protocol (Exhibit 14). Stylistic changes are made, as well. [Changes effective 12/01/24]

2090-1(E)(3) Subparagraph (E)(3)(g)(i) has been amended to provide that attorneys admitted *pro hac vice* whose CM/ECF filing privileges were suspended due to their failure to comply with the Continuing Practice Protocol (Exhibit 14) may reinstate such limited filing privileges upon submission of the Pro Hac Vice Order of Admission. Conforming changes were made to subparagraph (E)(3)(g). Subparagraph (E)(3)(g) was also amended to reflect the rescission of the Continuing Practice Protocol (Exhibit 14). Stylistic changes are made, as well. [Changes effective 12/01/24]

2090-1(E)(4) Subparagraph (E)(4)(b)(i) is amended to provide that certain government attorneys who lost the privilege to practice in this Court due to their failure to comply with the Continuing Practice Protocol (Exhibit 14) may be readmitted in accordance with paragraphs (B) or (E)(1) or by filing an acceptable “Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a).” Subparagraph (E)(4)(b) is amended to reflect the rescission of the Continuing Practice Protocol (Exhibit 14). Subparagraph (E)(4)(d)(i) is amended to provide that all other government attorneys who lost the privilege to practice in this Court due to their failure to comply with the Continuing Practice Protocol (Exhibit 14) may be readmitted in accordance with paragraphs (B) or (E)(1). Stylistic changes are made, as well. [Changes effective 12/01/24]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

Continuing Practice Protocol

[Rescinded Effective 12/01/24]

~~The Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Court”) require all Bankruptcy Court Bar members to be members of the Bar of the United States District Court for the Eastern District of Virginia (“District Court”), or, if applicable, the Bar of the United States District Court for the Western District of Virginia. The Local Bankruptcy Rules provide an exception to this requirement for certain government attorneys.~~

~~This Continuing Practice Protocol (the “Protocol”) is implemented pursuant to Local Bankruptcy Rule 2090-1(B)(1), (E)(2), (E)(3) and (E)(4), and applies only to (1) attorneys who are members of the Bar of the Bankruptcy Court as of September 1, 2019, and who seek to maintain their privilege to appear and practice before the Bankruptcy Court; and (2) attorneys admitted *pro hac vice* to the Bankruptcy Court prior to November 16, 2020, who seek to maintain their CM/ECF filing privileges. New applicants to the Bar of the Bankruptcy Court must refer to Local Bankruptcy Rule 2090-1 for the applicable requirements to qualify for admission.~~

~~To maintain the privilege to practice before this Court, an attorney must comply with the appropriate course of action set forth in Sections 1 through 4, below, no later than **January 8, 2021**. Attorneys who fail to timely comply with the appropriate actions will not be permitted to practice before the Bankruptcy Court, which includes, but is not limited to, the suspension of the attorney’s CM/ECF privileges, until notified of their reinstatement under Section 6(c), below. To maintain CM/ECF filing privileges as a *pro hac vice* admittee, an attorney must comply with Section 5, below, no later than **January 8, 2021**. *Pro hac vice* admittees who fail to timely comply with Section 5 will lose CM/ECF filing privileges until they are in compliance.~~

§ 1. Attorneys Admitted to the Bankruptcy Court and the District Court

- (a). Complete the Affirmation Form attached to this Protocol; and
- (b). Submit the Affirmation Form to Affirmation@vaeb.uscourts.gov with the subject line: Affirmation Form — [Principal Division of Practice] (example: Affirmation Form — Richmond) no later than January 8, 2021.

§ 2. Attorneys Admitted to the Bankruptcy Court, but not the District Court

- (a). Complete the District Court’s attorney admission application (located at <https://www.vaed.uscourts.gov/attorney-forms>);
- (b). Become admitted to the District Court;
- (c). Complete the Affirmation Form attached to this Protocol; and
- (d). Submit the Affirmation Form to Affirmation@vaeb.uscourts.gov with the subject line: Affirmation Form — [Principal Division of Practice] (example: Affirmation Form — Norfolk) no later than January 8, 2021.

~~§ 3. Attorneys Admitted to Practice in the Bankruptcy Court Based Upon a Certificate of Good Standing from the United States Bankruptcy Court for the Western District of Virginia~~

- ~~(a). Become admitted to the United States District Court for the Western District of Virginia (the “Western District”); and~~
- ~~(b). Submit a Certificate of Good Standing from the Western District no later than January 8, 2021, to Affirmation@vaeb.uscourts.gov with the subject line: WDVA Certificate.~~

~~§ 4. Government Attorneys Qualifying Pursuant to a Certification of Qualifying Government Employment under Local Bankruptcy Rule 2090-1(E)(4)(a)~~

- ~~(a). Complete the “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)” form, which is attached to this Protocol; and~~
- ~~(b). Submit the “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)” form attached to this Protocol no later than January 8, 2021, to Affirmation@vaeb.uscourts.gov with the subject line: Qualifying Government Employment.~~

~~§ 5. Pro Hac Vice Admittees~~

- ~~(a). To retain your CM/ECF filing privileges, you (or your local counsel on your behalf) must submit a PDF copy of the *Pro Hac Vice* Order of Admission entered in an active case or proceeding no later than January 8, 2021, to AdmissionQuestion@vaeb.uscourts.gov with the subject line: Pro Hac Vice Admission.~~
- ~~(b). If your CM/ECF filing privileges are suspended, the Court will automatically reinstate your privileges upon your compliance with subsection (a) and no further action will be required from you.~~

