

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

PUBLIC NOTICE

**COURT ENTRY OF STANDING ORDER NO. 20-26 ADOPTING AMENDMENTS TO
LOCAL BANKRUPTCY RULE 2090-1(B), (C), (E), (F), (H), AND (I) IN ADDITION TO NEW
EXHIBIT 14 – CONTINUING PRACTICE PROTOCOL WITH ATTACHED FORMS**

Comments have been received and considered by the Court regarding amendments to Rule 2090-1(B), (C), (E), (F), (H), and (I) of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. The Court has entered the attached Standing Order No. 20-26 adopting the amendments to this rule, which take effect November 16, 2020.

Paragraphs (B) and (E)(2) of LBR 2090-1 are amended to: extend the referenced deadlines, incorporate by reference a Continuing Practice Protocol in a new Exhibit 14 to these LBRs, and make provision for a non-complying attorney to seek reinstatement to practice before this Court. A new subparagraph (E)(3)(d) addresses *pro hac vice* admittees. A new subparagraph (E)(4) changes the language pertaining to government attorneys to mirror more closely Local Civil Rule 83.1(D)(4) of the United States District Court for the Eastern District of Virginia. Deadline requirements also are specified in this subparagraph (E)(4). Paragraph (F) of this Local Bankruptcy Rule is amended to include government attorneys permitted to practice under subparagraph (E)(4)(a). A new “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)” form has been created, which is attached to the Continuing Practice Protocol in new Exhibit 14. A revised “Affirmation of Attorney Admission to Practice and Good Standing in the United States District Court for the Eastern District of Virginia” form also is attached to Exhibit 14. The Court’s internet website’s Attorneys web page was updated on November 16, 2020. Heretofore, attorneys were permitted to follow the previous guidance set forth on that web page.

NOTE: The incorporation of the Court’s new Continuing Practice Protocol into amended Local Bankruptcy Rule 2090-1(B)(1) and (E)(2) (new Exhibit 14 to the Local Bankruptcy Rules) does not alter the substantive requirements for compliance, as applicable, under those subparagraphs. Rather, the amendments to Local Bankruptcy Rule 2090-1(B)(1) and (E)(2) provide additional time for the attorneys to whom these subparagraphs apply to come into compliance, no later than January 8, 2021, by completing the necessary requirements, which are now set forth in the Continuing Practice Protocol. Attorneys who have already completed the necessary actions under current Local Bankruptcy Rule 2090-1(B)(1) and (E)(2), as applicable, are not required to take any further action. Amended Local Bankruptcy Rule 2090-1 does, however, impose new requirements as to certain *pro hac vice* admittees and government attorneys as set

forth in subparagraphs (E)(3)(d) and (E)(4), respectively. Various technical amendments have been made to this Local Bankruptcy Rule, as well.

William C. Redden
Clerk of Court

Date: November 16, 2020

Attachments

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:

ORDER ADOPTING REVISION TO
LOCAL BANKRUPTCY RULES

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Standing Order No. 20-26

ORDER ADOPTING AMENDMENTS TO LOCAL BANKRUPTCY RULE 2090-1(B), (C),
(E), (F), (H), AND (I) AND NEW EXHIBIT 14—CONTINUING PRACTICE PROTOCOL
WITH ATTACHED FORMS

Amendments made to Local Bankruptcy Rule 2090-1(B), (C), (E), (F), (H), and (I) and a new Exhibit 14—Continuing Practice Protocol—including two attached forms incorporated by reference, therein, together with comments received, have been reviewed and considered by the Court.

NOW, IT IS THEREFORE ORDERED that.

1. The amendments made to Local Bankruptcy Rule 2090-1(B), (C), (E), (F), (H), and (I) are hereby adopted by the Court.
2. New Exhibit 14, including the two attached forms incorporated by reference, therein, is hereby adopted by the Court.
3. This order shall take effect on November 16, 2020.

FOR THE COURT:



Frank J. Santoro
Chief United States Bankruptcy Judge

Date: November 16th, 2020

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

**AMENDED LOCAL BANKRUPTCY RULE 2090-1(B), (C), (E), (F), (H),
AND (I)**

**NEW EXHIBIT 14: CONTINUING PRACTICE PROTOCOL WITH
ATTACHED FORMS**



Effective: November 16, 2020

(Ver. 11/12//2020)

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

(A) ***Bar of the Court:*** Those attorneys who are admitted to practice before this Court shall comprise the Bar of the United States Bankruptcy Court for the Eastern District of Virginia.

