



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2010-40

IN RE: ERIC D. HIGHTOWER
FLORIDA BAR # 745324

ORDER OF SUSPENSION

The Supreme Court of Florida originally entered an Order of Suspension dated September 22, 2008, based upon The Florida Bar's Petition for Emergency Suspension suspending the above-named attorney from practicing law in Florida. The Clerk attempted to serve attorney Hightower 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 dated September 22, 2008. The return receipt for service at his court record address was signed via an illegible signature, as was attempted service at Hightower's Florida Bar address. In the meantime, the Florida Bar has entered an Order of Suspension dated November 12, 2009, based upon an uncontested Referee's Report finding multiple trust account irregularities in violation of Florida Bar Rules.

Rule 5(d) of the Southern District of Florida Attorney Discipline Rules 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." As noted above, it appears that service by certified mail at the attorney's court record address was made either upon the attorney or his agent. Even if that service was deficient, Administrative Order 2005-38 imposes upon the members of this Bar an obligation to provide in writing updated contact information to the Clerk within five business days of any change, and orders that "the failure of counsel . . . to provide such information to the Clerk . . . shall not constitute grounds for relief from deadlines imposed by Rule or by the Court." This obligation to maintain current contact information is reiterated in the

Court's CM/ECF Administrative Procedures Manual, Section 3D, compliance with which is mandated by Local Rule 5.5. Given this background, pursuant to Rule 5(d) of the Rules Governing Attorney Discipline of the Southern District of Florida, Administrative Order 2005-38, and the Court's inherent power to regulate membership in its bar for the protection of the public interest,

IT IS ORDERED that said attorney be suspended from practice in this Court, effective immediately. The Clerk shall immediately revoke the attorney's CM/ECF password.

IT IS FURTHER ORDERED that this suspension shall remain in effect until final disposition of the disciplinary proceedings commenced by the Order to Show Cause, or until such time as the Court lifts this suspension upon the appearance and request of the attorney.

IT IS FURTHER ORDERED by this Court that said attorney advise the Clerk of the Court of all pending cases before this Court in which he is counsel or co-counsel or 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 the attorney at his court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 20th day of April, 2010.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

- c: Honorable Joel F. Dubina, Chief Judge, Eleventh Circuit
All Miami Eleventh Circuit Court of Appeals Judges
All Southern District Judges
All Southern District Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerk of Court
Clerk of Court, 11th Circuit
National Lawyer Regulatory Data Bank
Florida Bar
Attorney Admissions Clerk
Library
Eric D. Hightower