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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

In Re: ) **FIFTH AMENDED**  
ATTORNEY DISCIPLINE PROCEDURES ) **GENERAL ORDER 96-05**  
IN BANKRUPTCY COURT )  
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**Applicability**

This general order establishes a process for court wide discipline of attorneys in the bankruptcy court.

These procedures shall apply when any judge of this court wishes to challenge the right of an attorney to practice before this court or recommends the imposition of attorney discipline intended to apply in all bankruptcy cases in this court.

Nothing in this general order is intended to limit or restrict the authority of any judge to impose sanctions on any attorney in any case or cases assigned to that judge.

**Initiation of Disciplinary Proceedings**

If a bankruptcy judge wishes to initiate disciplinary proceedings under this general order, that judge (the "Referring Judge") shall prepare and file with the Clerk of Court

1 a written Statement of Cause setting forth the judge's basis for recommending discipline and  
2 a description of the discipline the referring judge believes is appropriate.

3 The clerk shall open a case file, assign a miscellaneous case number, and initiate a  
4 docket for the file. The clerk shall then send notice to all judges of this Court, including any  
5 judges on recall, with the Statement of Cause and provide a two-week deadline for any judge  
6 to add any additional statement. The clerk shall then select three bankruptcy judges of this  
7 district at random (excluding the judge who filed the Statement of Cause and any judge who  
8 sent an additional statement) to serve on the Hearing Panel (the "Panel") which will  
9 determine whether the attorney shall be disciplined and, if so, the type and extent of  
10 discipline. If any of the Statements of Cause have not been served on the attorney under  
11 review, they shall be sent to the attorney named in the Statement(s) of Cause. The most  
12 senior judge assigned to the Panel shall be the Presiding Judge. The clerk shall prepare a  
13 Designation of Hearing Panel and Presiding Judge which shall include a signature line for  
14 each of the designated judges. The signature of each judge shall certify his or her  
15 acceptance of assignment to the Panel. Should any judge decline to serve, the clerk shall  
16 select another judge to serve on the Panel, give written notice thereof to the other judges on  
17 the Panel and issue a Supplemental Designation of Hearing Panel, which shall contain a  
18 signature line for the newly appointed judge to accept the assignment.

19 Once the clerk has obtained the acceptance of three judges to serve on the Panel,  
20 the clerk shall prepare a Notice of Assignment of Hearing Panel, which the clerk will serve  
21 on the attorney named in the Statement of Cause ("the attorney") and on the local Office of  
22 the United States Trustee, along with a copy of the Statement of Cause and a copy of this  
23 general order. The attorney may file a motion for recusal as to any of the judges assigned  
24 to the Panel within 14 days of the service of the Notice of the Assignment of Hearing Panel  
25 and serve the motion on the Office of the United States Trustee. That motion may be heard  
26 by any judge other than the referring judge, any judge who sent an additional statement, any  
27 judge assigned to the Panel, or any judge who has declined to serve on the Panel. The  
28 assignment of the recusal motion to a judge shall be made at random by the clerk, who shall



1 **Hearing Procedures**

2 The attorney may appear at the Disciplinary Hearing with legal counsel and may  
3 present evidence:

- 4 (A) Refuting the statements contained in the Statement of Cause;  
5 (B) Refuting the statements contained in a Response;  
6 (C) Mitigating the discipline (i.e., that, notwithstanding the validity of the  
7 statements in the Statement of Cause or a Response, the attorney  
8 should not be disciplined); and  
9 (D) Bearing on the type and extent of disciplinary action appropriate under  
10 the circumstances.

11 The Federal Rules of Evidence shall apply to the presentation of evidence at the  
12 Disciplinary Hearing, and an official record of the proceedings shall be maintained as though  
13 the Disciplinary Hearing were a contested matter as that term is defined in the Federal Rules  
14 of Bankruptcy Procedure. The United States Trustee for the district may appear at the  
15 hearing in person or by counsel and may participate in the presentation of evidence as  
16 though she or he were a party to the proceeding. If the United States Trustee wishes to  
17 appear at the hearing, she or he must file a Notice of Intent to Appear, setting forth the  
18 purposes for the appearance, and serve that notice on the attorney at least 14 days before  
19 the hearing. The Panel may disregard written statements or declarations of innocence or in  
20 mitigation of the attorney's conduct unless they are filed with the court with copies delivered  
21 promptly thereafter to the chambers of each member of the Panel at least 7 days prior to the  
22 hearing. Written statements presented to the Panel for consideration as evidence by or on  
23 behalf of the attorney may be disregarded by the Panel if the declarant is unavailable at the  
24 hearing for cross-examination and for examination by the Panel.

25 **Ruling**

26 At the conclusion of the Disciplinary Hearing, the judges of the Panel will adjourn to  
27 a private session to consider the matter. The ruling of the Panel will be made by majority  
28 vote of the judges on the Panel. The Presiding Judge will assign to a judge in the majority

1 the task of drafting the Panel's Memorandum of Decision setting forth the majority's decision  
2 and its reasons. Any member of the Panel may issue a concurring or dissenting opinion  
3 which will be made a part of the Memorandum of Decision.

4 The Panel shall issue a Discipline Order signed by all members of the Panel based  
5 on the Panel's Memorandum of Decision. That order may provide for any appropriate  
6 discipline, including but not limited to revocation or suspension of the right to practice before  
7 all the judges of this court. A copy of the entered Discipline Order shall be served on the  
8 attorney, all judges of the United States Bankruptcy Court for the Central District of California  
9 and the United States Trustee.

