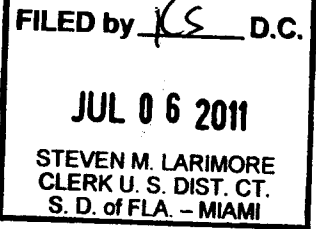


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2011-54

IN RE: DAVID GORDON CORNELL
Florida Bar #487554



ORDER OF SUSPENSION

The Supreme Court of Florida has entered an Order of Suspension dated January 27, 2011, suspending David Gordon Cornell from the practice of law for ninety-one (91) days. *See The Florida Bar v. Cornell*, 54 So. 3d 974 (Fla. 2011). The suspension was predicated on an uncontested report of the referee. The Clerk served attorney Cornell 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.

On June 20, 2011, attorney Cornell filed a Response to the Order to Show Cause. In this response, attorney Cornell states that his period of suspension has passed and that an identical order would double the suspension entered against him without providing Due Process. Furthermore, Cornell contends that he is awaiting a hearing on his motion to have the default judgment imposed in the case initiated by The Florida Bar vacated and that it would be premature for this Court to issue discipline before the hearing. However, Cornell has not been reinstated by the Supreme Court of Florida and remains suspended. Rule 5(a) of the Rules Governing Attorney Discipline, 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 suspension or disbarment . . . promptly inform the Clerk of the Court of such action." Rule 5(d) provides in pertinent part that "[a]fter consideration of the response called for by the order [to show cause] . . . the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate."

The Court finds that Cornell's contentions are without merit. Cornell has been provided due process with notice and an opportunity to file a written response as to why reciprocal discipline

ought not be imposed. The concern about double suspension has no basis in law as this Court's disciplinary process is separate and distinct from that imposed by The Florida Bar. In addition, Cornell's suspension was not solely based upon his default judgment, rather, as indicated in the uncontested Report of Referee, discipline was recommended upon Cornell's "continued refusal to comply with orders entered by the circuit court" as well as his refusal "to respond to the grievance committee's investigative inquiry, . . . to comply with the grievance committee's subpoena duces tecum, . . . [or] to produce his file." The outcome of the hearing, if in favor of Cornell, may be considered by this Court as to the length of discipline, upon the filing of a Petition for Reinstatement, but not as to the form of discipline imposed. Therefore, the Court should proceed with its reciprocal discipline, after which our own readmission process will follow as well. Pursuant to Rule 5(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 ninety-one (91) days, effective immediately. 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 the attorney at his court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 30th day of June, 2011.



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
David Gordon Cornell