(B) ***Qualifications for Admission and the Right to Practice Before the Court:*** Effective September 1, 2019, an attorney, to qualify for admission 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 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 be admitted~~ comply with Sections 1 or 2 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules) to practice before the United States District Court for the Eastern District of Virginia no later than September 1/January 8, 2020/2021. Thereafter, ~~members~~ A member of the Bar of this Court in good standing who fails to timely comply with this subparagraph will not be permitted to practice ~~in~~ before this Court ~~until being admitted in,~~ which includes, but is not limited to, the suspension of the United States District Court for the Eastern District of Virginia attorney's CM/ECF privileges.

(a) An attorney who loses 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).

(C) ***Application and Procedure for Admission:*** Every attorney desiring admission to practice before this Court shall file with the Clerk written application therefor accompanied by an endorsement by two qualified members of the Bar of this Court stating that the applicant is of good moral character and professional reputation and is qualified to practice bankruptcy law. The Clerk of this Court shall supply such application upon request. As a part of the application, the applicant shall certify that the said applicant has within 90 days prior to the application read or reread (1) the Federal Rules of Civil Procedure (FRCP), (2) the Federal Rules of Evidence, (3) the Federal Rules of Bankruptcy Procedure (FRBP) and (4) the Local Bankruptcy Rules of this Court.

(D) ***Presentation:*** A qualified member of the Bar of this Court who has examined the credentials of the applicant and, if found sufficient, may present the applicant to the Court for admission. If admitted, the applicant shall take the oath required for admission, sign the roll of the Bar of this Court and, thereafter, be issued a certificate of qualification by the Clerk.

(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 ~~permitted~~ admitted to practice in the bankruptcy courts of the Eastern District of Virginia upon filing with the Clerk of this Court:

(a) a certificate of the Clerk of the United States District Court for the Western District of Virginia stating that said attorney is a member in good standing of the Bar of that District;

(b) a certificate of the Clerk of the United States Bankruptcy Court for the Western District of Virginia stating that said attorney is a member in good standing of the Bar of that District; and;

(c) a certification from the applicant stating that said attorney has the preceding 90 days, read the Local Bankruptcy Rules 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, ~~no later than September 1, submit to the Clerk of this Court a certificate of good standing from the Clerk of the United States District Court for the Western District of Virginia.~~ comply with Section 3 of the Continuing Practice Protocol (Exhibit 14 to these Local Bankruptcy Rules). ~~Thereafter, such~~ Such members who fail to comply with this subparagraph will not be permitted to practice in this Court ~~until a certificate of good standing from the Clerk of the United States District Court for the Western District of Virginia, which includes, but is submitted~~ not limited to, the Clerk suspension of this Court. the attorney's CM/ECF privileges.

(a) An attorney who loses 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).

(3) **Foreign Attorneys:**

(a) **Application:** An attorney, qualified to practice in the United States District Court of another state, the District of Columbia or a territory of the United States may appear and practice in cases *pro hac vice* before this Court upon motion of a member of the Bar of this Court, provided that in all appearances said attorney shall be accompanied by a member of this Bar. Applicants for *pro hac vice* admission shall complete a written application, which shall be appended to and incorporated by reference in the aforesaid motion. As a part of the application, the applicant shall certify that the said applicant has within 90 days prior to the

application read or reread the (1) Federal Rules of Civil Procedure (FRCP), (2) the Federal Rules of Evidence, (3) the Federal Rules of Bankruptcy Procedure (FRBP) and (4) the Local Bankruptcy Rules of this Court. If the Court finds the application otherwise appropriate, the Court may order the *pro hac vice* admission of the applicant. Except where a party is not represented by counsel, any pleading or notice required to be signed by counsel must be signed by counsel who is a member of the Bar of this Court, who shall have entered an appearance of record in the case, with the office address in the state where notice can be served, and who shall have such authority that the Court can deal with that attorney alone in all matters connected with the case. Such appearance shall not be withdrawn without leave of the Court. Service of notice or other proceedings on the attorney shall be equivalent to service on the client. Where a party is not represented by counsel, the party shall include on each pleading an address within the district where notice can be served.

(b) ***Adversary Proceedings***: An attorney intending to appear in an Adversary Proceeding shall file the motion only in the case in which an Adversary Proceeding is pending. Admission shall apply to the case and all related Adversary Proceedings.

