

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 30, 2024

Lyle W. Cayce
Clerk

No. 24-90007

IN RE JACK R. T. JORDAN,

Respondent.

Before SOUTHWICK, OLDHAM, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

The United States Court of Appeals for the Eighth Circuit disbarred attorney Jack R. T. Jordan for repeatedly filing frivolous motions in which Jordan made “scurrilous and unfounded allegations” that certain federal judges who ruled against him were “liars, criminals, and ‘con men.’” *Campo v. U.S. Dep’t of Just.*, No. 20-2430, 2021 WL 8155155 (8th Cir. Nov. 2, 2021). The Supreme Court of Kansas disbarred Jordan for the same conduct, finding the conduct violated various provisions of the Kansas Rules of Professional Conduct. *In re Jordan*, 518 P.3d 1203, 1240 (Kan. 2022). Pursuant to Federal Rule of Appellate Procedure 46(b)(1)(A), this court issued an order directing Jordan to show cause as to why this court should not impose discipline reciprocal to the Eighth Circuit and Kansas disbarment orders. Jordan filed a response opposing reciprocal discipline, and the panel heard oral argument. Jordan appeared *pro se*. As we will explain, we determine that Jordan has not met the burden necessary to overcome the imposition of reciprocal discipline.

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

Federal Rule of Appellate Procedure 46(b) allows for “suspension or disbarment” by this court of a member who “has been suspended or disbarred from practice in any other court.” However, the Supreme Court held in *Theard v. United States*, 354 U.S. 278, 282 (1957), “that disbarment by federal courts does not automatically flow from disbarment by state courts.” We agree with an earlier panel of this court that the proper role for a federal court is to recognize and give effect to the “ ‘condition created by the judgment of the state court unless, from an intrinsic consideration of the state record,’ it appears”

(1) that the state procedure, from lack of notice or opportunity to be heard, was wanting in due process;

(2) that the proof of facts relied on by the state court to establish misconduct was so infirm as to give rise to a clear conviction that the court could not, consistent with its duty, accept the state court’s conclusion as final; or

(3) that to do so would, for some other grave and sufficient reason, conflict with the court’s duty not to disbar except upon the conviction that, under the principles of right and justice, it is constrained to do so.

In re Jones, 275 F. App’x. 330, 331 (5th Cir. 2008) (quoting *Selling v. Radford*, 243 U.S. 46, 51 (1917)).

The attorney opposing reciprocal discipline has the burden of showing why this court should not impose reciprocal discipline. *Id.*; *In re Watson*, No. 00-46, 2000 WL 34507666, at *2 (5th Cir. Oct. 4, 2000).

The court has reviewed the records of the Eighth Circuit and Kansas discipline proceedings and has considered Jordan’s response to this court’s show-cause order. In opposition to this court’s reciprocal discipline, Jordan

raises numerous points, some of which are clearly frivolous and which we reject without discussion.¹ As to Jordan's other arguments, our review of the records does not reveal the types of infirmities outlined in *Selling* that would weigh against imposition of reciprocal discipline.

First, Jordan's argument that the Eighth Circuit and the Supreme Court of Kansas did not provide him with sufficient due process lacks merit. We have held that "an attorney is entitled to procedural due process which includes notice and an opportunity to be heard in disbarment proceedings, [but] we have only rarely gone farther." *Crowe v. Smith*, 151 F.3d 217, 229 (5th Cir.1998) (citations omitted). Both the Eighth Circuit and the Kansas Supreme Court provided notice of their intent to impose discipline and the conduct forming the basis of their proposed discipline. Jordan was given an opportunity to be heard, and in fact, filed written responses opposing discipline in both courts prior to the imposition of discipline. In the Kansas proceeding, an evidentiary hearing was held before a disciplinary panel, and Jordan was given an opportunity for briefing and oral argument before the Supreme Court of Kansas.

Second, Jordan argues that neither the Eighth Circuit nor the Supreme Court of Kansas identified facts establishing that he violated a rule of conduct and that the Supreme Court of Kansas impermissibly relied on hearsay. We must give substantial deference to the findings of fact made by the court that originally imposed discipline. *See Selling*, 243 U.S. at 51. As grounds for disbarment, the Eighth Circuit and the Supreme Court of Kansas cited the numerous frivolous filings in which Jordan baselessly accused federal judges who ruled against him of lying, committing crimes, and being "con men." Jordan does not dispute that he made these accusations. Rather,

¹ For instance, Jordan argues that this court's show-cause order was "illegal and unconstitutional" because it was signed by a deputy clerk of court.

he argues that the Eighth Circuit and Supreme Court of Kansas were required to prove that the accusations were false. We find that the records in both proceedings contain more than sufficient evidence upon which those courts could find Jordan engaged in conduct unbecoming a member of the bar and violated the Kansas Rules of Professional Conduct.

Lastly, Jordan contends that reciprocal discipline by this court will result in grave injustice because his underlying disbarments allegedly violate his First Amendment right to freedom of speech. We disagree. Jordan has raised this and similar arguments in other reciprocal discipline proceedings in courts across the country. Those include the Supreme Court of the United States (*In re Disbarment of Jordan*, 143 S. Ct. 2605 (2023)); the United States Courts of Appeals for the D.C. Circuit (*In re Jordan*, No. 23-8505, 2023 WL 10947221 (D.C. Cir. Nov. 14, 2023)), Ninth Circuit (*In re Jordan*, No. 23-80007, 2024 WL 4119126 (9th Cir. Jan. 17, 2024)), and Tenth Circuit (*In re Jordan*, No. 22-808, 2023 WL 4199495 (10th Cir. Jan. 3, 2023)); the New York Appellate Division, First Department (*In re Jordan*, 193 N.Y.S.3D 17 (N.Y. App. Div., 2023)); and the United States District Court for the Eastern District of New York (*In re Jordan*, No. 23-MC-155 (AMD), 2023 WL 6460800 (E.D.N.Y., Oct 3. 2023)). Each of these courts rejected Jordan's arguments and reciprocally disbarred him from practicing law in their respective courts. We do the same.

IT IS ORDERED that Jack R. T. Jordan is DISBARRED from the practice of law in this court. The Clerk is DIRECTED to remove Jordan's name from the roll of attorneys authorized to practice before this court.

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February 6, 2025

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Respondent.

ON PETITION FOR REHEARING EN BANC

Before SOUTHWICK, OLDHAM, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R.40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing en banc is DENIED.