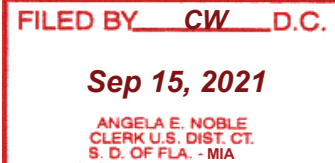


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-80  
CASE NO. 20-MC-20311

IN RE: JAMES VALVANO, II  
FLORIDA BAR # 105473

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**ORDER GRANTING REQUEST TO RESIGN**

On May 22, 2019, this Court issued an Order to Show Cause for attorney James Valvano, II to respond why the Court should not impose the identical discipline as entered by the Supreme Court of New Jersey against his New Jersey law license. *See In the Matter of Valvano, II*, 240 N.J. 220 (2019) [ECF No. 1]. Mr. Valvano, through his attorney, filed a Response to Order to Show Cause [ECF No. 4] on February 13, 2020, in which he provided the entire record of the disciplinary proceeding from the State of New Jersey and stated that he “accepts that a public reprimand would be the appropriate reciprocal discipline from this Court as a result of the New Jersey censure.” (*Id.* at 2). Mr. Valvano’s attorney also provided a letter from the Office of Disciplinary Counsel of the District of Columbia Bar, which informed Mr. Valvano that “after publishing notice of [his] censure, we expect to close our file in this manner.” (Correspondence [ECF No. 5] (alteration added)).

Upon review of the Response and the contents of the New Jersey file, the Court determined this matter warranted further investigation. On March 5, 2020, the Court issued an Order of Reference [ECF No. 6], referring this matter to the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (hereinafter “Committee”) to “conduct disciplinary proceedings based upon attorney Valvano’s actions as outlined in the judgment in New Jersey and supporting documentation.” (*Id.* at 1).

Pending investigation, the Committee Chair informed the Clerk's Office by email that Mr. Valvano "has agreed to resign from the SDFL" in lieu further investigation by the Committee and "agreed that if he ever wanted to practice again in the SDFL, he would have to come before the Committee for pre-approval (via recommendation by the Committee to the Court)." ([ECF No. 8]). Rule 9(c) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, Local Rules of the United States District Court for the Southern District of Florida, provides that "[a]n attorney may resign from the bar of this Court by notifying the Clerk of Court in writing and only if the attorney is in good standing, is not counsel of record in an active case, and is not subject to any disciplinary proceedings." *Id.* (alteration added).

Given this background, pursuant to Rule 9(c) 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." (alteration added)),

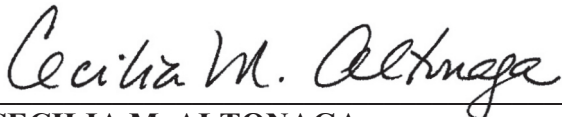
**IT IS ORDERED**, effective immediately, that any further disciplinary investigation by the Committee of Mr. Valvano in the pending matter shall **CEASE** and Mr. Valvano's request to resign is **GRANTED**. Mr. Valvano is ineligible to practice in this Court until he reapplies for admission. If Mr. Valvano seeks to again practice in this Court, he must first come before the Committee for pre-approval and obtain a recommendation by the Committee. Following that recommendation, approval to reapply for admission must then be granted by the Court and if so, Mr. Valvano may thereafter reapply for admission pursuant to Rule 2.

**IT IS FURTHER ORDERED** that 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** that the Clerk of Court shall serve by certified mail a copy of this Order Granting Request to Resign upon Mr. Valvano's attorney.

**DONE AND ORDERED** this 15th day of September, 2021.

  
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**CECILIA M. ALTONAGA**  
**CHIEF UNITED STATES DISTRICT JUDGE**

- c: All South Florida Eleventh Circuit Court of Appeals Judges  
All Southern District of Florida District Judges, Bankruptcy Judges, and Magistrate Judges  
United States Attorney  
Circuit Executive  
Federal Public Defender  
Clerks of Court – District, Bankruptcy, and 11<sup>th</sup> Circuit  
Florida Bar and National Lawyer Regulatory Data Bank  
Library  
Andrew S. Berman, Counsel for James Valvano, II  
Clinton Payne, Chair, Southern District of Florida Ad Hoc Committee for Attorney  
Admissions, Peer Review, and Attorney Grievance