(c) ***Reopened Cases***: A foreign attorney wishing to appear in a reopened case shall file a separate motion to appear in the case notwithstanding entry of any order in the case granting admission.

(d) ***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) no later than January 8, 2021. Such *pro hac vice* admittees who fail 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 proceeding.

(4) ***Attorneys for the United States and any Federal, State, or Local Governments***:

(a) ***Attorneys Permitted to Practice Upon Certification***: Effective November 16, 2020, the following may attorneys are permitted to appear and practice in this Court in the performance of their official duties upon the filing of an acceptable “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)” with the Clerk: The Attorney General of the United States, and Deputy or Assistant Attorney General, any United States attorney, Assistant United States attorney or attorney employed by a department or agency of the United States Government and authorized by that department or agency to represent it in court; and the Attorney General, and Deputy Attorney General, any Commonwealth Attorney and any Assistant Commonwealth Attorney of any state.

(i) Federal government attorneys appearing pursuant to the authority of the United States Attorney's Office for the Eastern District of Virginia; or

(ii) Federal government attorneys appearing pursuant to the authority of the United States Trustee for Region 4.

1. The privilege to appear and practice in this Court under subparagraph (E)(4)(a)(ii) excludes the filing of a notice of appeal or litigation of an appeal from a judgment, order or decree of this Court unless the attorney is authorized to practice law in the court to which the appeal is taken.

(b) Attorneys Under Subparagraph (E)(4)(a)(i)-(ii) 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). An attorney who fails 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 the privileges to practice in this Court under subparagraph (E)(4)(b) 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.

(c) All Other Federal, State, or Local Government Attorneys: Effective November 16, 2020, all other federal, state or local government attorneys must be admitted to practice before this Court under paragraphs (B) or (E)(1) of this Local Bankruptcy Rule or secure local counsel who is a member in good standing of the Bar of this Court.

(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 fails 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 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.

(F) **Attorneys Filing Pleadings:** ~~Every counsel-attorney~~ making an appearance or presenting papers, suits or pleadings for filing other than a request for notices under FRBP 2002(g), must:

(1) ~~be members~~ a member in good standing of the Bar of this Court, ~~members or permitted to practice in good standing this Court pursuant to a "Certification of the Bar of the United States District Court for the Eastern District of Virginia, Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)"; and members~~

(2) ~~be a member~~ in good standing of the Bar of the Commonwealth of Virginia or the state in which ~~he or she~~ the attorney is admitted. ~~Attorneys who are not members of the Bar of this Court~~

~~All other attorneys must have qualified counsel who is a member in good standing of the Bar of this Court~~ join in the pleading by endorsement. ~~Any counsel who is a member in good standing of the Bar of this Court as defined above and attorney~~ who joins in a pleading will be held accountable for the case by the Court.

(G) **Withdrawal of Appearance:** No attorney who has entered an appearance in any case or proceeding shall withdraw as counsel except for cause, on order of the Court after reasonable notice to the party on whose behalf the attorney has appeared.

(H) **Appearance at All Proceedings:**

(1) **Appearance by Counsel for the Debtor:** Any attorney who is counsel of record for a debtor, or debtors, in a bankruptcy case must be present and appear at all Court proceedings involved in the case unless excused or given permission to withdraw, or unless counsel has filed a pleading stating that the debtor has no objection to, or does not oppose, the relief requested, or counsel has endorsed without objection an order resolving the motion, objection or application.

(2) **Appearance by Other Counsel of Record:** Any attorney who has filed a pleading in a bankruptcy case must be present and appear at all Court proceedings involving that pleading unless Counsel:

(a) has been excused by the Court;

(b) has been given permission to withdraw by order of the Court;

(c) has provided a notification of settlement in accordance with LBR 9013-1(O); or

(d) has provided opposing or another counsel appearing at the initial pretrial conference with available dates so that a trial date can be established.

(I) **Professional Ethics:** The ethical standards relating to the practice of law in this Court shall be the Virginia Rules of Professional Conduct now in force and as hereafter modified or

supplemented. (“Virginia Rules”). Nothing contained herein shall in any manner be construed as limiting the inherent authority and power of the Court to discipline, sanction, or hold in contempt attorneys who appear before it pursuant to 11 U.S.C. § 105, Federal Rule of Bankruptcy Procedure 9011, or otherwise, or providing an exclusive procedure for the discipline of attorneys who appear before the Court.

