

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 19-13109

D.C. Docket No. 1:18-mc-25055¹

In re: HOWARD W. RUBINSTEIN,

Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(April 23, 2021)

Before MARTIN, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

In 2014, a Texas court sanctioned Howard Rubinstein, a lawyer, with a two-year probated suspension for professional misconduct. Upon learning of the sanction Rubinstein received in Texas, the District Court for the Southern District of Florida (the “District Court”) then disbarred him from practicing there. The

¹ The order under review in this appeal was filed in No. 1:18-mc-25055 (S.D. Fla.), yet the notice of appeal was filed in No. 1:18-mc-25276 (S.D. Fla.). After notice from this Court, Rubinstein moved to correct this clerical error. His motion was granted by this Court, which “construe[d] the notice of appeal in this case as appealing the ‘Order of Disbarment’ (Doc. 30) entered by the Southern District of Florida on May 21, 2019 in Case No. 18-mc-25055.”

disbarment was based on the misconduct found in the Texas case, but also on misconduct in the Southern District of Florida that was independently identified by the District Court. Rubinstein appealed, and our Court vacated the disbarment order. In vacating the disbarment order, this Court observed that Rubinstein received no notice that he could be disciplined for the Florida misconduct until he was questioned about it at a May 2015 hearing. On that record, this Court held that the District Court “did not follow its own local rules and, in the process, ran afoul of the settled principle that an attorney accused of misconduct must be notified of the charges prior to the commencement of the proceedings against him or her.” The case was remanded.

On remand, the District Court again disbarred Rubinstein from practicing law in the Southern District of Florida, but this time it said its decision was based only on the Texas discipline. This appeal addresses Rubinstein’s most recent disbarment order. We review a district court’s disbarment order for abuse of discretion. In re Calvo, 88 F.3d 962, 967 (11th Cir. 1996) (per curiam). A district court abuses its discretion when neither its decision nor the record “provide[s] sufficient explanation to enable meaningful appellate review.” Friends of the Everglades v. S. Fla. Water Mgmt. Dist., 678 F.3d 1199, 1201 (11th Cir. 2012) (per curiam).

In many instances, the record and the circumstances may mean that a summary order is satisfactory in this context. But here, neither the District Court's order nor the record gives an explanation for Rubinstein's disbarment sufficient to enable this Court to conduct meaningful appellate review. Although the disbarment order says it "concerns" reciprocal discipline based on the Texas case, it does not include anything explaining the decision to disbar Rubinstein or the decision to impose greater discipline than that imposed in the Texas case. The District Court thus abused its discretion in disbaring Rubinstein without sufficiently explaining its decision. See id. We therefore vacate the disbarment order and remand this disciplinary action for development of a record that will enable appellate review of the decision of the District Court.

VACATED AND REMANDED.