>> ALL RISE.
>> SUPREME COURT OF FLORIDA IS NOW IN SESSION.
>> THE LAST CASE ON OUR DOCKET TODAY IS THE FLORIDA BAR V. BUCKLE.
YOU MAY PROCEED.
>> THANK YOU, YOUR HONOR.
IF IT PLEASE THE COURT, MY AMENDED INITIAL BRIEF SETS FORTH THE ISSUES I BELIEVE, AND I'M UNDERSTANDING FROM CORRESPONDENCE THAT YOU HAVE READ THOSE AND -- THAT BRIEF -- AND ARE FAMILIAR WITH IT.
I'D LIKE TO ARGUE THAT SEVERAL THINGS THAT WEREN'T CLEAR THEREIN.
MORE THAN 180 DAYS PASSED BETWEEN THE FILING OF THE COMPLAINT AND THE FINAL REPORT BY THE REFEREE.
AND I FILED A MOTION TO DISMISS IT, AND I DON'T BELIEVE THERE WAS ANY JUSTIFIABLE GROUNDS NOT TO DISMISS IT.
SO I'D LIKE TO USE THAT POINT.
I'M SURE A QUESTION EVERYONE HAS IS WHY WOULD SOMEBODY DO WHAT I'VE ALLEGED?
MY MENTOR, SAGE, IS A FORMER LAW PROFESSOR AT STETSON LAW SCHOOL, MICKEY SMILEY.
BACK MANY YEARS AGO HE ANNOUNCED AT A FACULTY MEETING THAT AS LONG AS HE WAS THE SENIOR FACULTY MEMBER THAT NO LESBIANS OR HOMOSEXUALS WOULD BE HIRED BY THE LAW SCHOOL.
THEY BEGAN A CRUSADE AGAINST HIM.
THEY SPENT OVER $100,000 IN AN INVESTIGATION TO TRY TO TRUMP UP SOMETHING ON HIM.
A FORMER LAW STUDENT, KENDRA PRESSWOOD -- ON BEHALF OF A LADY

WHO TRIED TO BECOME HIS RESEARCH ASSISTANT -- FILED A LAWSUIT AGAINST PROFESSOR SMILEY IN THE CIRCUIT COURT IN PINELLAS COUNTY ALLEGING SEVEN COUNTS, INCLUDING THAT PROFESSOR SMILEY IN THE INTERVIEW PROCESS HAD ATTEMPTED TO GET HER TO VIOLATE THE PIMP STATUTE.
THE SUIT WAS ULTIMATELY DISMISSED WITH PREJUDICE.
KENDRA PRESSWOOD SENT A SWORN -- UNSWORN COMPLAINT TO STETSON LAW SCHOOL DEMANDING $90,000 WHEREIN WHEN IT WAS DISMISSED -- ALL SEVEN COUNTS WITH PREJUDICE -- I BELIEVE SOME PREJUDICE BEGAN TO EMERGE IN REGARD TO PROFESSOR SMILEY, MY BEST FRIEND AND HAS BEEN FOR A LONG TIME.
HIS MOTHER, HIS MOTHER WAS FRIENDS OF OUR FAMILY, MY MOTHER, GREW UP WITH THEM.
NOW, KENDRA PRESSWOOD LATER BECAME MY INVESTIGATOR IN THE CASE BEFORE THIS, AND WHEN WE ACCIDENTALLY DISCOVERED THAT KENDRA PRESSWOOD WAS THE MANAGING ATTORNEY FOR THE NATIONAL CENTER FOR LESBIAN RIGHTS, ALL OF A SUDDEN THE CASE THAT PRECEDED THIS ONE AGAINST ME FOR THESE SAME ISSUES, BASICALLY, IT ALL GOT DROPPED.
THAT HAS ALWAYS BEEN CURIOUS TO ME.
IT'S OUR POSITION, MY POSITION THAT THEY SOUGHT PAYBACK.
IT IS COMMON KNOWLEDGE ON THE STREETS THAT THE REFEREE THAT TRIED MY CASE IS A LESBIAN DOWN IN NAPLES, FLORIDA, BUT WHAT HAS THAT GOT TO DO WITH ANYTHING?
I AM WELL KNOWN IN MY COMMUNITY FOR BEING STRONGLY AGAINST THOSE THINGS AND TAKING UP STANDS