(1) **Definitions:** The following definitions apply:

(a) “Misconduct” means any act or omission by an attorney that violates the Virginia Rules. Such an act or omission constitutes misconduct regardless of:

(i) whether the attorney performed the act or omission individually or in concert with any other person or persons; or

(ii) whether the act or omission occurred in the course of an attorney client relationship.

(b) “Discipline” includes, but is not limited to, temporary or permanent suspension or disbarment from practice before the Court, or reprimand, censure, or such other disciplinary action as the circumstances may warrant, including but not limited to restitution of funds, imposition of monetary fines (whether payable to the Court or otherwise), satisfactory completion of educational programs, compliance with treatment programs, or community service.

(2) **Imposition of Discipline:** An attorney who commits or engages in Misconduct may be subject to the imposition of Discipline by the Court after notice of such Misconduct and an opportunity to be heard.

(3) **Imposition of Discipline by Other Courts; Attorneys Convicted of Serious Crimes:** All counsel admitted to practice before this Court on any basis shall be admitted subject to the rules, conditions, and provisions of the Federal Rules of Disciplinary Enforcement Rule I, Rule II and Rule III, a copy of which is appended as Exhibit 11 to these Local Bankruptcy Rules, except that any attorney disciplined or suspended, whether temporary or permanent, by the United States District Court for the Eastern District of Virginia shall be subject to the immediate imposition of the identical discipline in this Court.

(J) **Courtroom Decorum:** Counsel shall at all times conduct and demean themselves with dignity and propriety. When addressing the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the attorneys' lectern facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

Examination of witnesses shall be conducted by counsel standing behind the lectern. Counsel shall not approach the witness except for the purpose of presenting, inquiring about, examining the witness with respect to an exhibit. Only one attorney for each party may participate in the examination or cross-examination of a witness.

(K) **Third-Year Law Student Practice Plan:** If the United States District Court for the Eastern District of Virginia has in effect any plan for third-year law student practice, the provisions of said plan apply equally to practice before this Court.

(L) **Previous Practice Clause:** All members in good standing of the Bar of the United States District Court for the Eastern District of Virginia as of September 30, 1979, shall be deemed to be members of the Bar of the United States Bankruptcy Court for the Eastern District of Virginia.

(M) **Pro Bono Representation:** An attorney representing a debtor who is a natural person on a *pro bono* basis – meaning that the attorney has not received and will not accept, either directly or indirectly, any payment in money, goods, or services in return for the attorney’s services in that representation – shall not be deemed to receive “other consideration” based on that representation for purposes of determining whether the attorney qualifies as a “debt relief agency” under the Bankruptcy Code.

(N) **Ghostwriting:**

(1) Any attorney who prepares any document that is to be filed in this Court by a person who is known by the attorney, or who is reasonably expected by the attorney, to be proceeding *pro se*, shall be considered to have entered an appearance in the proceeding in which such document is filed and shall be subject to all rules that govern attorneys who have formally appeared in the proceeding.

(2) All litigants who are proceeding *pro se* shall certify in writing and under penalty of perjury that a document(s) filed with the Court has not been prepared by, or with the aid of, an attorney or shall identify any attorney who has prepared, or assisted in preparing, the document.

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Comments

2090-1(B), (C), and (E)(2), (3), and (4), (F), (H) and (I). Paragraphs (B) and (E)(2) of this Local Bankruptcy Rule are amended to: extend the referenced deadlines, incorporate by reference a Continuing Practice Protocol in a new Exhibit 14 to these Local Bankruptcy Rules, and make provision for a non-complying attorney to seek reinstatement to practice before the Court. A new subparagraph (E)(3)(d) addresses *pro hac vice* admittees. A new subparagraph (E)(4) changes the language pertaining to government attorneys to mirror more closely Local Civil Rule 83.1(D)(4) of the United States District Court for the Eastern District of Virginia. Deadline requirements are specified in this subparagraph (E)(4), as well. Paragraph (F) of this Local Bankruptcy Rule is amended to include government attorneys permitted to practice under subparagraph (E)(4)(a). A new “Certification of Qualifying Government Employment Under Local Bankruptcy Rule 2090-1(E)(4)(a)” form has been created, which is appended to the Continuing Practice Protocol in new Exhibit 14. Technical changes are made, as well.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

Continuing Practice Protocol

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: _____