

Tagged Opinion



ORDERED in the Southern District of Florida on September 29, 2010.

John K. Olson, Judge  
United States Bankruptcy Court

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
Fort Lauderdale Division  
www.flsb.uscourts.gov

In re:

Case No.: 09-33688-BKC-JKO

Jacqueline Cooper **Brown**,  
Debtor.

Chapter 7

**AMENDED<sup>1</sup> ORDER:**

- (1) Granting in-Part & Denying in-Part United States Trustee's Motion for Disgorgement;**  
**(2) Directing Innocent O. Chinweze to Secure Substitute Counsel;**  
**(3) Prohibiting Innocent O. Chinweze from Practice.**

On 08/24/2010, the United States Trustee filed a Motion For Disgorgement of Fees against Innocent O. Chinweze [ECF No. 38]. A hearing was conducted on 09/28/2010 at 9:30 A.M. and I took the matter under advisement.

At the hearing, it was established that Innocent O. Chinweze is not qualified to practice before this court pursuant to Local Rule 2090-1(A). Mr. Chinweze's representation of debtors in

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<sup>1</sup> This order amends and replaces ECF No. 45 to correct a typographical error which mistakenly referred to "Innocent A. Chinweze" in the first sentence rather than "Innocent O. Chinweze."

bankruptcy does not fall within any of the enumerated exceptions of Local Rule 2090-1(B)(1). Mr. Chinweze has not filed a *pro hac vice* motion in this case pursuant to Local Rule 2090-1(B)(2), nor would a series of *pro hac vice* appearances be appropriate for an attorney attempting to regularly represent debtors in this district. The United States Trustee's motion is accordingly granted in-part and denied in-part, and Mr. Chinweze is directed to discontinue his representation of debtors in this district and secure substitute counsel within 14 days for debtors whose cases are still pending. Mr. Chinweze shall not, however, be required to disgorge fees where the sole basis for disgorgement would be that he has failed to comply with Local Rule 2090-1. This is because: (1) his failure to comply with Local Rule 2090-1 appears to be the result of a good-faith but very misguided belief that he was complying with the rule; and (2) at least one of his clients appeared and was satisfied with the progress of her case. Notwithstanding Mr. Chinweze's good-faith belief, he has engaged in extensive unauthorized practice and is accordingly prohibited from practicing before this court in any capacity until he is qualified under Local Rule 2090-1(A).

SO ORDERED.

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Copies to:

Counsel for United States Trustee, who shall serve copies and file a certificate of service.

Additional copies to:

Judges Cristol, Hyman, Isicoff, Kimball, Mark, & Ray.