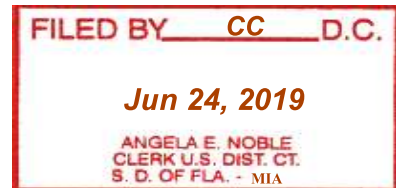


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2019-51
CASE # 19-MC-21780

In re: JOHN FRANCIS LAKIN
Florida Bar # 504009



ORDER OF SUSPENSION

On April 29, 2019, the Supreme Court of Florida entered an Order of Suspension, suspending John Francis Lakin from the practice of law. *See The Florida Bar v. Lakin*, No. SC17-542, 2019 WL 1894416 (Fla. April 29, 2019) (ECF No. 1). The suspension was predicated on The Florida Bar's Complaint and Report of the Referee. The Florida Supreme Court approved the referee's findings of fact and recommendations of guilt but disapproved the recommended ninety-day suspension and instead imposed a two-year suspension.

The Clerk served attorney Lakin by certified mail with an Order to Show Cause as to why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. (ECF No. 2). On May 22, 2019, Lakin filed a Response to Order to Show Cause, requesting that this Court adopt the referee's recommended discipline of ninety-days based on Rule 8(e)(4) of the Rules Governing the Admission, Practice, Per Review, and Discipline of Attorneys. ("Resp.") (ECF No. 4). Rule 8(e)(4) provides that the reciprocal imposition of identical discipline from another court can be contested where the attorney demonstrates to the Court that the misconduct "warrant[s] substantially different discipline."

Lakin raises several arguments in support of his conclusion that the "two-year suspension is highly disproportional to the facts of this case . . . and is arbitrary, invidious and capricious." Resp. at 1. Lakin argues that neither (1) the referee's findings of fact, conclusions and recommended discipline; (2) Florida law or the law in any other state; or (3) the Florida Standards for Imposing Lawyer Sanctions, supports imposition of more than a ninety (90) day suspension.

However, despite Lakin's arguments, the chronology of events establishes that Lakin, while acting as a judge, received a gift from the plaintiff's lawyer before ruling favorably on their motion for a new trial. Lakin did not disclose this fact nor recuse himself until after making that case altering ruling in favor of the plaintiff. Regardless of Lakin's intent or motive in receiving the gift, the record contains sufficient evidence given his position as judge, to support the two-year suspension imposed by the Supreme Court of Florida.

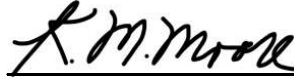
Rule 8(a) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, Local Rules of the United States District Court for the Southern District of Florida, requires that "[a]n attorney admitted to practice before this Court shall, upon being subjected to reprimand, suspension, or disbarment . . . shall promptly inform the Clerk of the Court of such action." Rule 8(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." Given this background, upon consideration of the Response and attachments to the Response, pursuant to Rule 8(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 the same duration as imposed by the Florida Supreme 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 Suspension upon Lakin's attorney.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 24th day of June, 2019.



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
John Francis Lakin
Tracy L. Kramer, Counsel for John Francis Lakin