

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2017-40

In re: **PHILLIP JAY BRUTUS**  
**Florida Bar # 660711**

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**ORDER OF SUSPENSION**

The Supreme Court of Florida entered an Order of Suspension dated May 4, 2017, suspending Phillip Jay Brutus from the practice of law for one (1) year. *See The Florida Bar v. Brutus*, No. SC14-2499, 2017 WL 1739231 (Fla. May 4, 2017). The suspension was predicated on a report of a referee. On May 19, 2017, this Court received a letter from Mr. Brutus advising the Court of the suspension and requesting continued filing privileges until the effective date of the suspension. The Clerk attempted to serve attorney Brutus 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. Service at Brutus’s court record address was signed for by Linda Kirksey without notation as to “agent” but also returned to the Court with the label “Return to Sender – Attempted – Not Known – Unable to Forward.” Service as his Florida Bar address, also used as the return address on his May 19th letter, was returned – “Return To Sender – Unclaimed – Unable to Forward.”

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 after expiration of the time for submitting 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.” Even if service is contested, Local Rule 11.1(g) imposes upon the members of this Bar an obligation to provide updated contact information to the Clerk within seven days of any change, and that “the failure to comply shall not constitute grounds for relief from deadlines imposed by Rule or by the Court.” This obligation to maintain current contact

information is reiterated in the Court's CM/ECF Administrative Procedures Manual, section 3D, compliance with which is mandated by Local Rule 5.1. Given this background, pursuant to Rule 5(a) and (d), Local Rule 11.1(g) 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 attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 9(a). 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 and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 29th day of June, 2017.

Kevin Michael Moore

Digitally signed by Kevin Michael Moore  
DN: o=Administrative Office of the US Courts,  
email=k\_michael\_moore@fisd.uscourts.gov, cn=Kevin Michael  
Moore  
Date: 2017.06.29 09:45:51 -0400'

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K. MICHAEL MOORE  
CHIEF UNITED STATES DISTRICT JUDGE

c: All South Florida 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  
Clerks of Court – District, Bankruptcy and 11<sup>th</sup> Circuit  
Florida Bar and National Lawyer Regulatory Data Bank  
Library  
Phillip Jay Brutus