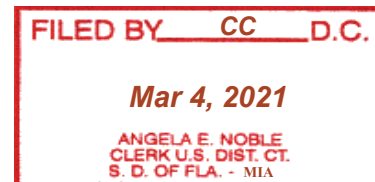


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-19
CASE # 21-MC-20219

IN RE: GEORGE EDWARD OLLINGER, III
FLORIDA BAR # 239542



ORDER OF SUSPENSION

On January 19, 2021, the Supreme Court of Florida entered an Order of Suspension, suspending George Edward Ollinger, III from the practice of law. *See The Florida Bar v. Ollinger*, No. SC21-28, 2021 WL 164834 (Fla. Jan. 19, 2021) (ECF No. 1). The suspension was predicated on The Florida Bar’s Petition for Emergency Suspension. The Clerk served attorney Ollinger 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. (ECF No. 2). By letter received January 29, 2021, Ollinger informed the Court of the Florida Supreme Court Order of Suspension. (ECF No. 3). On February 20, 2021, Ollinger filed a Response to Order to Show Cause (hereinafter “Response”). (ECF No. 4).

In Ollinger’s Response, through his attorney, he requests this Court “to (1) allow Mr. Ollinger an additional 30 days to obtain from the state, and file with This Court, the entire state record; and (2) thereafter, to refrain from suspending Mr. Ollinger for any longer period, and for any greater purpose, than the Referee recommends after the forthcoming evidentiary hearing . . . [anticipated to be held] on March 30, 2021.” Response at 8. In support of this Court delaying reciprocal discipline, Ollinger argues that the emergency suspension by The Florida Bar is “without the requisite safeguards of due process of law,” namely “a final adjudication, notice and

opportunity to be heard, and adequate proof.” Response at 2.

Applicability of Reciprocal Discipline

Pursuant to Rule 8(c) 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, reciprocal discipline may be delayed where state proceedings are stayed¹, but that is not the case here. Regardless of the process yet to be afforded to Ollinger, the fact remains that he has been and is currently suspended by Order of the Supreme Court of Florida pending any further proceedings. This suspension by the Florida Supreme Court, although “[n]ot final until time expires to file motion for rehearing, and if filed, determined,” it remains that “[t]he filing of a motion for rehearing shall not alter the effective date of this suspension.” (ECF No. 1) at 4 (emphasis in original). While suspended, Ollinger is not in good standing with The Florida Bar and as a result, pursuant to Attorney Rule 3², is equally not in good standing with this Court and therefore subject to reciprocal disciplinary proceedings.

Procuring the State Bar Record

Ollinger remains obligated to comply with this Court’s Order to Show Cause and provide the Court with a copy of the entire state record, including bar complaints, responsive pleadings, referee’s reports, opinions, and transcripts of any and all hearings relating to his state suspension proceedings. Given the emergency nature of the state proceeding, the Court will grant Ollinger’s request for extension of time to comply with this Court’s Order to Show Cause.

¹ “In the event that the discipline imposed in the other jurisdiction has been stayed there, any reciprocal disciplinary proceedings instituted or discipline imposed in this Court shall be deferred until such stay expires.” Attorney Rule 8(c).

² “To remain an attorney in good standing of the bar of this Court, each member must remain an active attorney in good standing of The Florida Bar, specifically including compliance with all requirements of the Rules Regulating The Florida Bar, as promulgated by the Supreme Court of Florida. Attorneys who are not in good standing of the bar of this Court may not practice before the Court.” Attorney Rule 3.

Arguments Contesting Discipline

Attorney Rule 8(e) lists the grounds under which to contest reciprocal discipline.³ The arguments raised by Ollinger fall within Rule 8(e), however, restricting the analysis to those grounds loses sight of the purpose of an emergency suspension, that of preventing a lawyer from “causing great public harm.” Rule 3-5.2(a)(1), Rules Regulating The Florida Bar.⁴ Attorney Rule 3 makes the Rules Regulating The Florida Bar applicable to proceedings before this Court.⁵ Under this perspective, while review may be limited due to the emergency nature of the suspension, the authority of the Court to impose reciprocal discipline under these emergency conditions is not. Review under Attorney Rule 8(e) is “the face of the record upon which the discipline in another jurisdiction is predicated.” The face of the record demonstrates an immediate need of suspension. Rule 8(d) gives the Court, “after consideration of the response” the authority to “impose the identical discipline or . . . any other sanction the Court may deem appropriate.” This authority is there for the Court “to maintain control over the proceedings conducted before it,” and when presented with the very serious allegation of an attorney posing a “great public harm” there is an immediate need to protect the integrity of the legal system.

³ “A final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that:

- (1) the procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (3) the imposition of the same discipline by this Court would result in grave injustice; or
- (4) the misconduct established is deemed by this Court to warrant substantially different discipline.”

Attorney Rule 8(e).

⁴ “On petition of The Florida Bar, authorized by its president, president-elect, or executive director, supported by 1 or more affidavits demonstrating facts personally known to the affiants that, if unrebutted, would establish clearly and convincingly that a lawyer appears to be causing great public harm, the Supreme Court of Florida may issue an order suspending the lawyer on an emergency basis.” Rule 3-5.2(a)(1), Rules Regulating The Florida Bar.

⁵ See also Local Rule 11.1(c) (“The standards of professional conduct of members of the Bar of this Court shall include the current Rules Regulating The Florida Bar. For a violation of any of these canons in connection with any matter pending before this Court, an attorney may be subjected to appropriate disciplinary action.”).

In imposing reciprocal discipline under this procedural posture, this Court follows the duration and extent of discipline determined by the Florida Supreme Court with the exception that the Court may refer the matter at any time to the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (“Committee”) to conduct its own disciplinary proceedings or make a recommendation as to discipline.⁶ Provided no further details would justify referring the matter to the Committee, Ollinger may Petition for Reinstatement “upon proof that the attorney has been reinstated by the court in which the attorney was disciplined.” Attorney Rule 12(b).

With the Court being fully advised of the matter, pursuant to 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, 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 Ollinger’s request for an additional thirty (30) days to provide the Court with the state disciplinary record is GRANTED. Ollinger shall file the missing portions of the state record on or before March 22, 2021.

IT IS FURTHER 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 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.

⁶ “This Court may at any stage ask the Committee to conduct disciplinary proceedings or to make recommendations to the Court for appropriate action in light of the imposition of professional discipline by another court.” Attorney Rule 8(f).

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 Ollinger's attorney.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 4th day of March, 2021.



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 11th Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
George Edward Ollinger, III
Patrick John McGinley, Counsel for George Edward Ollinger, III