AGAINST THEM.
I'VE BEEN PERSECUTED, I'VE HAD SIGNS IN MY WINDOW THAT SAYS ABORTION KILLS CHILDREN.
THEY'VE DONE THINGS TO MY BUILDING WHICH I NO LONGER HAVE AN INTEREST IN THAT DEFACED IT, THREATENED TO KILL ME AND PEOPLE THAT WORKED INSIDE.
I HAVE STRONGLY DEFENDED MY POSITION, MY RELIGIOUS BELIEFS, AND THEY HAVE BEEN UNDER SCRUTINY AND ATTACK BY EVERY LIBERAL IN THE COMMUNITY IN WHICH I LIVE.
I DO BELIEVE THAT ABORTION IS WRONG.
I CAN TELL YOU THAT AS A RESULT OF THE SIGNS IN MY WINDOW, WINDOWS OF MY LAW OFFICE WHICH IS A BLOCK FROM THE COURTHOUSE AT LEAST ONE CHILD AVOIDED ABORTION AND WAS GIVEN UP FOR ADOPTION.
THEY RAISED THE FACT THAT I DID SOMETHING BY ASKING JUDGE GONZALES WHO RECUSED HERSELF WITHOUT ANY NOTICE TO ANYBODY THAT SHE RECUSED HERSELF BECAUSE OF THE QUESTIONS I ASKED HER.
IF I REPRESENTED A BLACK MAN AND I KNEW OR SUSPECTED THAT SOMEBODY THAT BELONGED TO THE KU KLUX KLAN MAY BE ON THE JURY PANEL, I BELIEVE I WOULD BE COMMITTING MALPRACTICE IF I DIDN'T ACTIVELY INVESTIGATE THAT PERSON IN VOIR DIRE AND DISCOVER WHETHER OR NOT THERE WAS ANY BASIS OR POSSIBLE PREJUDICE.
I BELIEVE THERE WAS PREJUDICE HERE.
I BELIEVE THAT I WAS SELECTED, AND I STAND FIRM ON THE FACT THAT I DIDN'T DO ANYTHING THAT IS ALLEGED.

I WAS DILIGENT, I REPRESENTED
MR. WOLF TO THE BEST OF MY
ABILITY.
THE ALLEGATIONS AGAINST ME ARE
FALSE, AND MY FAILURE TO ADMIT
THEM IS NOT THAT I'M
STIFF-NECKED, REBELLIOUS AND
AVOIDING FACTS, I'M SIMPLY
TELLING THIS COURT I'VE BEEN
PRACTICING IN THE FAMILY LAW
COURTS FOR MANY YEARS.
>> COULD YOU JUST, ON THE
ALLEGATIONS REGARDING MR. WOLF,
THE REFEREE'S FINDINGS ARE THAT
YOU WERE RETAINED FOR THE
PURPOSES OF FILING AN EMERGENCY
PETITION TO REGAIN CUSTODY, AND
YOU UNDERSTOOD THE URGENCY.
AND WHAT ARE YOU -- WHAT IS NOT
CORRECT ABOUT AFTER BEING PAID
THE FEE THAT YOU DID NOT TAKE
IMMEDIATE ACTION IN THAT CASE?
>> AS I STATED IN MY BRIEF, I
WANTED -- AND THE EXPERT WITNESS
FOR THE BAR TESTIFIED THAT IT IS
ALSO HIS PRACTICE NOT TO BEGIN
WORK UNTIL THE CONTRACT IS
SIGNED.
MR. WOLF WAS OUT OF TOWN.
HIS MOTHER AND SISTER BROUGHT BY
A RETAINER, AND WORK COMMENCED
WHEN WE GOT THE CONTRACT SIGNED.
I DO A LOT OF THESE CASES, AND I
DID FILE AN EMERGENCY PETITION.
WHEN I DISCOVERED IN OUR INITIAL
INTERVIEW THAT MR. WOLF HAD BEEN
GUILTY OF ALL KINDS OF THINGS
AND WAS IN JAIL WRITING LETTERS
TO THE TWO COUNTY JUDGES TO THE
EFFECT THAT HE WAS MENTALLY ILL
AND SUFFERING FROM BIPOLAR
DISEASE AND HE WANTED OUT OF
THERE -- HE WAS IN JAIL BECAUSE
HE'D BEEN ORDERED AS PART OF A
DOMESTIC VIOLENCE PETITION TO
ENROLL IN AND COMPLETE THE

