

Rule 2090-1: Attorneys—Admission to Practice; Appearance Before the Court

(a) Bankruptcy Appearance by Attorney Admitted to Practice Before the District Court Bar. ~~Any.~~

(1) Attorney. An attorney admitted to practice before the ~~United States District Court, District of Arizona,~~ may practice before the ~~bankruptcy court~~ Bankruptcy Court. An attorney who is not admitted to the bar of, or permitted to practice before, the District Court may not appear before the court on behalf of a person or entity, except as provided by this Rule. An attorney appearing before the court must have read the Local Rules of Bankruptcy Procedure in their entirety.

~~**(b) Participation of a Local Attorney.** If an attorney is a member of the bar of this court but does not currently reside in Arizona, the court may require the association of resident local counsel. If the nonresident attorney fails to respond to any order of the court, for appearance or otherwise, the associated local counsel will have the responsibility and full authority to act for and on behalf of the client in all matters in connection with the case or proceeding, including hearings, pretrial conferences, and trial.~~

~~**(c)**~~ (2) Scope of Appearance. Regardless of the terms of any retention agreement, the attorney for the debtor is presumed to appear in the case and in all proceedings in the case, unless otherwise ordered by the court or as provided in these Local Rules.

(3) Entities. A non-individual entity must appear through counsel.

(b) Pro Hac Vice Practice. ~~Appearance.~~

(1) Disqualification from Pro Hac Vice Appearance. Unless authorized by the Constitution of the United States or an Act of Congress, a nonresident attorney is ineligible for permission to appear pro hac vice if the applicant:

(A) Resides in Arizona;

(B) Is regularly employed in Arizona; or

(C) Is regularly engaged in business, professional or other similar activities in Arizona.

(2) Permission for Pro Hac Vice Appearance by Nonresident Attorney . An attorney who is not a member of the bar of the ~~United States District Court, District of Arizona,~~ but who is a member in good standing of the bar of another United States District Court and licensed to practice law in another jurisdiction may, upon application and court order, be permitted to appear and participate in a particular case. ~~Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible for limited admission pursuant to this rule if (i) the attorney resides in Arizona, (ii) the~~

~~attorney is regularly employed in Arizona or (iii) the attorney is regularly engaged in the practice~~

~~(3) Designation of law in Arizona. Local Counsel. Unless otherwise ordered, the applicant shall~~ nonresident attorney applying to appear pro hac vice must designate in the application an attorney who is a member of the court and who maintains an office within this district as local counsel currently residing in Arizona with whom the court and opposing counsel parties may readily communicate regarding the conduct of the case. and upon whom documents may be served. The court may require local counsel to appear at hearings.

~~(4) Contents of Pro Hac Vice Application. A nonresident attorney applying to appear pro hac vice must file an application shall also state, containing:~~

~~(A) Proof of payment of any fee required by the District Court.~~

~~(B) Stating under penalty of perjury, whether:~~

~~(1) The attorney's principal office address, telephone number, facsimile number, email address, and city and state of principal residence;~~

~~(2) In what courts the applicant attorney has filed with this been admitted to practice and the dates of admission;~~

~~(3) That the attorney is not currently suspended, disbarred or subject to disciplinary proceedings in any court; and~~

~~(4) Whether the attorney signing the application has concurrently or within three years preceding the application date made any other applications pro hac vice application in this District, and whether such application was granted.~~

~~(C) The signature of the designated local counsel.~~

~~(5) Effect of Granting Application. If the court grants a pro hac vice application the attorney is subject to the jurisdiction of the court to the same extent as a member of the bar of the District Court of Arizona.~~

~~(c) Attorneys for limited the United States or State of Arizona. An attorney who is ineligible for admission or pro hac vice applications within one year preceding the current application and if so, the title and case number of each case in under District Court L.R.Civ. 83.1 or paragraph (b)(1) above, who is employed within Arizona, who is a member of good standing of and eligible to practice before the bar of any United States or the highest court of any state, territory or insular possession of the United States, and who is of good moral character, may be granted leave of court to practice in the court in any matter for which such application was filed, the date of each application and whether each application was granted or denied. The application shall also contain the address, e-mail address, telephone number and written consent of the designated local~~

counsel, if any, person is employed or retained by the United States, State of Arizona or their agencies. When such person no longer is employed by the United States or State of Arizona, then this paragraph no longer applies and such person must comply with other provisions of this Rule.

~~**(d) Parties Appearing Without an Attorney.** Any party proceeding without an attorney will be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of this court and with the appropriate federal rules and statutes that govern the action.~~

~~**(e) Change of Address.** An attorney who changes office address must submit a written change of address to the clerk. Completion and submission of this address change will update the attorney's address in the court's electronic database. In those cases where the attorney represents a party other than the debtor, this address change will not update the address on the mailing lists for those cases. In those cases, to update the address on the mailing list and to give notice of the address change to other attorneys and parties, the attorney must file a notice of change of address in each case. In cases where the attorney does represent the debtor, the address is updated in the database, and also updated on the mailing lists for those cases.~~

~~If the change of address is because the attorney has changed law firms, in each case in which the attorney has appeared and in which the former firm will continue to represent the debtor or other party, a notice must be filed stating that the attorney no longer represents the party and stating who in the firm now represents that party. For those cases in which the attorney, at the new firm, will continue to represent the debtor or other party, the attorney will remain the attorney of record at the new firm and address.~~

~~**(f) (d) Student Practice.** Notwithstanding section paragraph (a) above, a student duly enrolled in an American Bar Association ~~(ABA)~~ accredited law school may represent parties in bankruptcy cases or proceedings pending or contemplated to be filed in this court, and may appear in court on behalf of such parties, upon compliance with District Court LRCivL.R.Civ. 83.4 "Student Practice Rule" of the United States District Court for the District of Arizona, subject to the following modifications:~~

~~(1) The knowledge required by District Court LRCivL.R.Civ. 83.4(b)(3) shall include knowledge of the Federal Rules of Bankruptcy Procedure, the Local Rules of Bankruptcy Procedure for the District of Arizona, and the General Orders of this court; and~~

~~(2) The consent form required by District Court LRCivL.R.Civ. 83.4(f)(5) shall be filed with the Clerk ~~of the Bankruptcy Court~~, under the caption of the case in which the student intends to appear, or otherwise presented to the judge presiding over such case, instead of the filing required by District Court LRCivL.R.Civ. 83.4(f)(5).~~

(e) Parties Without an Attorney. Only individuals may represent themselves, except for creditors filing proofs of claim and motions seeking to obtain funds deposited in the Registry of the Court. Individuals representing themselves are responsible for performing all duties imposed on counsel by the Bankruptcy Code, the Federal Rules of

Bankruptcy Procedure, the Local Rules, and applicable federal and state law, including the signing and filing with the Court any required