UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:	*	
	*	**CASE NUMBER 04-41352**
RANDALL JOSEPH HAKE and	*	
MARY ANN HAKE,	*	**CHAPTER 11**
	*	
Debtors.	*	**HONORABLE KAY WOODS**
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ORDER IMPOSING SANCTIONS

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On February 27, 2006, this Court issued an Order to Appear and Show Cause Why Admission Pro Hac Vice of F. Dean Armstrong Should Not be Revoked ("Show Cause Order"). The Court issued the Show Cause Order after being informed by the Attorney Registration & Disciplinary Commission ("ARDC") of the Supreme Court of Illinois that Mr. Armstrong was not admitted to practice before any court in the State of Illinois and had not been so admitted since February 1, 2006.[1] Mr. Armstrong had been admitted *pro hac vice* by Order dated November 16, 2005, based upon a motion and affidavit of Mr. Armstrong that he was "licensed, in good standing and admitted to practice before the Supreme Court of Illinois." (Affidavit of F. Dean Armstrong in Support of Motion for Admission Pro Hac Vice, dated November 2, 2005.) Mr. Armstrong appeared before this Court at a contested hearing on February 9, 2006, at which time he made arguments on behalf of his client and examined witnesses – all without informing the Court concerning his change in status.

The Show Cause Order directed Mr. Armstrong to file a written explanation concerning his status to practice before the

[1]Subsequent information from the ARDC revealed that Mr. Armstrong was not actually removed from the Master Roll for failure to register until February 6, 2006.

Courts of Illinois on or before March 7, 2006 and to appear and show cause on March 13,2006 at 9:00 a.m.

Mr. Armstrong timely filed Armstrong's Response to February 27, 2006 Show Cause Order ("Response"), which stated that his Illinois law license had been temporarily suspended due to his failure to pay the Two Hundred Forty-Nine Dollar ($249.00) annual registration fee, but that he had subsequently paid the annual registration fee and his Illinois law license had been reinstated. Mr. Armstrong represented that the failure to pay was not intentional and was an oversight. He further represented that at all times, including the February 9, 2006 hearing, he was registered and in good standing in the state of Texas. The Response stated that he had not informed this Court of his change in status at the February 9, 2006 hearing because, at that time, he and his staff were not aware that he had been removed from the Master Roll of attorneys in Illinois.

Mr. Armstrong appeared at the March 13, 2006 hearing with his counsel, Victor Buente. Mr. Armstrong testified on his own behalf, reiterating the information contained in the Response, and offered two exhibits showing that he is currently in good standing as an attorney in the states of Illinois and Texas. As the Court noted, the motion for the admission of Mr. Armstrong *pro hac vice* and Mr. Armstrong's affidavit in support thereof failed to mention his admission in any state except Illinois.

Although it appears that Mr. Armstrong's failure to pay the registration fee was not intentional, Mr. Armstrong had, at least, constructive notice that the annual fee was due. Accordingly,

Mr. Armstrong's failure to inform this Court that he had allowed his status of good standing to lapse constituted a form of deceit upon the Court. In addition, this Court finds that Mr. Armstrong has demonstrated disrespect for and toward this Court by editorializing and using inflammatory language concerning the Court, which conduct fails to comport with conduct expected of those attorneys licensed to practice in the state of Ohio. The Supreme Court of Ohio Administration of Oath requires attorneys admitted in Ohio to "conduct themselves with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons." As a consequence, this Court holds that it will not revoke the *pro hac vice* status of Mr. Armstrong at this time; however, Mr. Armstrong is hereby put on notice that if he fails to conduct himself as required and/or he demonstrates one more episode of disrespect toward this Court or other misconduct, his *pro hac vice* status will be immediately revoked without further notice or hearing. This Court finds that it is appropriate to hold Mr. Armstrong in contempt of court and to impose a monetary sanction of Three Hundred Twelve and 50/100 Dollars ($312.50),[2] which is to be paid within ten (10) days of entry of this Order.

IT IS SO ORDERED.

HONORABLE KAY WOODS
UNITED STATES BANKRUPTCY JUDGE

[2]Mr. Armstrong testified that his hourly rate is Two Hundred Fifty Dollars ($250.00). The Court calculated the fine by multiplying this hourly rate by 1.25 hours, which was the length of the February 9, 2006 hearing. In fact, however, the hearing was 1.75 hours long (1:21 p.m. to 3:06 p.m.), but the Court declines to increase the amount of the fine.