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West's Florida Statutes Annotated Currentness

Florida Rules of Judicial Administration (Refs & Annos)

Part V. Practice of Law

A. Attorneys

→ Rule 2.505. Attorneys

(a) **Scope and Purpose.** All persons in good standing as members of The Florida Bar shall be permitted to practice in Florida. Attorneys of other states who are not members of The Florida Bar in good standing shall not engage in the practice of law in Florida except to the extent permitted by rule 2.510.

(b) **Persons Employed by the Court.** Except as provided in this subdivision, no full-time employee of the court shall practice as an attorney in any court or before any agency of government while continuing in that position. Any attorney designated by the chief justice or chief judge may represent the court, any court employee in the employee's official capacity, or any judge in the judge's official capacity, in any proceeding in which the court, employee, or judge is an interested party. An attorney formerly employed by a court shall not represent anyone in connection with a matter in which the attorney participated personally and substantially while employed by the court, unless all parties to the proceeding consent after disclosure.

(c) **Attorney Not to Be Surety.** No attorneys or other officers of court shall enter themselves or be taken as bail or surety in any proceeding in court.

(d) **Stipulations.** No private agreement or consent between parties or their attorneys concerning the practice or procedure in an action shall be of any force unless the evidence of it is in writing, subscribed by the party or the party's attorney against whom it is alleged. Parol agreements may be made before the court if promptly made a part of the record or incorporated in the stenographic notes of the proceedings, and agreements made at depositions that are incorporated in the transcript need not be signed when signing of the deposition is waived. This rule shall not apply to settlements or other substantive agreements.

(e) **Appearance of Attorney.** An attorney may appear in a proceeding in any of the following ways:

(1) By serving and filing, on behalf of a party, the party's first pleading or paper in the proceeding.

(2) By substitution of counsel, but only by order of court and with written consent of the client, filed with the court. The court may condition substitution upon payment of, or security for, the substituted attorney's fees and expenses, or upon such other terms as may be just.

(3) By filing with the court and serving upon all parties a notice of appearance as counsel for a party that has already appeared in a proceeding pro se or as co-counsel for a party that has already appeared in a proceeding by non-withdrawing counsel.

(f) Termination of Appearance of Attorney. The appearance of an attorney for a party in a proceeding shall terminate only in one of the following ways:

(1) *Withdrawal of Attorney.* By order of court, where the proceeding is continuing, upon motion and hearing, on notice to all parties and the client, such motion setting forth the reasons for withdrawal and the client's last known address.

(2) *Substitution of Attorney.* By order of court, under the procedure set forth in subdivision (e)(2) of this rule.

(3) *Termination of Proceeding.* Automatically, without order of court, upon the termination of a proceeding, whether by final order of dismissal, by final adjudication, or otherwise, and following the expiration of any applicable time for appeal, where no appeal is taken.

(4) *Filing of Notice of Completion.* For limited representation proceedings under Florida Family Law Rule of Procedure 12.040, automatically, by the filing of a notice of completion titled "Termination of Limited Appearance" pursuant to rule 12.040(c).

(g) Law Student Participation. Eligible law students shall be permitted to participate as provided under the conditions of chapter 11 of the Rules Regulating The Florida Bar as amended from time to time.

(h) Attorney as Agent of Client. In all matters concerning the prosecution or defense of any proceeding in the court, the attorney of record shall be the agent of the client, and any notice by or to the attorney or act by the attorney in the proceeding shall be accepted as the act of or notice to the client.

CREDIT(S)

Former Rule 2.060 amended June 14, 1979, effective July 1, 1979 (372 So.2d 449); Feb. 21, 1980 (380 So.2d 1027); Sept. 29, 1988, effective Jan. 1, 1989 (536 So.2d 195); Oct. 8, 1992, effective Jan. 1, 1993 (609 So.2d 465); Sept. 26, 1996, effective Jan. 1, 1997 (681 So.2d 698); July 17, 1997, effective Jan. 1, 1998 (701 So.2d 1164); Oct. 5, 2000, effective Jan. 1, 2001 (780 So.2d 819); July 10, 2003, effective Jan. 1, 2004 (851 So.2d 698); Nov. 13, 2003, effective Jan. 1, 2004 (860 So.2d 394); Nov. 3, 2005, effective Jan. 1, 2006 (915 So.2d 157). Renumbered from Rule 2.060 Sept. 21, 2006 (939 So.2d 966).

Current with Amendments received through 11/20/08

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