10 The attorney, the Referring Judge and/or the United States Trustee may file a motion  
11 for rehearing, clarification or more detailed findings (a "motion for rehearing") within 14 days  
12 after entry of the Discipline Order. (Nothing contained in this order precludes the Panel  
13 appointed in a given disciplinary proceeding from concluding that a Referring Judge lacks  
14 standing to file a motion for rehearing.)

15 The Discipline Order will become final 14 days after entry or, if a motion for rehearing  
16 is filed, 14 days after entry of an order denying the motion for rehearing. The same rule as  
17 to finality will apply to a new or revised Discipline Order, if one is issued by the Panel after  
18 rehearing.

19 The Discipline Order shall be sent by the clerk to the Clerk of the District Court.  
20 Should the Panel so order, a Discipline Order also may be transmitted by the clerk to the  
21 State Bar of California or published in designated periodicals, or both.

22 If an attorney's practice privileges have been revoked, modified, or suspended by  
23 final order of a Panel, the attorney may not appear before any of the judges of this court  
24 representing any other persons or entities except in compliance with the terms of the  
25 Discipline Order.

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1 **Reinstatement**

2 An attorney whose privileges have been revoked, modified, or suspended under this  
3 general order may apply to the Chief Judge of this court for reinstatement of privileges on  
4 the following schedule:

- 5 (A) If privileges were revoked without condition for an unlimited period of  
6 time, the attorney may apply for reinstatement after five years from the  
7 date the Discipline Order becomes final;
- 8 (B) If privileges were revoked or suspended with specified conditions  
9 precedent to reinstatement, the attorney may apply for reinstatement  
10 upon fulfillment of the conditions set forth in the Discipline Order; and
- 11 (C) If privileges were suspended for a specified period of time, the attorney  
12 may apply for reinstatement at the conclusion of the period of  
13 suspension or five years after the Discipline Order becomes final,  
14 whichever first occurs.

15 An Application for Reinstatement of Privileges must include a copy of the Discipline  
16 Order, proof that all conditions justifying reinstatement have been fulfilled, and proof that the  
17 applicant is in good standing before the United States District Court for the Central District  
18 of California and is a member in good standing of the State Bar of California. If the attorney's  
19 privileges were revoked, or if the suspension was for a time in excess of five years and was  
20 without any conditions precedent to reinstatement, it shall be within the sole discretion of the  
21 Chief Judge whether to issue a reinstatement order. If the Chief Judge determines that the  
22 attorney is entitled to reinstatement of practice privileges, he or she may issue a  
23 Reinstatement Order. Upon entry of the Reinstatement Order, the attorney affected thereby  
24 shall be deemed eligible to practice before all the judges of this court except to the extent  
25 any judge of this court has issued an order, other than under this rule, denying that attorney  
26 the right to appear before that judge or to appear in a particular case.

27 Upon entry, the clerk shall transmit a copy to all judges of this court and to the  
28 attorney, the clerk of the District Court, and to the United States Trustee. In addition, if the

1 Discipline Order was sent to the State Bar or published, the Clerk shall transmit the  
2 Reinstatement Order to the State Bar and publish it in the same publication, if possible. If  
3 the Chief Judge does not grant the Application for Reinstatement of Privileges, he or she  
4 shall issue an order denying the application together with a separate written statement of  
5 the reasons for his or her decision. That order will become final 14 days after entry.

6 If an attorney's Application for Reinstatement of Privileges is denied, he or she may  
7 reapply for reinstatement after one year from the date of entry of the order denying the  
8 previous application or within such other time or upon fulfillment of such conditions as may  
9 be set forth in the order denying reinstatement.

#### 10 11 **Maintenance of Discipline Files**

12 Except to the extent that access to a particular file is restricted or prohibited by order  
13 of the Chief Judge or the Panel to which the matter was assigned, (1) those files shall be  
14 maintained in accordance with applicable law and rules for maintenance of miscellaneous  
15 files of this court and shall be available for review and copying by members of the public,  
16 and (2) orders, opinions and written memoranda issued in these matters shall be published  
17 on the court's website.

18 The clerk shall close a disciplinary file 30 days after entry of a dispositive order  
19 (for example, an Order Re Revocation of Privileges or a Reinstatement Order) in that  
20 proceeding unless within that time the clerk receives a Notice of Appeal of any order  
21 rendered in the proceeding or other information justifying maintenance of the file in an open  
22 status. The clerk shall reopen a disciplinary file upon the request of the attorney, for the  
23 convenience of the court, or upon order of any judge of this court, whereupon the clerk shall  
24 advise the Chief Judge accordingly. So long as any disciplinary files remain open, the clerk  
25 shall provide the Chief Judge a quarterly status report of all such open files to which will be  
26 attached copies of their dockets. The Chief Judge may order any such files closed when he  
27 or she deems it appropriate, consistent with the provisions hereof and the status of any such  
28 matter.

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**Motion to Have Opinion Removed from Website**

At any time after the entry of a Reinstatement Order, the attorney may apply to the Chief Judge of this court for an order directing the Clerk to remove the Discipline Order and any related opinion and memoranda from the court’s website. An application for this relief must include a copy of the Discipline Order and the Reinstatement Order. It shall be within the sole discretion of the Chief Judge whether to grant such an application.

**Appeals**

All orders issued pursuant to this rule shall be appealable to the extent permitted by applicable law and rules of court.

Date: December 14, 2018

  
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**Sheri Bluebond**  
Chief Judge, United States Bankruptcy Court