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6 **IN THE UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF ARIZONA**

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9 In re Tajudeen O. Oladiran.) No. MC-10-0025-PHX-DGC

10)

ORDER

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12)

13 On February 26, 2010, Judge Snow issued an order requiring attorney Tajudeen
 14 Oladiran to show cause why he should not be disbarred from the practice of law in this Court
 15 or otherwise disciplined pursuant to Rule 83.2 of the Rules of Practice of the United States
 16 District Court for the District of Arizona (“Local Rules”). *See* Dkt. #78, *Oladiran v. Suntrust*
 17 *Mortgage, Inc.*, No. CV-09-01471-GMS. The Clerk of Court set up a separate proceeding
 18 with a miscellaneous case number, MC-10-00025, and that case was randomly assigned to
 19 the undersigned Judge for resolution of the Order to Show Cause issued by Judge Snow. *See*
 20 Dkt. #1, *In re Oladiran*, No. MC-10-00025-DGC.

21 Local Rule 83.2 governs attorney discipline in this Court. That rule provides that an
 22 attorney may be disciplined “after such hearing as the Court may in each particular instance
 23 direct.” LRCiv 83.2(a). While the Court may have discretion on how to proceed under Local
 24 Rule 83.2(a), this Circuit has made clear that a “lawyer subject to discipline is entitled to due
 25 process, including notice and an opportunity to be heard.” *In re Lehtinen*, 564 F.3d 1052,
 26 1060 (9th Cir. 2008) (quoting *Rosenthal v. Justices of the Sup. Ct. of Cal.*, 910 F.2d 561, 564
 27 (9th Cir. 1990)); *see Gallo v. U.S. Dist. Ct.*, 349 F.3d 1169, 1185-86 (9th Cir. 2003); *Poole*
 28 *v. Smith*, 222 F.3d 618, 620 (9th Cir. 2000). Due process does not require a full-blown trial.

1 *See Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1112 (9th Cir. 2005). Instead, the procedural
2 safeguards of notice and opportunity to be heard should allow an attorney “to argue that
3 his actions were an acceptable means of representing his client, to present mitigating
4 circumstances, or to apologize to the court for his conduct.” *Id.* at 1110; *see also Pac.*
5 *Harbor Capital, Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118 (9th Cir. 2000) (the
6 “opportunity to brief the issue fully satisfies due process requirements”). The Court will
7 provide Mr. Oladiran with the notice and the opportunity to be heard required by the Due
8 Process Clause.

9 The Order to Show Cause provides facts suggesting that Mr. Oladiran may have
10 violated numerous rules of professional conduct. Dkt. #1; *see Ariz. R. Sup. Ct. 42* (setting
11 forth ethical rules for attorneys); LRCiv 83.2(e) (applying Arizona’s ethical rules to attorneys
12 admitted to practice before this Court). The violations alleged are serious, and, if proven,
13 may result in Mr. Oladiran’s disbarment from this Court. Any misconduct on the part of Mr.
14 Oladiran must therefore be established by clear and convincing evidence. *See In re Barach*,
15 540 F.3d 82, 85 (1st Cir. 2008) (noting that most jurisdictions require clear and convincing
16 evidence in attorney disciplinary proceedings); *In re Medrano*, 956 F.2d 101, 102 (5th Cir.
17 1992) (“A federal court may disbar an attorney only upon presentation of clear and
18 convincing evidence[.]”); *Collins Sec. Corp. v. SEC*, 562 F.2d 820, 825 (D.C. Cir. 1977)
19 (noting the “clear and convincing evidence long required for discipline of attorneys”).

20 In order to avoid the “awkward responsibility” of serving both as prosecutor and
21 arbiter, *see Standing Comm. on Discipline v. Yagman*, 55 F.3d 1430, 1436 (9th Cir. 1995),
22 the Court will appoint the United States Attorney for the District of Arizona, Dennis Burke,
23 or his designee, to investigate and prosecute the ethical violations alleged in the Order to
24 Show Cause. *See Sealed Appellant 1 v. Sealed Appellee 1*, 211 F.3d 252, 254 (5th Cir. 2000)
25 (U.S. Attorney appointed to investigate and report on conduct of attorney). Mr. Burke shall
26 notify Mr. Oladiran and the Court, by **April 9, 2010**, of the attorney designated to handle this
27 matter.

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