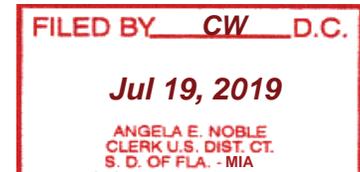


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2019-55
CASE NO. 19-MC-22255

In re: CHARLES A. MURRAY
FLORIDA BAR # 366889



ORDER OF SUSPENSION

On May 30, 2019, the Supreme Court of Florida entered an Order of Suspension, suspending Charles A. Murray from the practice of law for 180 days. *See The Florida Bar v. Murray*, No. SC18-1249, 2019 WL 2295727 (Fla. May 30, 2019) (ECF No. 1). The suspension was predicated on The Florida Bar's Complaint and uncontested Report of the Referee. The Clerk served attorney Murray by certified mail with an Order to Show Cause as to why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. (ECF No. 2). On June 18, 2019, Murray filed a Response to Order to Show Cause, arguing that this Court should not impose identical discipline. ("Resp.") (ECF No. 3).

First, Murray argues that pursuant to Rule 8(e)(2) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys [hereinafter "Attorney Rules"], the imposition of identical discipline would be unwarranted because "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." In support, Murray raises the same or similar arguments presented before the state court Referee. However, the evidentiary arguments raised are unsupported by any exhibits or reference to the transcript of the hearing before the Referee and are therefore conclusory and in no way facilitate the Court's analysis of a contention based on an "infirmity of proof." The Amended Report of the Referee, in rejecting Murray's arguments, is replete with references to the transcript and exhibits to establish the

grounds for finding misconduct. It is clearly stated in the Order to Show Cause that any “response must be accompanied by a copy of the entire state record, including bar complaints, responsive pleadings, referee’s reports, opinions, and transcripts of any and all hearings relating to” the state suspension proceedings. (“Order to Show Cause”) (ECF No. 2). Without the necessary record, these claims can be dismissed.

Second, Murray argues that pursuant to Attorney Rule 8(e)(3), “the imposition of the same discipline by this Court would result in grave injustice” because he does not plan on seeking reinstatement upon the conclusion of his suspension and that due to his health issues he plans to retire, making any further discipline “pointless.” Resp. at 2. However, pursuant to Attorney Rule 9(c), “[a]n attorney may resign from the bar of this Court by notifying the Clerk of Court in writing and **only if the attorney is in good standing**, is not counsel of record in an active case, **and is not subject to any disciplinary proceedings.**” (emphasis added). Because Murray is not in good standing, pursuant to Attorney Rule 3 (requiring each member to “remain an active attorney in good standing with The Florida Bar”), and is undergoing reciprocal disciplinary proceedings, he is precluded from seeking retirement to avoid the imposition of discipline by this Court.

Pursuant to Attorney Rule 8(d), 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.” Given this background, upon consideration of the Response, pursuant to Attorney Rule 8(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, effective immediately. The attorney may not resume the practice of law before this Court until reinstated

by order of this Court. *See* Attorney 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 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 Murray's court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 19th day of July, 2019.

K. Michael Moore

Digitally signed by K. Michael Moore
DN: cn=K. Michael Moore, o=Southern District of Florida,
ou=United States District Court,
email=k_michael_moore@flsd.uscourts.gov, c=US
Date: 2019.07.19 12:58:41 -0400

K. MICHAEL MOORE
UNITED STATES CHIEF 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
Library
Charles A. Murray