

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
District Judge S. Kato Crews

Civil Action No. 1:23-cv-02769-SKC-MDB

EDEN HOPE RODRIGUEZ as mother and general guardian of minor child J.R.,

Plaintiff,

v.

HARRISON SCHOOL DISTRICT TWO, *et al.*

Defendants.

MINUTE ORDER RE: MR. EASTMAN'S MOTION AT DKT. 91

On April 9, 2024, the Clerk of Court issued an Advisory Notice that “On March 27, 2024, the State Bar of California entered an order involuntarily transferring John C. Eastman to inactive status effective March 30, 2024. The Clerk of Court hereby advises that, pursuant to D.C.COLO.LAttyR 3(c), [Mr. Eastman] is no longer considered in good standing in the bar of this Court.” Dkt. 88. Based on the Advisory Notice, on April 15, 2024, the Court issued an Order to Show Cause returnable by Mr. Eastman ordering him to respond as to why the Court should not terminate his representation of Plaintiff based on his lack of good standing in the bar of the District of Colorado. Dkt. 89. On April 18, 2024, Mr. Eastman filed an unopposed Motion of John C. Eastman for Extension of Time to File Response to Order to Show Cause (Motion) seeking an extension until June 10, 2024. Dkt. 91. The Court has carefully reviewed the Motion and the authorities cited therein.

Mr. Eastman represents that the “action of the State Bar of California is based on the recommendation of a State Bar Court judge and is not a final decision of the State of California.” *Id.* at ¶3. He further represents, “The final decision on discipline, if any, will be rendered by the California Supreme Court . . . ,” but only after first being reviewed by an intermediate appellate court. *Id.* Mr. Eastman then explains that his initial brief to the intermediate appellate court is due by June 10, 2024, the

same date he has requested to extend his response to the Order to Show Cause. *Id.* at ¶¶1, 3.

Mr. Eastman's arguments miss the mark because he appears to premise this Court's authority regarding the Order to Show Cause as being dependent on the results of his California disciplinary appeal. But in this judicial court, it has already been determined that Mr. Eastman is no longer considered in good standing in the bar of this Court under Local Attorney Rule 3(c). Dkt. 88. That rule provides, "[a]n attorney who is not in good standing shall not practice before the bar of this court or continue to be an attorney of record in any pending case." The rule further provides:

An attorney admitted to the bar of this court must remain in good standing in all courts where admitted. In good standing means not suspended or disbarred by any court for any reason. An attorney whose suspension or disbarment has been stayed by order of the disciplining court prior to the effective date of the suspension or disbarment remains in good standing.

Id.

Mr. Eastman's recourse for the determination that he is no longer considered in good standing in the bar of this Court is also laid out in Local Attorney Rule 3. Local Attorney Rule 3(d)(1) provides: "An attorney who seeks relief from the rule of good standing in Subdivisions (a) and (c) shall file a request for relief, which shall be referred to the Committee on Conduct for its recommendation to the Disciplinary Panel for final determination." Mr. Eastman has not represented to this Court that he has sought this relief.

Because the issue before this Court concerning Mr. Eastman being found no longer in good standing with the bar of this Court is governed by Local Attorney Rule 3, the California disciplinary proceedings are not controlling on this Court. As a result, extensions of time based on the timing associated with the California proceedings are a *non sequitur*.

For these reasons, the Motion is DENIED IN PART AND GRANTED IN PART. The Court ORDERS that Mr. Eastman's response deadline to the Order to Show Cause is extended through and including **May 10, 2024**. Failure to file a response by the extended deadline will result in Mr. Eastman being terminated as an attorney of record in this case.

DATED: April 26, 2024