

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Miscellaneous Case No. 6:04-MC-36-ORL

In Re: Rules of the United States
District Court for the
Middle District of Florida

Upon Consideration, Local Rules 1.01(a), 2.01(d), 2.02(a)(1), 2.02(b), and 4.16(b) shall be amended¹ as follows:

I.

1.01(a)

RULE 1.01 SCOPE AND CONSTRUCTION OF RULES

- (a) These rules, made pursuant to the authority of 28 U.S.C. Section 2071, Rule 83, Fed.R.Civ.P., and Rule 57, Fed.R.Cr.P., shall apply to all proceedings in this Court, whether civil or criminal, unless specifically provided to the contrary or necessarily restricted by inference from the context. The Court may prescribe by administrative order procedures for electronic filing and related matters in civil and criminal cases. The administrative order shall govern, notwithstanding these rules, which otherwise will govern to the extent not inconsistent with the administrative order.

II.

2.01(d)

RULE 2.01 GENERAL ADMISSION TO PRACTICE

- (d) To maintain good standing in the bar of this Court, each attorney admitted under this Rule must pay an annual fee set from time to time by an administrative order. Beginning in the year following the year of the attorney's admission to the bar of this Court, the fee is due annually before the first business day in July. An attorney who fails to pay the annual fee before August 1 of each year is subject to removal from membership in the bar of this Court.

¹Underlined language is new. A line is drawn through language to be stricken from the present version of the Local Rule.

III.
2.02(a)(1)

RULE 2.02 SPECIAL ADMISSION TO PRACTICE

- (a)(1) ~~Whenever a non-resident attorney appears~~ appearing as counsel by filing any pleading or paper in any case pending in this Court, ~~he~~ a non-resident attorney shall ~~file~~ file within ten (10) days ~~thereafter~~, ~~file~~ a written designation and consent-to-act on the part of some member of the bar of this Court, resident in Florida, upon whom all notices and papers may be served and who will be responsible for the progress of the case, including the trial in default of the non-resident attorney, ~~;~~ provided, however, the Court may waive such designation for good cause shown. In addition to filing the written designation, the non-resident attorney shall pay a fee equal to the fee prescribed in Rule 2.01(d), and the written designation shall certify the non-resident attorney's payment of the fee.

IV.
2.02(b)

RULE 2.02 SPECIAL ADMISSION TO PRACTICE

- (b) ~~Any~~ An attorney representing ~~employed full-time by either the United States, or any an~~ employed full-time by either the United States, or any an agency thereof, having the authority of the Government to appear as its counsel, ~~of the United States, or a public entity established under the laws of the United States~~ of the United States, or a public entity established under the laws of the United States may appear within the course and scope of the attorney's employment as counsel specially and be heard in any case in which the Government or such agency thereof is a party, without formal or general or other formal admission.

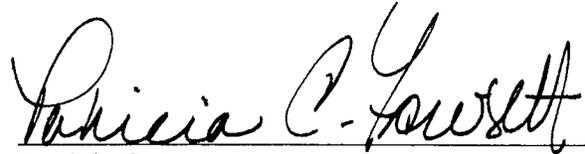
V.
4.16(b)

RULE 4.16 MANAGEMENT OF FUNDS HELD ON DEPOSIT WITH THIS COURT

- (b) ~~All~~ Except for funds held by the Clerk as non-appropriated funds, as provided in the Guidelines and Plan for the Administration of Non-Appropriated Funds adopted by the Middle District of Florida, funds deposited with the Court ~~which that~~ that are not governed by subsection (a) of this Rule; shall be deposited by the Clerk into the treasury of the United States; provided, however, that the Court may, by ~~standing administrative~~ standing administrative order, permit deposit of registry funds into interest bearing accounts when the amount to be deposited exceeds a minimum sum stated in the ~~standing administrative~~ standing administrative order. Final disposition of such deposits, as well as any earned interest, shall be determined by subsequent order of the Court.

Pursuant to Fed.R.Civ.P. 83, Fed.R.Cr.P. 57, and 28 U.S.C. § 2071, the Clerk is directed to give public notice and an opportunity for comment concerning these prospective amendments. The amendments shall take effect May 15, 2004, unless sooner modified or withdrawn by subsequent Order of the Court entered after consideration of any comments received pursuant to the public notice.

DONE AND ORDERED this 24th day of March, 2004.



Patricia C. Fawsett
Chief United States District Judge

cc. All Middle District Judicial Officers
Sheryl L. Loesch, Clerk of Court