

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

PUBLIC NOTICE

**INVITATION FOR COMMENT ON AMENDMENT TO
LOCAL BANKRUPTCY RULE 2090-1(B), (E), and (F)**

Comments are invited to an amendment to Rule 2090-1(B), (E), and (F) of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. The Local Bankruptcy Rules revision, as set forth above, takes effect on a date to be determined.

The above cited revision to the Local Bankruptcy Rules will be available at the Alexandria, Norfolk, Richmond, and Newport News divisions of the Court and may be accessed at the Court's Internet web site, at www.vaeb.uscourts.gov, under Virginia Eastern News.

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, Friday, December 28, 2018.

William C. Redden
Clerk of Court

Date: November 29, 2018

Attachment

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

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



Effective: To be Determined

(Public Comment Ver 11/28/18)

Amendments to Local Bankruptcy Rule 2090-1: Attorneys; Right to Practice Before the Court (proposed language denoted in red).

(B) ***Qualifications for Admission and the Right to Practice Before the Court:*** **Effective [effective date of amendment], a**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 [effective date of amendment]:* To maintain the right to practice before this Court, all members in good standing of the Bar of this Court as of [effective date of amendment], must be admitted to practice before the United States District Court for the Eastern District of Virginia no later than January 1, 2020. Thereafter, members of the Bar of this Court in good standing will not be permitted to practice in this Court until being admitted in the United States District Court for the Eastern District of Virginia.

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(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 ~~Bankruptcy~~ **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 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 ~~Bankruptcy~~ **District** Court for the Western District of Virginia stating that said attorney is a member in good standing of the Bar of that District; ~~and~~

(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

~~(b)~~ (c) a certification from the applicant stating that said attorney has, within the preceding 90 days, read the Local Bankruptcy Rules of this Court.

(2) *Members of the Bar of this Court as of [effective date of amendment] 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 [effective date of amendment], must, no later than January 1, 2020, 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. Thereafter, such members 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 is submitted to the Clerk of this Court.

(3) Foreign Attorneys:

(a) **Application:** An attorney ~~from another state,~~ **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 (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. 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.

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(F) **Attorneys Filing Pleadings:** All counsel making an appearance or presenting papers, suits or pleadings for filing other than a request for notices under FRBP 2002(g), must be members in good standing of the Bar of this Court, **members in good standing of the Bar of the United States District Court for the Eastern District of Virginia,** and members in good standing of the Bar of the Commonwealth of Virginia or the state in which he or she is admitted. Attorneys who are not members of the Bar of this Court must have 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 who joins in a pleading will be held accountable for the case by the Court.