

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2011-32

IN RE: ALLEN DAVID BRUFISKY
Florida Bar # 133980

ORDER OF SUSPENSION

The Supreme Court of Florida has entered an Order of Suspension dated November 4, 2010, suspending you from the practice of law for ninety-one (91) days. *See The Florida Bar v. Brufsky*, 48 So.3d 837 (Fla. 2010). The suspension was predicated on an uncontested report of the referee and a Conditional Guilty Plea for Consent Judgment. The Clerk served attorney Brufsky 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 March 14, 2011, attorney Brufsky filed a Response to the Order to Show Cause. In this response, attorney Brufsky states that his period of suspension has passed but that he remains suspended pending his Petition for Reinstatement filed with the Supreme Court of Florida. 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."

Brufsky contends there is no need for additional discipline. The Court finds Brufsky's response without merit. The readmission process for this Court is separate and distinct from the Florida Bar's process. It is not automatic. Therefore, the Court should proceed with its reciprocal discipline, after which our own readmission process will follow as well. 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 for ninety-one (91) days, 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 30th day of April, 2011.



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
Allen David Brufsky