

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE # 17-MC-24737

ADMINISTRATIVE ORDER 2019-38

In re: ALAN HOWARD RAMER
Florida Bar # 771716

FILED BY CW D.C.

May 24, 2019

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIA

ORDER OF SUSPENSION

On February 10, 2017, Southern District of Florida District Judge Cecilia M. Altonaga entered an Order, in part, referring attorney Alan Howard Ramer to the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (“Committee”) pursuant to Rule 5(b)(1) of the Special Rules Governing the Admission and Practice of Attorneys, Local Rules for the Southern District of Florida (2016) based upon Ramer’s conduct as counsel for Defendants in *Coach, Inc., et al., v. Chung Mei Wholesale, Inc., et al.*, No. 15-22829 (S.D. Fla. Feb. 10, 2017). (ECF No. 1). The Order indicated that Ramer failed to comply with Court orders and the Local Rules for the Southern District of Florida. The Order further stated that “counsel needs remedial assistance” and Ramer was referred to the Committee “for mentoring, supervision, and monitoring to ensure that his conduct meets the standards of professionalism the Court expects from attorneys practicing before it.” *Id.* at 9 n.3.

On November 16, 2017, an Investigative Committee met with Ramer, and on March 13, 2018, Ramer testified before the full Committee. On April 12, 2018, the Committee issued a Report and Recommendation, recommending that Ramer 1) be suspended for six (6) months; 2) complete, during his suspension, a CLE course on federal practice generally and certify that he has read in full the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of Florida; 3) complete an evaluation by the Florida Bar’s Practice Resource Institute; and 4) appear before the full Committee prior to any reinstatement. (ECF No. 2). On June 13, 2018, Ramer submitted objections to the Report and Recommendation. (ECF No. 3). On August 28, 2018, an Order to Show Cause was

issued, providing Ramer with a full and fair opportunity to review the Committee's recommendation and respond. (ECF No. 4). On September 21, 2018, Ramer filed an untimely response. (ECF No. 6). In both responses, Ramer argued that the recommended suspension was "beyond the scope of the referral." *Id.* at 6; (ECF No. 3) at 3.

On January 31, 2019, pursuant to Rule 6(c)(2)(B)(v) (2018) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys,¹ this matter was submitted to the Court for its consideration at a regularly scheduled Judges' Meeting. By unanimous agreement of the Judges in attendance, the Court referred the matter back "to the Committee to submit a Report and Recommendation, which should discuss Mr. Ramer's objection regarding notice of a possible suspension." (ECF No. 7) at 2. On May 1, 2019, a Second Report and Recommendation was filed, wherein the Committee found "that Mr. Ramer knew or should have known that a recommended suspension was a possible consequence of his being referred to the Committee"² and that Ramer was given and took the opportunity to respond to the Committee's first Report and Recommendation. (ECF No. 8) at 5. The Committee concluded that (1) if Ramer has performed the remedial requirements set out in the first Report and Recommendation then there is no reason for him to be further suspended, but (2) if he has not completed the remedial requirements, he should be suspended for 6 months and comply with the remedial requirements, and (3) that he should appear before the full Committee for a further report and recommendation prior to any reinstatement. *Id.* at 5-6.

Pursuant to Rule 6(c)(2)(B)(v), the undersigned submitted this matter to the Court for its

¹ This Court's attorney rules were significantly amended, effective December 1, 2017, combining the two sets of rules into one.

² The Committee specifically noted that both the old rules and newly amended rules have provisions allowing the Committee to elevate a peer review proceeding to a disciplinary proceeding. *See* Rule 5(c), Special Rules Governing the Admission and Practice of Attorneys (2016) (The Committee may "recommend that the Court consider limiting or otherwise imposing appropriate restrictions on the attorney's continued practice in the District Court."); Rule 6(c)(1) and 6(c)(3), respectively, Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys (2018) (The Committee has "the discretion to determine the type of review after its initial investigation," and "has the discretion to proceed with peer review or undertake disciplinary action.").

consideration at a regularly scheduled Judges' Meeting on May 16, 2019. Having reviewed the Report and Recommendation, Responses, the attachments, hearing transcript, and having otherwise considered the matter, by unanimous agreement of the Judges in attendance, the Court adopts the Committee's Second Report and Recommendation.

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, *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 Ramer, having not provided proof of completing the remedial requirements set out in the first Report and Recommendation, is suspended from practice in this Court for six (6) months, effective immediately. The attorney may not resume the practice of law before this Court until reinstated by Order of this Court and may not petition for reinstatement until he has completed the remedial requirements from the first Report and Recommendation and appeared before the full Committee for a report and recommendation. *See* Rule 12(a); (ECF No. 8) at 5-6. 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 serve by certified mail a copy of this Order of Suspension upon Ramer at his court record and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 23rd day of May, 2019.



K. MICHAEL MOORE
UNITED STATES CHIEF DISTRICT JUDGE

Copies furnished as follows:
See attached

c: All Miami 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
Clinton S. Payne, Chair, Ad Hoc Committee on Attorney Admissions, Peer Review, and
Attorney Grievance
Alan Howard Ramer