

Federal Bar Admission Qualifies Texas Lawyer for Bankruptcy Practice in Michigan

A lawyer admitted only in Texas moved to Michigan and applied for admission there. His application was denied by the Michigan state authorities. The lawyer nevertheless secured admission to practice before the U.S. District Court for the Western District of Michigan. He proceeded to open a law office in Michigan and to represent clients in the bankruptcy courts.

In his response to a notice by the Michigan state authorities that he was not authorized to practice law in Michigan, the lawyer insisted on his right to practice in the federal bankruptcy courts. He filed a bankruptcy petition for a client and a creditor moved to disqualify him. The bankruptcy court proceeded to suspend him and the district court affirmed.

The Court of Appeals for Sixth Circuit reversed. The Court construed the definition of "attorney" under 11 U.S.C. § 101(4), *i.e.*, a lawyer "authorized under applicable law to practice law."

The Court cited the decision of the Court of Appeals for the Ninth Circuit in *In Re Poole*, 222 F.3d 618 (2000). That case held that a lawyer who was not admitted before the Arizona state courts but was admitted in the Arizona federal district courts qualified as an "attorney" entitled to compensation in a bankruptcy proceeding. The Ninth Circuit found that a lawyer could be admitted to practice in the federal courts within a state without qualifying for admission to practice before the courts of that state.

In *Poole*, the Sixth Circuit concluded that admission before a federal court is not limited to federal matters but entitles a lawyer to engage in the general practice of law. The lawyer is required to be admitted to practice only in one state, not necessarily the same state in which his federal admission entitles him to practice. *Rittenhouse v. Delta Home Improvement Inc. (In re Desilets)*, No. 00-2411 (6/3/02).