

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Administrative Order 2018-21

In re: MALIK LEIGH  
FLORIDA BAR # 89820

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**ORDER ON REPORT AND RECOMMENDATION**

The Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (“Committee”) received a referral by order from United States Magistrate Judge William Matthewman filed June 28, 2017 and a referral by order from Magistrate Judge James Hopkins filed June 29, 2017. Judge Matthewman referred the matter to the Committee based upon Mr. Leigh’s conduct in the case of *Leigh v. Avossa*, Case No. 16-81612-CIV-KAM. Judge Hopkins referred the matter to the Committee based upon Mr. Leigh’s conduct in the case of *Carter v. Avossa*, 16-81632-CIV-RLR. Both orders indicate that Mr. Leigh used his personal and law firm social media sites, all of which were visible to the general public, to post unprofessional and troubling comments and media, some of which related directly to the ongoing litigation. The judges noted that Mr. Leigh did not appreciate the seriousness or wrongness of his conduct and did not apologize or show remorse. Mr. Leigh appeared before the full Committee on August 22, 2017, after which the Committee issued a Report and Recommendation on November 1, 2017.

The Clerk served attorney Leigh by certified mail with an Order to Show Cause, providing him with a full and fair opportunity to review the Committee’s recommendation and respond. Upon the belief that no response from Mr. Leigh had been received, this Court issued an Order on Report and Recommendation on January 25, 2018. However, Mr. Leigh did submit a response on January 23, 2018. Although still untimely, this Court issued an Order Vacating Order on Report and Recommendation in order to consider Mr. Leigh’s Response to Show Cause Order and to submit the matter for review and vote at a regularly scheduled Judges’ meeting of the active

District Judges of the Court pursuant to Rule 6(c)(2)(B)(v) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys.

Following a regularly scheduled Judges' meeting held on February 15, 2018, and upon review of the Report and Recommendation, the underlying cases giving rise to the referral to the Committee, Mr. Leigh's response thereto, the attachments, and hearing transcript, this matter was submitted for a vote by active judges and senior judges eligible to vote.<sup>1</sup> By unanimous vote of the participating judges, the Court approved and adopted the Report and Recommendation in full, subject to certain modifications to the recommended sanctions. These modifications come after careful consideration of Mr. Leigh's past interactions with the Court and his extremely troubling social media posts. Specifically, the Court increased the suspension period from six months to two years. The Court has also imposed additional requirements set forth in a separate sealed order.

Given this background, in accordance with Rule 6(c)(2)(B)(v) 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 Mr. Leigh be suspended from practice in this Court for two (2) years, effective immediately. The attorney may not petition for reinstatement before this Court following the conclusion of his suspension until he first appears before the full Committee and the Committee submits a Report and Recommendation to the Court in which it recommends reinstatement.

IT IS FURTHER ORDERED that 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

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<sup>1</sup> District Court Judge Kenneth A. Marra abstained from the proceedings. Judge Marra did not participate during the meeting and did not submit a vote. Three other judges also did not respond to the ballot.

Florida, and shall also immediately revoke the attorney's CM/ECF password. Mr. Leigh shall 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 Mr. Leigh complete the following before petitioning for reinstatement:

1. Take a professionalism course, three (3) hours minimum;
2. Take an ethics course, three (3) hours minimum;
3. Satisfy the requirements set out in the separately sealed order.
4. Obtain a mentor, approved by this Court, for a minimum of three (3) months or until released by the mentor. The mentor shall provide a report to the Committee upon releasing Mr. Leigh from the mentorship.
5. Take a course on responsible social media posting.

IT IS FURTHER ORDERED by this Court that the Clerk of Court is to serve by certified mail a copy of this Order on Report and Recommendation upon the attorney at his court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 6th day of April, 2018.

**K. Michael Moore**  
K. MICHAEL MOORE  
CHIEF UNITED STATES DISTRICT JUDGE

Digitally signed by K. Michael Moore  
DN: cn=K. Michael Moore, o=Southern District of Florida, ou=United States District Court, email=k\_michael\_moore@fsd.uscourts.gov, c=US  
Date: 2018.04.06 09:45:04 -0400

cc:  
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  
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Clinton S. Payne, Chair, Ad Hoc Committee on Attorney Admissions, Peer Review, and  
Attorney Grievance

Malik Leigh