

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2012-50

IN RE: MARY ALICE GWYNN
Florida Bar # 879584

FILED by HS D.C.

JUN 19 2012

STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

ORDER OF SUSPENSION

The Supreme Court of Florida has entered an Order of Suspension dated February 16, 2012, suspending Mary Alice Gwynn from the practice of law. *See The Florida Bar v. Gwynn*, 37 Fla. L. Weekly S121a (Fla. Feb. 16, 2012). That Order of Suspension was predicated on a report of the referee. The Clerk served attorney Gwynn 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.

On May 16, 2012, Gwynn filed a Response to Court's Order to Show Cause. In this response, Gwynn states that the Order of Suspension is not a final order until the Court has ruled on her Motion for Rehearing dated April 16, 2012. This Court notes that reciprocal discipline may be delayed where state proceedings are stayed, *see* Attorney Discipline Rule 5(c), but that is not the case here. It is specifically stated in the Florida Supreme Court Order that "[t]he filing of a motion for rehearing shall not alter the effective date of this suspension." Given that posture, reciprocal suspension is appropriate. An attorney cannot practice before this Court if that attorney is not currently an active attorney in good standing with The Florida Bar. *See* Rule 3 of the Special Rules Governing the Admission and Practice of Attorneys. If the suspension is lifted at some point in the future, she would be free to also seek to have this reciprocal suspension lifted as well.

Rule 5(a) of the Rules Governing Attorney Discipline, 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 suspension or disbarment . . . promptly inform the Clerk of the Court of such action." Rule 5(d) provides in pertinent part that "[a]fter consideration of the response

called for by the 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 5(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 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 attempt to serve by certified mail a copy of this Order of Suspension upon the attorney at her court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this  day of June, 2012.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

- c: Honorable Joel F. Dubina, Chief Judge, Eleventh Circuit
- All Miami Eleventh Circuit Court of Appeals Judges
- All Southern District Judges
- All Southern District Magistrate Judges
- United States Attorney
- Circuit Executive
- Federal Public Defender
- Clerk of Court
- Clerk of Court, 11th Circuit
- National Lawyer Regulatory Data Bank
- Florida Bar
- Attorney Admissions Clerk
- Library
- Mary Alice Gwynn