

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION**

IN RE:)	CASE No.	15-51490 (JJT)
)		
DAVID X. MANNERS CO. INC.,)	CHAPTER	7
)		
DEBTOR.)	RE: ECF Nos.	326, 338
)		

**RULING ON TIMOTHY MANNERS' MOTION TO REVOKE
PRO HAC VICE ADMISSION OF FREDERICK C. KELLY, ESQ.**

Before the Court is Timothy X. Manner's Motion for Order to Revoke Pro Hac Vice Admission of Frederick C. Kelly, Esq. (the "Motion", ECF No. 326), and the objection of Attorney Kelly related thereto (ECF No. 338). For the following reasons, the Motion is granted in part and denied in part.

The source of a court's power to discipline an attorney for misconduct is clear. As the Supreme Court has held, "courts have long recognized an inherent authority to suspend or disbar lawyers.... This inherent power derives from the lawyer's role as an officer of the court which granted admission." *In re Snyder*, 472 U.S. 634, 643, 105 S. Ct. 2874, 86 L.Ed.2d 504 (1985); *accord In re Jacobs*, 44 F.3d 84, 87 (2d Cir.1994) ("A district court's authority to discipline attorneys admitted to appear before it is a well-recognized inherent power of the court."), *cert. denied*, 516 U.S. 817, 116 S.Ct. 73, 133 L.Ed.2d 33 (1995). This power extends as well to out-of-state attorneys who are granted the privilege of appearing *pro hac vice*. "Just as with a regularly admitted attorney, one seeking admission *pro hac vice* is subject to the ethical standards and supervision of the court." *Macdraw, Inc. v. CIT Grp. Equip. Fin., Inc.*, 994

F.Supp. 447, 455 (S.D.N.Y. 1997) (citing *In re Rappaport*, 558 F.2d 87, 89 (2d Cir.1977)); *see also Leis v. Flynt*, 439 U.S. 438, 441–42, 99 S.Ct. 698, 58 L.Ed.2d 717 (1979).

Upon review of the motions and argument on the record of the June 6, 2018 hearing, the Court finds as follows:

Attorney Kelly is in violation of D. Conn. L. Civ. R. 83.1(c)(1)¹, in that he has failed to specify on the record a member of the bar of this Court having an office within the District of Connecticut, upon whom service of all papers shall also be made. While he designated Connecticut federal bar member Joseph J. Haspel, Esq. in his Motion to Appear Pro Hac Vice (ECF No. 28) as his sponsoring attorney, at the time he filed the motion, and ostensibly at all times thereafter, Attorney Haspel had an office located outside of this District.²

The Court further finds that Attorney Kelly has engaged in a pattern of using language, both in his briefs and during oral argument, that is unprofessional, uncivil, and falls below the standard of conduct of attorneys who practice in this Court.³ However, within its discretion, the Court will not revoke Attorney Kelly's *pro hac vice* admission at this juncture, as the Court views such a course of action as unduly harsh, and is aware that such course can disparage an attorney's reputation and redound to the detriment of those he represents. The Court also weighs

¹ D. Conn. L. Civ. R. 83.1(c)(1) reads: 1) Unless otherwise ordered by the Court for good cause shown, no visiting lawyer admitted specially under Rule 83.1(d) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney of record in any cause without specifying on the record a member of the bar of this Court having an office within the District of Connecticut, upon whom service of all papers shall also be made. Because the use of local counsel often enhances cooperation between counsel and thereby reduces overall litigation expense to the parties, and otherwise facilitates the business of the Court, the showing of good cause is not satisfied merely by a statement that the use of local counsel will impose additional expense on the parties.

² Attorney Kelly conceded on the record of the June 6, 2018 hearing that neither he nor his sponsoring attorney worked in an office within the District of Connecticut.

³ The particulars of the inappropriate language and the affronts to the Court are delineated in the Motion. *See* ECF No. 326.

the Creditor Joseph McMahon's interest in having his attorney of choice, and the Court's interest in expeditiously advancing the administration of this case.

In denying the Motion, the Court does not relinquish its authority to supervise the conduct of the attorneys before it and, if it becomes necessary, to revoke their admission and impose sanctions. The Court hereby reminds Attorney Kelly that such sanctions are permissible and, if misconduct continues, may be appropriately imposed. The Court expects that this will not be necessary, but counsel is given fair warning that any further inappropriate conduct in matters before this Court will be swiftly and firmly addressed.

As is required in the certification accompanying *pro hac vice* motions in this district, the Court directs Attorney Kelly to review the Local Rules for the District of Connecticut, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Procedure. The Court also recommends that Attorney Kelly review the Connecticut Rules on Professional Conduct and avail himself of articles, seminars or tutorials on the professionalism and civility of lawyers practicing in federal courts. In accordance with the foregoing, it is hereby:

ORDERED that Attorney Kelly promptly renew and refile his *pro hac vice* motion, including the payment of a filing fee; and it is further,

ORDERED that Attorney Kelly retain local counsel upon whom service of all papers filed in this Court shall be made, and unless excused by this Court, shall appear with him at all hearings.

The Motion is GRANTED in part and DENIED in part. The objection is OVERRULED, and Attorney Kelly's request to have this Ruling stayed for ten (10) days is DENIED.⁴

⁴ At the June 6, 2018 hearing, Attorney Kelly requested that the Court stay for ten days any Ruling adverse to his position.

Dated at Hartford, Connecticut this 7th day of June 2018.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut

