

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2014- 88

In re: **JANICE L. JENNINGS**
Florida Bar # 472352

FILED by <u>CW</u> D.C. ELECTRONIC
Sept. 29, 2014
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. · MIAMI

ORDER OF SUSPENSION

The Supreme Court of Florida has entered an Order of Suspension dated July 2, 2014, suspending Janice L. Jennings from the practice of law. *See The Florida Bar v. Jennings*, No. SC14-1218, 2014 WL 2987674 (Fla. July 2, 2014). The suspension was predicated on The Florida Bar's Petition for Emergency Suspension. This Court filed an Order to Show Cause requiring a response within thirty (30) days of service of the Order, which occurred on August 13, 2014. On September 16, 2014, Jennings untimely responded with a Motion for Enlargement of Time to Respond to Order to Show Cause, requesting an extension of time up to and including September 30, 2014. In the motion, Jennings presents two main reasons in support of the extension. She requires additional time to conduct legal research in order to prepare a response to the Court's Order and time to obtain counsel to help facilitate electronic filing of documents in support of the response.

Federal Rule of Civil Procedure 6(b)(1)(B) governs untimely motions for extension of time and requires the party to demonstrate "excusable neglect." To determine if there was excusable neglect, the following factors are to be considered: "(1) the danger of prejudice to the nonmovant; (2) the length of the delay and its potential impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the movant; and (4) whether the movant acted in good faith." *Ashmore v. Secretary, Dept. of Transp.*, 503 Fed. Appx. 683, 685-86 (11th Cir. 2013). This Court finds that the reasons stated for the delay could have been anticipated within the time to file a response and therefore are insufficient for a

finding of excusable neglect.

Rule 5(a) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, requires that “[a]n attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment . . . promptly inform the Clerk of the Court of such action.” Rule 5(d) provides in pertinent part that after expiration of the time for submitting a response to an Order to Show Cause, “the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate.” Given this background, pursuant to Rule 5(a) and (d) and the Court’s inherent power to regulate membership in its bar for the protection of the public interest, *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“[A] federal court has the power to control admission to its bar and to discipline attorneys who appear before it.”),

IT IS ORDERED that said attorney be suspended from practice in this Court, effective immediately. The Clerk of Court shall strike this attorney from the roll of attorneys eligible to practice in the United States District Court for the Southern District of Florida, and shall also immediately revoke the attorney’s CM/ECF password.

IT IS FURTHER ORDERED by this Court that said attorney advise the Clerk of Court of all pending cases before this Court in which she is counsel or co-counsel of record.

IT IS FURTHER ORDERED by this Court that the Clerk of Court attempt to serve by certified mail a copy of this Order of Suspension upon the attorney at her Florida Bar address.

IT IS FURTHER ORDERED by this Court that Jennings’ Motion for Enlargement of Time to Respond to Order to Show Cause is DENIED.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 29th day of September, 2014.

Kevin Michael Moore

Digitally signed by Kevin Michael Moore
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email=Moore@fisd.uscourts.gov, c=US
Date: 2014.09.29 11:24:56 -0400'

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

c: All Miami Eleventh Circuit Court of Appeals Judges
All Southern District Judges
All Southern District Bankruptcy Judges
All Southern District Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerks of Court – District, Bankruptcy and 11th Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
Janice L. Jennings