

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

CASE NO.: SC20-1602

vs.

The Florida Bar File Nos.

2019-70,188 (11H)

2019-70,358 (11H)

2020-70,056 (11H)

BRUCE JACOBS,

Respondent.

_____ /

**AMENDED APPENDIX II TO CORRECTED
REPLY/ANSWER BRIEF OF RESPONDENT**

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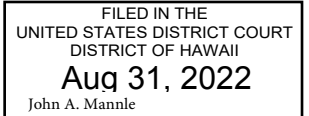
BRUCE JACOBS

FLORIDA BAR No. 116203

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| Appendix II- | Order Denying Motion To Appear Pro Hac Vice as to Bruce Jacobs without Prejudice in The United States District Court of Hawaii Case No.: 22-00312 JAO-RT..... | 3-7 |
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STRICKEN



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NATHAN EARL AIWOHI, ET AL.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., THE
BANK OF NEW YORK MELLON,

Defendants.

CIV. NO. 22-00312 JAO-RT

ORDER DENYING MOTION TO
APPEAR PRO HAC VICE
WITHOUT PREJUDICE

**ORDER DENYING MOTION TO APPEAR
PRO HAC VICE WITHOUT PREJUDICE**

Before the Court is a *Motion to Appear Pro Hac Vice* (“Motion”), filed by local counsel for Plaintiff on behalf of attorney Bruce Jacobs. ECF No. 7. On July 20, 2022, Defendant Bank of America, N.A.’s (“Defendant”) counsel, Douglas S. Chin (ECF No. 8) and John W. Kelly (ECF No. 9), filed a notice of appearance and requested an opportunity to be heard before the Court takes any action on the *Motion*. On that same day, the Court set a briefing schedule to provide the Defendant with an opportunity to respond, but did not permit a reply. ECF No. 10. On July 22, 2022, Defendant timely filed its *Objections to Motion to Appear Pro Hac Vice for Plaintiffs (Bruce Jacobs, Esq.)*, Filed on July 19, 2022 [Dkt. 7] (“Objection”). The Court elects to decide the Motion without a hearing pursuant to

Rule 7.1(c) of the Local Rules of Practice for the United States District Court for the District of Hawaii (“Local Rules” or “LR”).

After careful review of the *Motion* and *Objection*, the attached exhibits and declarations, the docket in this case and the applicable law, the Court **DENIES** the *Motion* without prejudice for the following reasons.

DISCUSSION

Local Rule 83.1 sets forth the eligibility of an attorney who seeks to be admitted pro hac vice for a particular case:

(A) Eligibility. An attorney who is an active member in good standing of the bar of the highest court of any State or territory of the United States or the District of Columbia, who is of good moral character, and who has been retained to appear in this court may apply for pro hac vice status to appear in a particular case, except that, unless authorized by the Constitution of the United States or Acts of Congress, an attorney is not eligible to practice pursuant to this section if any one (1) or more of the following apply: the attorney resides in Hawaii; the attorney is regularly employed in Hawaii; or the attorney is regularly engaged in business, professional, or law-related activities in Hawaii.

LR83.1(c)(2)(A). The rule also sets forth that this court has “discretion whether to grant pro hac vice status.” LR83.1(c)(2)(D). Courts in this district have also cited the First Circuit in finding that “a court must balance ‘the defendant’s interest in retaining counsel of his choice against the public’s interest in the prompt, fair and ethical administration of justice.’” *E.E.O.C. v. Lockheed Martin*, Civ. Nos. 05-00479 DAE-LEK & 05-00496 DAE-LEK, 2007 WL 4468658, at *5 (D. Haw. Dec.

18, 2007) (citing *United States v. Panzardi Alvarez*, 816 F.2d 813, 817 (1st Cir. 1987)).

In his declaration, Mr. Jacobs represents that he is in good standing with all courts he has been admitted to practice in, but notes that Defendant has previously objected to his application for pro hac vice in other cases. *See* ECF No. 7 at PageID #: 2882 & 2884. Mr. Jacobs cites to Civ. No. 22-00238 JMS-WRP where the court in that case denied without prejudice Mr. Jacobs' pro hac vice status based upon the concern that there may be ongoing pattern of unprofessional conduct. *Id.* at 2884. Mr. Jacobs argues that Defendant did not tell the full story in that case. *Id.* at 2885. Mr. Jacobs argues that his decision to file motions to disqualify in the Florida courts were made to protect his clients' right to a fair and impartial tribunal. *Id.* at 2886. Mr. Jacobs contends that "[a]ctions taken to protect a client's constitutional rights cannot be grounds to deny an attorney the ability to practice law in Florida or any other court." *Id.*

Mr. Jacobs requests that this court review (1) an affidavit prepared by Jude Faccidomo, Esq., Florida's Bar's investigator and Chairman of the Grievance Committee, (2) his initial brief filed with the Florida Supreme Court. *Id.* at 2886. Mr. Jacobs further argues that it is Defendant that is "creating the immediate danger to the impartiality and good order of Florida courts . . . and not *vice versa*." *Id.* at 2887. Mr. Jacobs claims that Defendant's objections are "an attempt to gain an unfair tactical advantage . . . to deprive Class Plaintiffs of their counsel of

choice.” *Id.* at 2888. Throughout the rest of his response to paragraph 4, Mr. Jacobs argues that the Florida judges have not been fair and impartial, his conduct is a result of his vigorous defense of his clients, and that Miami-Dade Circuit Court Judges have testified positively in support of him. *Id.* at 2886-2890. Mr. Jacobs also expresses criticism of Florida’s judicial nominating processes and explains how he has been targeted due to his pursuit of claims of systemic frauds and foreclosures. *Id.* at 2888-2892.

Defendant points out in its Opposition that Mr. Jacobs has been denied pro hac vice admission by the United States District Court for the Central District of California, is currently subject to multiple disciplinary proceedings, was previously denied pro hac vice admission without prejudice by the United States District Court for the District of Hawaii, and has received yet another disciplinary complaint on July 7, 2022, on behalf of the Florida Bar. ECF No. 12 at PageID #: 2987-2988.

Despite Mr. Jacobs’ allegations that he has been unfairly targeted and has pursued litigation in order to protect his clients’ constitutional rights, the fact of the matter is that there are multiple disciplinary proceedings against Mr. Jacobs in Florida that have not been resolved. Although Mr. Jacobs claims he is currently in good standing in the courts where he has been admitted to practice, this status, at least as it relates to Florida, is in question. In particular, the July 7, 2022 complaint alleges that Mr. Jacobs has violated the rules regulating the Florida bar, including

but not limited to “Candor Towards the Tribunal,” “Knowingly Disobey[ing] an Obligation Under the Rules of a Tribunal,” and “Conduct Prejudicial to the Administration of Justice.” ECF No. 12-4 at PageID #: 3137. These are all allegations that bring to question Mr. Jacob’s good standing and moral character. The Court thus finds that the public’s interest in the prompt, fair and ethical administration of justice outweighs the Plaintiff’s interest in retaining counsel of its choice. Further, Plaintiff is currently represented by capable local counsel who can adequately represent Plaintiff’s interests. Accordingly, the *Motion* is **DENIED**.

CONCLUSION

Based on the foregoing, the Court DENIES the *Motion* without prejudice. Local counsel and Mr. Jacobs may resubmit a motion to appear pro hac vice once all pending cases involving disciplinary complaints against Mr. Jacobs has been resolved.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 31, 2022.



Rom A. Trader
United States Magistrate Judge