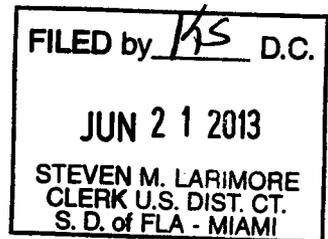


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2013-33

IN RE: RAFAEL UBIETA
 Florida Bar # 132373



ORDER OF SUSPENSION

On April 22, 2013, the United States District Court for the Southern District of Florida entered a Judgment against attorney Rafael Ubieta, adjudicating him guilty of one count of conspiracy to commit wire fraud and five counts of wire fraud. *See United States of America v. Ubieta*, Case No. 12-20423-CR-MOORE (S.D. Fla. April 22, 2013). Rule 4(a) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, provides that “[u]pon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States . . . of any serious crime . . . the Court shall enter an order immediately suspending that attorney.” A “serious crime” has been defined by Rule 4(b) to “include any felony” that involves “fraud.” On May 3, 2013, attorney Ubieta filed a Notice of Appeal to the United States Court of Appeals for the Eleventh Circuit from the Judgment and Commitment Order. Pursuant to Rule 4(a) of the Rules Governing Attorney Discipline, a suspension order shall be immediately entered “regardless of the pendency of any appeal.”

The Florida Bar filed a Notice of Determination or Judgment of Guilt on March 7, 2013 with the Florida Supreme Court based upon attorney Ubieta’s verdict of guilty on January 18, 2013 in the United States District Court for the Southern District of Florida case. Subsequently, the Florida Supreme Court entered an Order of Suspension dated April 12, 2013, suspending Rafael Ubieta from the practice of law. *See The Florida Bar v. Ubieta*, No. SC13-395, 2013 WL 1045620 (Fla. April

12, 2013). According to Rule 3-7.2(i) of the Rules Regulating the Florida Bar, “[i]f an appeal is taken by the respondent from the determination or judgment in the criminal proceeding, the suspension shall remain in effect during the appeal.”

Under these circumstances involving suspension upon conviction, service of an Order to Show Cause is unnecessary and the attorney may be immediately suspended. Pursuant to Rule 4(a) and (b), 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 he 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 his court record address and Florida Bar address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 19 day of June, 2013.



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 Bankruptcy Judges
All Southern District Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerk of Court
Clerk of Court, 11th Circuit
Southern District Bankruptcy Court
National Lawyer Regulatory Data Bank
Florida Bar
Attorney Admissions Clerk
Library
Rafael Ubieta