

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2010-138

IN RE: NATALIA V. POLIAKOVA
Florida Bar # 192945

FILED by HS D.C.

NOV 23 2010

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

ORDER OF SUSPENSION

The Supreme Court of Florida, on May 20, 2010, entered an order suspending the above-named attorney from practicing law in Florida for a period of six (6) months. *See The Florida Bar v. Poliakova*, 37 So.3d 849 (Fla. 2010). This suspension was based upon an uncontested report of the referee, which had accepted Poliakova's Unconditional Guilty Plea and Consent Judgment for Discipline. On July 28, 2010, this Court issued an Order to Show Cause why it should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. Poliakova filed a Request for an Extension of Time to Respond to Order to Show Cause on August 26, 2010, which was granted by this Court on September 13, giving her thirty (30) days from the date of the order to respond. On October 13, 2010, Poliakova filed a Response to this Court's Order to Show Cause. In the Response to Order to Show Cause, Poliakova states five reasons why this Court should not impose reciprocal discipline. These reasons include the following: 1) that during the review of the Unconditional Guilty Plea and Consent Judgment for Discipline, the Florida referee considered and applied five mitigating factors; 2) she has complied with all the terms and conditions of the consent judgment; 3) she is involved in extensive volunteer work; 4) she is eligible and ready to file her petition for reinstatement for membership in good standing with The Florida Bar; and 5) that upon reinstatement she has made preliminary arrangements to undergo an office procedures and record-keeping analysis. Based on the above and her not having appeared as counsel of record in any matter since admission, she requests that this Court not impose discipline.

Reciprocal discipline in this District is governed by Rule 5 of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida. Rule

5(a) dictates that once an attorney is disciplined by another court, they must “promptly inform the Clerk of the Court of such action.” Rule 5(e) establishes the applicable grounds in which to contend reciprocal discipline:

A final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that:

- (1) the procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (3) the imposition of the same discipline by this Court would result in grave injustice; or
- (4) the misconduct established is deemed by this Court to warrant substantially different discipline.

Rule 5(d) provides that after consideration of 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.” None of the reasons expressed in the Response speak to any of the grounds available in Rule 5(e).

Given this background, pursuant to the Rules Governing Attorney Discipline 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 for six (6) months, 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.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 27th
day of November, 2010.



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
Natalia V. Poliakova