

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

**EDWIN C. ASHLEY and
REGINA L. ASHLEY,
Debtors**

**Case # 02-11193
Chapter 7**



ORDER

Debtors' counsel, Attorney Michael Kainen, filed a Motion to Appear *Pro Hac Vice* on behalf of Carl D. Hansen, Esq. (Attorney Hansen will be referred to as "Applicant".) (See doc. #2-1.) In support of the Motion, Attorney Kainen submitted the Applicant's Affidavit. The Affidavit, however, does not comport with Vt. LBR 2090-1(b). It fails:

- (1) to state the Applicant's office address, telephone number, and fax number, see Vt. LBR 2090-1(b)(1)(B)(i);
- (2) to include a statement that the Applicant is in good standing and eligible to practice in the courts, see Vt. LBR 2090-1(b)(1)(B)(iii); and
- (3) to include a statement that the Applicant is not currently suspended or disbarred in any jurisdiction, see Vt. LBR 2090-1(b)(1)(B)(iv).

Moreover, while the Applicant includes a statement that he has read the Local Rules of this court, his flawed *pro hac vice* application evidences otherwise. See Erbacci, Cerone, and Moriarty, Ltd. v. United States, 923 F. Supp. 482, 486 (S.D.N.Y. 1996) (reasoning that attorney who submits flawed *pro hac vice* application did not provide necessary assurances that attorney was familiar with the Local Rules). Thus, since it is in the Court's discretion to decide whether to admit an attorney *pro hac vic*, see id. at 485 (citing Spano v. Skouras Theatres Corp., 364 F.2d 161, 167 (2d Cir. 1965)), Debtor's Motion to Appear *Pro Hac Vice* on behalf of Carl D. Hansen, Esq. is

DENIED without prejudice.

SO ORDERED.

September 6, 2002.
Rutland, Vermont

A handwritten signature in black ink, reading "Colleen A. Brown". The signature is written in a cursive style with a horizontal line underneath the name.

Colleen A. Brown
United States Bankruptcy Judge