

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2022-45  
CASE NO. 22-MC-20932

IN RE: JOHN H. FARO  
FLORIDA BAR # 527459

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FILED BY CW D.C.

**Jun 1, 2022**

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIA

**ORDER OF SUSPENSION**

On March 28, 2022, the Supreme Court of Florida entered an Order of Suspension, suspending John H. Faro from the practice of law. *See The Florida Bar v. Faro*, No. SC18-1279, 2022 WL 898213 (Fla. March 28, 2022) [ECF No. 1]. The Clerk served Mr. Faro by certified mail with an Order to Show Cause why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. (*See* [ECF No. 2]). Mr. Faro filed a Response to Show Cause & Opposition to the Imposition of *Reciprocal* Discipline by the Federal District Court. (*See* [ECF No. 3]).

According to Mr. Faro, “[t]he professional discipline implicated by the Federal District Court *Order to Show Cause*[ ] is based, in substantial measure, upon the prior filed malpractice litigation[ ] in the Federal District Court for the SD of Florida filed on October 21, 2013, *Thrisoint PTY Ltd & EPRT Technologies Inc. v. John H. Faro et al.*[,] *Case No. 1:13-cv-23893-HUCK/OTAZO-REYES.*” (Resp. 2 n.3 (alterations added; emphasis in original)). Mr. Faro raises numerous arguments attacking the legality of the disciplinary orders issued by the United States Patent and Trademark Office (USPTO) that suspended Mr. Faro from the practice of patent, trademark, and other non-patent matters for eight months, and which were partly relied upon by the Florida Supreme Court<sup>1</sup> in its decision to issue a suspension order. (*See In the Matter of John*

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<sup>1</sup> In the Order of Suspension [ECF No. 1], the Florida Supreme Court adopted the Report of Referee [ECF No. 10], which considered the USPTO Final Orders and the attorney's past disciplinary record in Florida,

*H. Faro, Appellant*, Proceeding No. D2015-27 (USPTO Aug. 2, 2017) [ECF No. 5-1] 30–74; *In the Matter of John H. Faro, Appellant*, Proceeding No. D2015-27 (USPTO Feb. 9, 2018) [ECF No. 5-1] 15–29).

Rule 8(e) 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, establishes the procedures for reciprocal discipline following a final adjudication in another court and the grounds upon which reciprocal discipline may be contested:

(e) A final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that:

(1) the procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) the imposition of the same discipline by this Court would result in grave injustice; or

(4) the misconduct established is deemed by this Court to warrant substantially different discipline.

Local Rule 8(e).

Mr. Faro makes no reference to the grounds provided in Rule 8(e). Given the limited ways in which the imposition of reciprocal discipline can be contested, claims raised in an unrelated malpractice case and arguments made against the legality of USPTO disciplinary orders do not

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including a suspension for 10 days in 1995, a public reprimand in 2011, and a suspension of 90 days in 2018. (*See id.* 16, 19-20).

warrant review in this context. The question before the Court is whether it should give reciprocal force to the Florida Supreme Court’s Suspension Order, not to engage in appellate review.<sup>2</sup> Thus, whether this Court agrees with Mr. Faro’s challenges to the legality of the USPTO Final Orders is irrelevant to the question of reciprocal discipline under Rule 8(e). Rather, reciprocal discipline is supported by the Florida Supreme Court’s Order of Suspension, which adopted the Report of the Referee that found “undisputed material facts” in the USPTO disciplinary action to constitute violations of multiple Rules Regulating The Florida Bar,<sup>3</sup> a finding that is uncontested in the Response. (See Report [ECF No. 10] 5).

Rule 8(d) provides 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.” *Id.* Given this background, pursuant to Local Rule 8(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.” (alteration added)),

**IT IS ORDERED** that Mr. Faro is suspended from practice in this Court, effective immediately. Mr. Faro may not resume the practice of law before this Court until reinstated by

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<sup>2</sup> Notably, the initial discipline by the USPTO on August 2, 2017 was appealed and affirmed in the February 11, 2018 Final Order. See *Faro*, Proceeding No. D2015-27 [ECF No. 5-1] 30–74 and *Faro*, Proceeding No. D2015-27 [ECF No. 5-1] 15–29. The February 9, 2018 Order was then reconsidered and affirmed on appeal to the United States District Court for the Eastern District of Virginia on December 28, 2018; and again on February 11, 2020 by the United States Court of Appeals for the Federal Circuit, with a mandate issuing on April 10, 2020. See *Faro, Esq. v. Matal*, Case No. 18-cv-00274-AJT-TCB (E.D. Va. Dec. 28, 2018) [ECF No. 9] Ex. 6; *Faro v. Iancu*, 792 F. App’x 953 (Fed. Cir. Feb. 11, 2020).

<sup>3</sup> As stated in the Report of Referee, “the proof of undisputed material facts resulted in the undersigned Referee finding Respondent guilty as charged on all rule violations.” Report [ECF No. 10] 5. The Referee recommended that “Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Rule 4-1.3 (Diligence), Rule 4-1.4 (Communication), Rule 4-1.2(a) (Objective and Scope of Representation – Lawyer to Abide by Client’s Decision); and Rule 4-1.16(d) (Declining or Terminating Representation – Protection of Client’s Interest).” *Id.* 14.

order of the Court. *See* Rule 12(a). The Clerk of Court shall strike Mr. Faro 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 Mr. Faro's CM/ECF password.

**IT IS FURTHER ORDERED** that the Clerk of Court shall serve by certified mail a copy of this Order of Suspension upon Mr. Faro at his court record and Florida Bar address. Mr. Faro shall forthwith advise the Clerk of Court of all pending cases before the Court in which he is counsel or co-counsel of record.

**DONE AND ORDERED** in Miami, Florida, this 31st day of May, 2022.

  
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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
- John H. Faro