~~§ 6. Reinstatement~~

- ~~(a). To reinstate your privilege to practice before this Court, you must:

 - ~~(i). Comply with the appropriate section of this Protocol;~~
 - ~~(ii). Submit a reinstatement request to bar-review@vaeb.uscourts.gov; and~~
 - ~~(iii). Have your reinstatement request reviewed by the Chief Bankruptcy Judge and approved by the Chief District Judge.~~~~
- ~~(b). The Court will process reinstatement requests beginning on January 15, 2021, in the order received. Reinstatement approvals will not be granted on an expedited basis or as a matter of course.~~
- ~~(c). Notification of Reinstatement: Attorneys will be notified of the Court’s decision by email to the address from which the reinstatement request was submitted.~~

~~§ 7. Verification~~

- ~~(a) If you already have submitted the requisite documents pursuant to §§ 1, 2, 3, 4, or 5, above and wish to verify that you have met the Court’s requirements, send your inquiry via email to Verification@vaeb.uscourts.gov with the subject line: Verification—[Principal Division of Practice] (example: Verification—Richmond).~~
- ~~(b) You should wait at least ten (10) business days after submission of your Affirmation Form to send your inquiry. Do not call the Clerk’s Office or Judge’s Chambers to verify that you have met the Court’s requirements.~~

~~(c) Attorneys are strongly encouraged to submit the required Form, as applicable to them, early.~~

~~§ 8. Modifications or Additions to this Protocol~~

~~As required, the Court may make modifications or additions to this Protocol by amending this Exhibit.~~

~~§ 9. Modifications or Additions to the Attached Forms~~

~~As required, the Court may modify the attached forms or to attach additional forms by amending this Exhibit.~~



**~~AFFIRMATION OF ATTORNEY ADMISSION TO PRACTICE AND GOOD STANDING IN THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA~~**

~~Attorneys who are members of the Bar of the United States Bankruptcy Court for the Eastern District of Virginia as of September 1, 2019, must complete this form to affirm their admission in the United States District Court for the Eastern District of Virginia.~~

~~An attorney whose admission in the United States District Court for the Eastern District of Virginia has not been affirmed as of January 8, 2021, will not be permitted to practice in the United States Bankruptcy Court for the Eastern District of Virginia, which includes, but is not limited to, the suspension of the attorney's CM/ECF privileges, unless and until they attorney is reinstated. See Local Bankruptcy Rule 2090-1(B)(1).~~

~~Once completed, submit this form to the following email address: Affirmation@vaeb.uscourts.gov with the subject line: Affirmation Form [Principal Division of Practice] (example: Affirmation Form Richmond).~~

~~Full name (First, Middle, Last): _____~~

~~Full name at time of admission, if different from above (First, Middle, Last):~~

~~_____~~

~~Firm Name: _____~~

~~Office Address: _____~~

~~Office Telephone No.: _____ Email Address: _____~~

~~Virginia State Bar Number: _____~~

~~Principal Division of Practice: ☐ Alexandria ☐ Richmond ☐ Norfolk/Newport News~~

~~*If you were a member in good standing of the Bar of the United States **District** Court for the Eastern District of Virginia as of September 30, 1979, please check here: ☐~~

~~I certify that I am a member in good standing of the Bar of the United States District Court for the Eastern District of Virginia.~~

~~I further certify that I remain a member in good standing of the Bar of the United States Bankruptcy Court for the Eastern District of Virginia.~~

~~I further certify that I remain a member in good standing of the Virginia State Bar and have paid all necessary license fees.~~

~~I hereby swear (or affirm) under the penalty of perjury that the foregoing is true and correct. I understand that falsification of this certification may result in sanctions, including suspension of my privilege to practice before the United States Bankruptcy Court for the Eastern District of Virginia.~~

~~Date: _____ Signature: _____~~



**CERTIFICATION OF QUALIFYING GOVERNMENT EMPLOYMENT
UNDER LOCAL BANKRUPTCY RULE 2090-1(E)(4)(a)**

Full Printed Name (First, Middle, Last): _____

Qualifying Government Employment (please check the applicable box):

- ☐ Federal government attorney appearing pursuant to the authority of the United States Attorney's Office for the Eastern District of Virginia
- ☐ Federal government attorney appearing pursuant to the authority of the United States Trustee for Region 4

Office Address: _____

Office Telephone No.: _____ Office Email Address: _____

State(s) of License and Bar Number(s): _____

Principal Division of Practice: ☐ Alexandria ☐ Richmond ☐ Norfolk/Newport News

I certify that I am currently employed as stated above and may appear in this Court in performance of my official duties as provided under Local Bankruptcy Rule 2090-1(E)(4)(a)(i) or (ii).

I further certify that I am a member in good standing of the Bar of my state(s) and have paid all necessary license fees.

[If applicable] I understand that my ability to practice in this Court in performance of my official duties as a Federal government attorney appearing pursuant to the authority of the United States Trustee for Region 4 excludes the filing of a notice of appeal or litigation of an appeal from a judgment, order or decree from this Court unless I am authorized to practice law in the court to which the appeal is taken.

I hereby swear (or affirm) under the penalty of perjury that the foregoing is true and correct. I understand that falsification of this certification may result in sanctions, including suspension of my privilege to practice before the United States Bankruptcy Court for the Eastern District of Virginia.

Date: _____ Signature: _____