

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2019-73  
CASE # 19-MC-22736

IN RE: MAITE L. DIAZ  
FLORIDA BAR # 25880

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FILED BY CW D.C.

Sep 26, 2019

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

ORDER OF SUSPENSION

On June 25, 2019, Southern District of Florida Bankruptcy Judge John K. Olson entered an Order Suspending Attorney Maite Diaz, Directing the Clerk to File Notice in Every Case Where Maite Diaz has Appeared, and Recommendation of Disbarment and Other Investigations. *See In re: Aldo A. Pina*, 602 B.R. 72 (Bankr. S.D. Fla. 2019) (ECF No. 1). The Clerk served attorney Diaz by certified mail with an Order to Show Cause why this Court should not impose the same discipline, accompanied by the Bankruptcy Court's Order of Suspension. (ECF No. 2). On September 9, 2019, Diaz filed a Response to Order to Show Cause dated July 8, 2019, contesting that the "[s]uspension is not warranted." ("Response to Order to Show Cause") (ECF No. 3) at 4.

In the Bankruptcy Court's Order of Suspension, Judge Olson described the misconduct as "a consistent pattern of practice by Attorney Diaz under which *unsworn and unverified* schedules and statements have been filed by her in 'over 100 filings' since the beginning of 2017." *Pina*, 602 B.R. at 95 (emphasis in original). This is in violation of Federal Rule of Bankruptcy Procedure 1008, which requires that "[a]ll petitions, lists, schedules, statements and amendments thereto shall be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746." *Id.* at 96. The Court found Diaz's actions are further in violation of Local Bankruptcy Rule 5005-4(D), which allows electronic submission of schedules and statements so long as they are sworn or verified, and Rule 5005-4(C) by failing to maintain original copies of these documents with original signatures. *Id.* The Court concluded that Diaz, "[b]y passing off schedules and statements as having been verified or executed under penalty of perjury, when they have actually not been, . . . has made false representations to the Court within the

meaning of Bankruptcy Rule 9011(b).” *Id.*

In her Response, Diaz admits to not complying with Local Bankruptcy Rule 5005-4(C), but asserts that she did not “knowingly fil[e] false and misleading documents on behalf of [her] clients,” in that her clients “had knowledge of and authorized the submissions.” Response to Order to Show Cause at 2. This assertion, however, misses the point of Judge Olson’s finding and the basis for discipline. The failure to follow court procedure is what creates the false representations, regardless of any authorization or approval by the clients. Diaz offers no argument disputing her failure to comply with not only with the Local Bankruptcy Rules, but also federal procedure and statute.

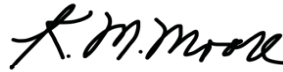
Rule 8(a) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, Local Rules of the United States District Court for the Southern District of Florida, requires that “[a]n attorney admitted to practice before this Court shall, upon being subjected to reprimand, discipline, suspension, or disbarment . . . promptly inform the Clerk of the Court of such action.” Rule 8(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 8(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 attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 12(a). 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 serve by certified mail a copy of this Order of Suspension upon the attorney at her court record and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 24th day of September, 2019.



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K. MICHAEL MOORE

UNITED STATES CHIEF DISTRICT JUDGE

c: All South Florida 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 11<sup>th</sup> Circuit  
Florida Bar and National Lawyer Regulatory Data Bank  
Library  
Maite L. Diaz