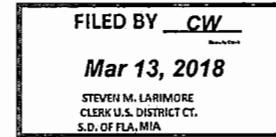


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2018-13

IN RE: DAVID CASALS
FLORIDA BAR # 284830



ORDER ON SUPPLEMENTAL REPORT AND RECOMMENDATION

The Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (the "Committee") received a referral by United States Magistrate Judge James M. Hopkins on May 27, 2015, regarding the conduct of attorney David Casals as defense counsel in the case of *United States of America v. Selvin Elias Aceituno Rodriguez*, Case No. 14-80127-CR-HURLEY/HOPKINS (S.D. Fla.). Judge Hopkins issued a Report and Recommendation on February 4, 2015, detailing Mr. Casals' conduct, which was adopted by presiding United States District Judge Daniel T. K. Hurley on February 4, 2015. The Committee reviewed the transcript of the January 29, 2015, show cause hearing before Judge Hopkins and subsequent findings and met with Mr. Casals on June 29, 2015. The Committee issued a Report and Recommendation on June 24, 2016, pursuant to Rule 3(c) of the Rules of Attorney Discipline of the Southern District of Florida¹, concluding that probable cause exists that Mr. Casals violated the Florida Rules of Professional Conduct and should be required to show cause as to why he should not be disciplined. This Court issued an Order to Show Cause on July 21, 2016. The matter was then submitted to the Committee for a hearing. On November 14, 2017, Mr. Casals appeared before the Committee telephonically and on December 13, 2017, the Committee issued a Supplemental Report and Recommendation recommending that Mr. Casals be found guilty of misconduct justifying a one-year disbarment from the Southern District of Florida, be required to appear before the Committee, in person, prior to reinstatement, and that the Court's final order be

¹ These rules have been amended effective December 1, 2017. See Administrative Order 2017-60.

sent to The Florida Bar for its consideration.

Following the submission of the Supplemental Report and Recommendation and pursuant to Rule 6(c)(2)(B)(v) of the newly enacted Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, the Court issued an Order to Show Cause. The Clerk attempted to serve to Mr. Casals by certified mail with the Order to Show Cause, accompanied by the Committee's Supplemental Report and Recommendation. Service at Casals' court record address was returned – "Return To Sender – Not Deliverable As Addressed – Unable to Forward." Service at Mr. Casals' Florida Bar address was signed with an illegible signature and without notation as to "agent" or "addressee." Even if service is contested, Local Rule 11.1(g) imposes upon the members of this Bar an obligation to provide updated contact information to the Clerk within seven days of any change, and that "the failure to comply 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 5.1.

Pursuant to Rule 6(c)(2)(B)(v), the undersigned submitted this matter to the Court for its consideration at a regularly scheduled Judges' meeting on February 15, 2018. Having reviewed the Report and Recommendation, Supplemental Report and Recommendation, the attachments, hearing transcripts, and having otherwise considered the matter, by unanimous vote of the Judges in attendance, the Court approved the Committee's Supplemental Report and Recommendation.

Given this background, in accordance with Rule 6(c)(2)(B)(v) 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 hereby

ORDERED as follows:

1. Mr. Casals is disbarred from practice in this Court, effective immediately. Mr. Casals

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.

2. Mr. Casals may not petition for reinstatement until one year from the date of this Order. Prior to reinstatement, Mr. Casals must appear before the Committee in person.
3. The Clerk of Court shall send this order to the Florida Bar for its consideration.
4. Mr. Casals shall advise the Clerk of Court of all pending cases before this Court in which he is counsel or co-counsel of record.
5. The Clerk of Court shall serve by certified mail a copy of this Order Adopting Supplemental Report and Recommendation upon the attorney at his Florida Bar address.

DONE AND ORDERED in Chambers in Miami, Miami-Dade County, Florida, this 13th day of March, 2018.



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
The Florida Bar
Library
Clinton S. Payne, Chair, Ad Hoc Committee on Attorney Admissions, Peer Review, and
Attorney Grievance
David Casals