

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-83
CASE NO. 21-MC-22759

IN RE: SAM BABBS III
FLORIDA BAR # 55349

ORDER OF SUSPENSION

On July 28, 2021, Southern District of Florida Bankruptcy Judge Robert A. Mark entered an Order Suspending Attorney Sam Babbs from Practicing Before this Court (hereinafter “Order of Suspension”). *See In re: Mercedes Lara Medero*, Case No. 21-10026-RAM, Dkt. No. 66 (Bankr. S.D. Fla. July 28, 2021) [ECF No. 1]. The Clerk attempted to serve Mr. Babbs by certified mail with an Order to Show Cause why this Court should not impose the same discipline, accompanied by the Southern District of Florida Bankruptcy Court Order of Suspension. (*See* [ECF No. 2]). No return receipt was received, and a second Order to Show Cause was issued. On September 1, Mr. Babbs filed a Response to Order to Show Cause. (Response [ECF No. 3]).

In Mr. Babbs’ Response, he argues that “the imposition of the identical discipline from the U.S. Bankruptcy Court, Southern District of Florida by this Court would be unwarranted.” (Response, at 2). In support, Mr. Babbs asserts that he “recommended and voluntarily agreed to” the Order of Suspension in order to “expeditiously resolve that [bankruptcy] case” as he already decided to close his bankruptcy practice prior to the Order being entered. (*Id.* at 1 (alteration added)). He states that the closure of his bankruptcy practice was based upon factors beyond his control, and the “situations and circumstances” surrounding the bankruptcy case were “of such a nature and so unique that they in no way reflect . . . [his] abilities to practice law before this Court.” (*Id.* (alterations added)).

Rule 8(e) 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, lists the grounds under which to contest reciprocal discipline.¹ Mr. Babbs makes no reference to these grounds. Even if Mr. Babbs' arguments did fall within one of the stated grounds, they lack any appreciable evidentiary support to refute the conclusion in the Order of Suspension that he failed to represent his client "competently" or explain why he "failed to appear" at three different Section 341 Meetings in another bankruptcy case in which he was counsel. (Order of Suspension, at 2-3). His arguments are conclusory and undeveloped, insufficient to oppose reciprocal discipline or warrant referral to the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance for further investigation.

Furthermore, Rule 8(a) requires that "[a]n attorney admitted to practice before this Court shall, upon being subjected to reprimand, discipline, suspension, or disbarment by . . . any other court of the United States . . . promptly inform the Clerk of the Court of such action." *Id.* (alterations added). Mr. Babbs has provided no such notice.

Rule 8(d) provides in 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

¹ 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.

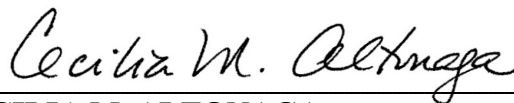
Rule 8(e).

sanction the Court may deem appropriate.” *Id.* Given this background, pursuant to Rules 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.” (alteration added)),

IT IS ORDERED that Mr. Babbs is suspended from practice in this Court, effective immediately. Mr. Babbs may not resume the practice of law before this Court until reinstated by order of the 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 that the Clerk of Court shall attempt to serve by certified mail a copy of this Order of Suspension upon Mr. Babbs at his court record and Florida Bar address. Mr. Babbs shall forthwith advise the Clerk of Court of all pending cases before the Court in which he is counsel or co-counsel of record.

DONE AND ORDERED in at Miami, Florida, this 5th day of October, 2021.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

c: All South Florida Eleventh Circuit Court of Appeals Judges
All Southern District of Florida District Judges, Bankruptcy Judges, and 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
Sam Babbs III