

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2018-97
CASE NO. 18-MC-24848

IN RE: MARK DAVID COHEN
FLORIDA BAR # 347345



ORDER OF DISBARMENT

On November 15, 2018, the Supreme Court of Florida entered an Order Granting an uncontested Petition for Disciplinary Revocation with leave to seek readmission after five years filed by Mark David Cohen. *See In Re: Petition for Disciplinary Revocation of Mark David Cohen*, No. SC18-1521, 2018 WL 6016651 (Fla. Nov. 15, 2018) (ECF No. 1).

On November 29, 2018, Mr. Cohen contacted this Court and submitted a letter of resignation by email based upon the Florida Supreme Court accepting his petition for “disciplinary resignation.” (ECF No. 2). Rule 9(c) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, Local Rules of the United States District Court for the Southern District of Florida (“Attorney Rules”) provides that “[a]n attorney may resign from the bar of this Court by notifying the Clerk of Court in writing and only if the attorney is in good standing, is not counsel of record in an active case, and is not subject to any disciplinary proceedings.” Being subject to disciplinary revocation proceedings before the Florida Supreme Court, Mr. Cohen is ineligible for resignation in this Court.

Disciplinary revocation is tantamount to disbarment pursuant to Rules 3-7.12 and 3-5.1(g) of the Rules Regulating The Florida Bar. Rule 9(b) of the Attorney Rules, provides that “[a]n attorney . . . who shall be . . . disbarred on consent . . . with the bar of any other court . . . while an investigation into allegations of misconduct is pending shall . . . cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court until further order of the Court.” Under these circumstances involving disbarment on consent,

service of an Order to Show Cause is unnecessary and the attorney may be immediately disbarred. Pursuant to Rule 9(b) and the inherent authority of this Court to oversee officers admitted to membership in its bar, *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 disbarred 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 12(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 Disbarment upon the attorney at his court record and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 11th day of December, 2018.


K. MICHAEL MOORE
UNITED STATES CHIEF 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 11th Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
Mark David Cohen