

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

**PUBLIC NOTICE OF AMENDMENT TO
LOCAL BANKRUPTCY RULE 2090-1(B), (E), and (F)—**

**CHANGES IN PROCEDURES FOR BAR ADMISSION AND REMAINING IN
GOOD STANDING IN THE BANKRUPTCY COURT BAR**

Effective September 1, 2019, pursuant to the entry of Standing Order No 19-6, attached, the Court amends Local Bankruptcy Rule 2090-1(B), (E), and (F).

The attached “**NOTICE: IMPORTANT INFORMATION**” dated August 19, 2019, provides additional information of interest. All current and, as applicable, prospective members of the Bar of the United States Bankruptcy Court for the Eastern District of Virginia must follow the guidance provided to learn what actions need to be taken to remain in good standing in the Bankruptcy Court Bar.

William C. Redden
Clerk of Court

Date: August 19, 2019

Attachments

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

In re:

Order Adopting Amendment to)
Local Bankruptcy Rule 2090-1) Standing Order No. 19-6
)
)

ORDER ADOPTING AMENDMENT TO LOCAL BANKRUPTCY RULE 2090-1

An amendment, which has been made to Local Bankruptcy Rule 2090-1(B), (E), and (F), has been adopted by the Court.

NOW, IT IS THEREFORE ORDERED that:

The above amended Local Bankruptcy Rule shall take effect on September 1, 2019. To remain in good standing in the Bar of the United States Bankruptcy Court for the Eastern District of Virginia, certain actions must be completed on or before September 1, 2020. The Clerk of the Bankruptcy Court is directed to provide information via the Court's internet web site and through the release of a Public Notice for the benefit of current members of the Bankruptcy Court Bar in addition to new Bankruptcy Bar applicants and members admitted on or after September 1, 2019.

FOR THE COURT:

Stephen C. St. John
STEPHEN C. ST. JOHN
Chief United States Bankruptcy Judge

Date: August 19, 2019

UNITED STATES BANKRUPTCY COURT
for the
EASTERN DISTRICT OF VIRGINIA

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



Effective: September 1, 2019

(Ver 08/19/19)

**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, aAn 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 to practice before the United States District Court for the Eastern District of Virginia no later than September 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.

....

(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 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, 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.

....

(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.

Comments

2090-1(B), (E), and (F) Paragraphs (B) and (E) of this Local Bankruptcy Rule respectively have been amended to require

that all members of the Bankruptcy Court Bar be members of the Bar of the United States District Court for the Eastern District of Virginia, or, if applicable, the Bar of the United States District Court for the Western District of Virginia. Paragraph (F) of this Local Bankruptcy Rule includes the new requirement that a member of the Bankruptcy Court Bar also must be a member of the Bar of the United States District Court for the Eastern District of Virginia, and be a member in good standing with both, in addition to other current requirements set forth therein. [Changes effective 09/01/19.]

NOTICE: IMPORTANT INFORMATION

PLEASE READ CAREFULLY

August 19, 2019

The United States Bankruptcy Court for the Eastern District of Virginia (“Bankruptcy Court”) has adopted new local rules provisions that 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. To remain in good standing in the Bankruptcy Court Bar, certain actions must be completed on or before September 1, 2020. **Please read below to learn what actions you need to undertake to remain in good standing in the Bankruptcy Court Bar.**

1. If you currently are a member in good standing of both the District Court and Bankruptcy Court Bars: Complete the Affirmation Form attached as Exhibit A and submit it to Affirmation@vaeb.uscourts.gov with the subject line: **Affirmation Form – [Principal Division of Practice]** (example: Affirmation Form – Richmond) on or before August 21, 2020, to allow the Court to complete the verification process. [Please note: this date is different from the September 1, 2020 deadline.]
2. If you currently are a member in good standing of the Bankruptcy Court Bar but are *not* currently a member of the District Court Bar: Complete the District Court’s attorney admission application (located at <http://www.vaed.uscourts.gov/formsandfees/attorney.htm>) and be admitted to the District Court. Then, complete the Affirmation Form attached as Exhibit A and submit it to Affirmation@vaeb.uscourts.gov with the subject line: **Affirmation Form – [Principal Division of Practice]** (example: Affirmation Form – Norfolk) on or before August 21, 2020. [Please note: this date is different from the September 1, 2020 deadline.]
3. If you are admitted *pro hac vice* to the Bankruptcy Court Bar: No action is needed to retain your admission as a *pro hac vice* member of the Bankruptcy Court Bar.
4. If you were 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 and:
 - a. If you are a member in good standing of the Bar of the United States District Court for the Western District of Virginia (“Western District”), submit a Certificate of Good Standing from the Western District on or before September 1, 2020, to Affirmation@vaeb.uscourts.gov with the subject line: **WDVA Certificate**.
 - b. If you currently are not a member of the Western District Bar, and later become admitted to the Western District Bar, submit a Certificate of Good Standing from the Western District on or before September 1, 2020, to Affirmation@vaeb.uscourts.gov with the subject line: **WDVA Certificate**.

AS APPLICABLE TO YOU, IF YOU FAIL TO TIMELY COMPLY WITH THE APPROPRIATE ACTION(S) SET FORTH ABOVE, YOU WILL NOT BE PERMITTED TO PRACTICE BEFORE THE BANKRUPTCY COURT AFTER SEPTEMBER 1, 2020, UNTIL YOU COMPLY WITH SUCH ACTION(S).

For additional information, please see the Frequently Asked Questions at a newly created “Attorneys” tab on the Court’s website, www.vaeb.uscourts.gov. Applicable forms are accessible on the “Attorneys” tab, as well. Additional questions may be submitted in writing to AdmissionQuestion@vaeb.uscourts.gov.



**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 verified as of September 1, 2020, will not be permitted to practice in the United States Bankruptcy Court for the Eastern District of Virginia until their admission in the United States District Court for the Eastern District of Virginia has been verified. See Local Bankruptcy Rule 2090-1(B)(1).

Once completed, submit this form to the following email address: Affirmation@yaeb.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: _____

*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: _____