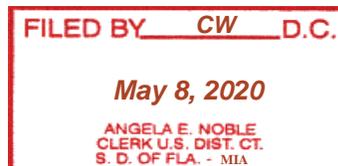


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2020-29  
CASE # 18-MC-25320

In re: **MARC JOHN RANDAZZA**  
**FLORIDA BAR # 625566**

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**ORDER ADOPTING SECOND AMENDED AND FINAL REPORT AND  
RECOMMENDATION**

On February 6, 2019, this Court asked the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (the “Committee”) to conduct disciplinary proceedings or to make recommendations to the Court for appropriate action in light of attorney Marc John Randazza’s discipline by the Supreme Court of Nevada. (ECF No. 8). Randazza was suspended from the practice of law by the Supreme Court of Nevada on October 10, 2018, “for 12 months, stayed for 18 months.” *See In the Matter of Discipline of Randazza*, 428 P.3d 260 (2018) (“Nevada Order”) (ECF No. 2). This matter initially came to the attention of this Court by letters from Randazza on three separate occasions, informing the Court of the Nevada Order. (ECF Nos. 3-5). Prior to the referral to the Committee, this Court issued an Order to Show Cause for Randazza to respond to the Nevada Order. (ECF No. 6). Randazza responded that any “disciplinary action should be deferred until the successful completion of the period of probation” imposed by the Nevada Order. (ECF No. 7). In a Supplement to his Response, Randazza informed the Court and Committee that he completed the CLE requirement imposed by the Nevada Order and that the United States Court of Appeals for the Eleventh Circuit renewed his admission to the bar of that Court despite the Nevada Order. (ECF No. 9).

On April 1, 2020, after reviewing the record provided by Randazza and having confirmed with him that “he is currently in compliance with the requirements of his probation and is unaware of the existence of any further disciplinary matters brought against him,” the Committee issued its

Report and Recommendation, recommending that this Court adopt the same disciplinary measures imposed in the Nevada Order in addition to requiring that Randazza confirm in writing that he has not been subject to any disciplinary matters since his probation began. (ECF No. 12). After the Report and Recommendation was issued, Randazza sent an email to the Committee explaining that while he has not been subject to any new discipline and believed that the Report and Recommendation was limited to only new discipline, he wanted to update the Committee of other reciprocal orders of discipline already imposed upon him from the Bar of Massachusetts, the Bar of California, the U.S. District Court for the District of Massachusetts, the U.S. District Court for the District of Nevada, and the U.S. Patent and Trademark Office. (ECF Nos. 18, 13-17).

On April 21, 2020, the Committee issued an Amended Report and Recommendation, in which it responded to Randazza's disclosure of reciprocal discipline orders from other courts. (ECF No. 19). The Committee found that "[u]nder the applicable rules of this Court, all of these suspensions should have been reported as they occurred" pursuant to Rule 8(a) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys ("Attorney Rules"), Local Rules of the United States District Court for the Southern District of Florida. *Id.* As a consequence, the Committee recommended that this Court "continue Mr. Randazza's probation for an additional year, until April 10, 2021," that Randazza immediately report any changes to the reciprocal discipline orders or new discipline imposed from other courts, and provide the Court with periodic status reports. *Id.* Randazza responded with a request that the Committee withdraw its Amended Report and Recommendation and maintain its initial Report and Recommendation or issue a revised Report and Recommendation that does not characterize his conduct as knowingly violating Rule 8(a). ("Response to Amended Report and Recommendation") (ECF No. 20).

On April 28, 2020, the Committee issued a Second Amended and Final Report and Recommendation, acknowledging receipt and consideration of Randazza's Response to Amended

Report and Recommendation but only modifying its recommendations to the extent of eliminating the additional year of probation. (ECF No. 10). Randazza filed a Response to Second Amended and Final Report and Recommendation in which he “consents to the discipline and requirements recommended by the Committee and respectfully requests that this Court enter an order adopting the recommendations.” (ECF No. 11).

This Court is in agreement with the Committee’s finding that “[u]nder the applicable rules of this Court, all of these suspensions should have been reported as they occurred” and that “Mr. Randazza should have been aware of his obligation to report these orders when they were issued.” (ECF No. 10). Randazza raised the argument that Rule 8(a) only applies to reporting the original discipline and that if he had to report all reciprocal discipline in other jurisdictions, “it would mean that . . . [he] could be potentially reporting dozens of orders to this Court.” (ECF No. 20). These arguments lack merit. Rule 8(a)<sup>1</sup>, which is the first procedure where discipline is imposed by other courts, unequivocally directs members of this Bar to report, without modifier, “discipline,” a catch-all to the more specific forms of reprimand, suspension, or disbarment. To infer a limitation on “discipline” to only original and not reciprocal discipline would imply an inherent exception that is not there. Reciprocal discipline is still discipline. Furthermore, the argument about having to “potentially” report “dozens of orders to this Court” is exactly the purpose Rule 8(a) is intended to serve. While it may be “potentially” burdensome, it is an obligation as a member of this Court’s Bar to inform this Court of discipline imposed by other courts so this Court is adequately informed of the activities of its members.

Given this background, in accordance with Rule 8(d) and the Court’s inherent power to regulate membership in its bar for the protection of the public interest, *see Chambers v. NASCO*,

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<sup>1</sup> Rule 8(a) in its entirety states: “An attorney admitted to practice before this Court shall, upon being subjected to reprimand, discipline, suspension, or disbarment by a court of any state, territory, commonwealth, or possession of the United States, or by any other court of the United States or the District of Columbia, shall promptly inform the Clerk of the Court of such action.”

*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.”), having reviewed the file, considered the Committee’s Second Amended and Final Report and Recommendation, it is hereby

ORDERED AND ADJUDGED that the Committee’s Second Amended and Final Report and Recommendation is ADOPTED and the matter is CLOSED.

IT IS FURTHER ORDERED as follows:

1. This Court ADOPTS the disciplinary measures imposed in the Nevada Order with the same probationary requirements set to expire on April 10, 2020;
2. Randazza is to *immediately* file notice with this Court under the above case number of any changes to his status in Massachusetts, California, Nevada, or any U.S. District or Circuit Courts or the U.S. Patent Office;
3. Randazza is to *immediately* file notice with this Court under the above case number of any discipline recommended in Florida, Arizona, or any other jurisdiction filed by the complainant there;
4. Randazza is to *immediately* file notice with this Court under the above case number of any other matters as required by Rules 8 through 10 of the Attorney Rules; and
5. Randazza is to provide this Court a status report under the above case number of any pending disciplinary charges, reviews or proceedings occurring anywhere on the 90<sup>th</sup>, 180<sup>th</sup> and 270<sup>th</sup> day from the entry of this Order, with a final status report due on April 10, 2021.

DONE and ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 8<sup>th</sup> day of May, 2020.

  
K. MICHAEL MOORE  
UNITED STATES CHIEF DISTRICT JUDGE

Copies furnished as follows: See attached

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  
Clinton Payne, Chair, Ad Hoc Committee on Attorney Admissions, Peer Review and  
Attorney Grievance  
Marc John Randazza