

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re LEE D. SARKIN, ESQ. and DREW  
M. LEVITT, ESQ.,

Case No. 6:21-cv-1579-RBD-LHP

Respondents.

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**ORDER**

Before the Court is the Report and Recommendation of the Grievance Committee. (Doc. 38 (“R&R”).)

In this Americans with Disability Act case, Respondents Lee D. Sarkin, Esq. and Drew M. Levitt, Esq. were counsel for Plaintiff David Poschmann, now deceased. (Doc. 38, p. 2.) Respondents signed Plaintiff’s name with a wet-ink signature on a settlement agreement in this case after he had already passed away; when this was discovered, the Court set aside the settlement and referred Respondents to the Florida Bar as well as the Committee. (*Id.* at 4–6.)

In a thorough and well-reasoned R&R, the Committee concluded that Respondents failed to act with reasonable diligence, made a false statement to a court, and failed to sufficiently advise opposing counsel, among other misconduct; so the Committee recommended suspension of Respondents from the Bar of the Middle District of Florida. (*Id.* at 8–21.) Though given the opportunity to respond to the R&R, Respondents did not do so. (*See* Doc. 39.) So the Court finds that the

R&R is due to be adopted in full with the thanks of the Court to the Committee for its diligent work.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The Committee's R&R (Doc. 38) is **ADOPTED AND CONFIRMED** and made a part of this Order in its entirety.
2. Based on the Committee's R&R, the Court **FINDS** that the behavior of Respondents Lee D. Sarkin, Esq. and Drew M. Levitt, Esq. violated Bar Rules 4-1.3, 4-3.3(a)(1), 4-3.4(a) and 4-8.4(c).
3. Respondents are **SUSPENDED** from the Bar of the Middle District of Florida for a period of nine (9) months, effective thirty (30) days from the date of this Order, which time is intended to permit Respondents to address any existing caseload and to protect the interest of their clients during their suspension, and lasting until the reinstatement conditions set forth below are met.
4. Respondents are **PROHIBITED** from taking on new cases in the Middle District of Florida, effective as of the date of this Order and lasting until they are reinstated in the Bar of the Middle District of Florida pursuant to the reinstatement conditions set forth below.

5. The following reinstatement conditions are **SET**, which must be met before Respondents are permitted to petition the Bar of the Middle District of Florida for reinstatement:
  - a. During the period of suspension, each Respondent must:
    - i. Attend and complete the Florida Bar's Professionalism Workshop;
    - ii. Attend and complete all aspects of a Law Practice Management CLE; and
    - iii. Attend and complete all aspects of the Practicing with Professionalism CLE;
  - b. Pay all outstanding monetary sanctions, fees, and costs levied against them, in any federal, state, or disciplinary action, including any sanctions that may be ordered by this Court;
  - c. Complete all remediation ordered by the Florida Bar, if any;
  - d. Complete all remediation ordered by any court, including reporting of any sanctions orders levied by any court to the appropriate parties;
  - e. Re-read the Florida Rules of Professional Conduct and the Local Rules of this Court in full and certify in writing to this Court that they have done so; and

- f. Report to the Court the completion of subparagraphs (a) through (e) of this paragraph on or before the date marking the end of the suspension period.
6. It is **ORDERED** that upon reinstatement to the Bar of the Middle District of Florida, all future “wet ink” signatures of Respondents’ clients must either be made by the clients’ own hand or with a clear statement that the signature is made by either Mr. Sarkin or Mr. Levitt on behalf of the client.
7. The Clerk is **DIRECTED** to post a copy of this Order on the Middle District of Florida’s website and to forward a copy to the Florida Bar as well as to all judges in the Middle District of Florida presiding over any case in which Respondents are counsel of record.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on November 1, 2023.

Copies:  
Nichole Mooney, Committee Chair



  
ROY B. DALTON, JR.  
United States District Judge