CERTIFIED BATTERERS'
INTERVENTION PROGRAM.
HE KEPT SKIPPING CLASSES, SO
THERE WAS A VIOLATION OF
PROBATION PUT OUT, AND HE WAS IN
THE COUNTY JAIL.
AND I DID NOT BELIEVE BASED ON
MY EXPERIENCE THAT GOING BEFORE
A CIRCUIT JUDGE WITHOUT ANY
IMMEDIATE DANGER ON THE ISSUE OF
TEMPORARY CUSTODY -- CUSTODY HAD
NEVER BEEN DECIDED IN THIS CASE.
THIS CHILD WAS BORN OUT OF
WEDLOCK, HE WAS 8 YEARS OLD.
I'M WELL AWARE OF WHAT ABUSE IS.
I CO-FOUNDED MANATEE CHILDREN'S
SERVICES.
THAT'S BEEN A MILLION DOLLAR
AGENCY IN MY COMMUNITY.
I THINK ANYBODY IN THE TOWN THAT
KNOWS ME WOULD KNOW THAT I WOULD
NEVER DO ANYTHING TO JEOPARDIZE
THE SAFETY OF A CHILD.
SO TO ANSWER YOUR QUESTION, THIS
WASN'T A MODIFICATION OF
CUSTODY.
CUSTODY HAD NEVER BEEN DECIDED.
AND MR. WOLF BASICALLY TOLD ME
THAT ALL HIS MOTIVE WAS WAS TO
GET OUT OF PAYING CHILD SUPPORT.
HIS PLAN WAS TO LET HIS SON LIVE
WITH HIS MOTHER IN BRADENTON,
AND HE COULDN'T LIVE THERE ON A
TEMPORARY BASIS BECAUSE SHE
DIDN'T HAVE ROOM FOR HIM.
AND SO THAT WAS HIS PLAN, TO GET
OUT OF PAYING CHILD SUPPORT TO
FREE HIS LIFESTYLE UP.
AND HE ALSO WANTED ME TO HANDLE
A CASE WHICH I NEVER GOT INTO TO
GET OUT OF CHILD SUPPORT IN
SARASOTA, FLORIDA, TO ANOTHER
CHILD HE HAD BORN OUT OF WEDLOCK
WHO HE USED TO BEAT UP AND MAKE
FALSE ACCUSATIONS AGAINST AND
WHO HE REPORTED AS BEING A

DANGER TO THAT PARTICULAR MALE CHILD.
AND THE INVESTIGATION REVEALED NO SUCH THING.
I DON'T KNOW IF THAT ANSWERS YOUR QUESTION THOROUGHLY, BUT MY POSITION IS THAT THIS CASE HAS BEEN BOLSTERED BY THE MOTIVE OF FOLKS TO GET RID OF PEOPLE LIKE ME THAT STAND FIRM IN THE COMMUNITY IN WHICH I LIVE --
>> BUT YOU'RE, YOU KNOW, THAT IS A VERY SERIOUS ALLEGATION THAT YOU'RE MAKING EVEN ABOUT THE MOTIVE OF THE BAR'S EXPERT.
WHAT YOU'RE SAYING, ARE YOU SAYING THAT THE BAR IS MOTIVATED IN THIS CASE BY ANIMUS TOWARDS YOU BECAUSE OF YOUR POLITICAL OR SOCIAL STAND?
>> ABSOLUTELY.
>> BUT --
>> LARRY CIULAK, THE BAR'S EXPERT, HAS ONLY BEEN PRACTICING LAW FOR EIGHT YEARS.
HE'S NOT BOARD CERTIFIED.
I HAD A CUSTODY CASE WITH HIM, AND HE STATED ON THE RECORD: I'M A JEW, AND IT OFFENDS ME DEEPLY THAT YOU PUT CERTAIN THINGS IN YOUR CORRESPONDENCE.
FOR EXAMPLE, AT THE END OF EVERY LETTER, I QUOTE THE PRAYER THAT MOSES PRAYED OVER THE JEWS, "MAY THE LORD RICHLY BLESS YOU AND KEEP YOU."
THAT'S A BLESSING ON PEOPLE.
THAT'S DIFFERENT THAN "SINCERELY YOURS," BUT I DO THAT.
AT THE END OF EVERY PLEADING THAT I'VE PUT FOR YEARS, IT SAYS "IN THE YEAR OF OUR LORD AND SAVIOR, JESUS CHRIST."
AND I TOOK "JESUS CHRIST" OUT OF IT BECAUSE MY BAR LICENSE SAYS IN THE YEAR OF THE L-O-R-D AND

CAPITALIZED IS REFERENCED TO
JESUS CHRIST.
THIS IS A PAYBACK TO PROFESSOR
SMILEY AND ME AS HIS FRIEND FOR
TAKING POSITIONS WE HAVE.
I'M HERE TO TELL THIS COURT THAT
WITHIN THE BAR ASSOCIATION ARE A
GROUP OF RADICAL FEMINISTS AND
THEIR ALLIES WHO ABSOLUTELY HATE
EVERYTHING I STAND FOR.
I'M A WHITE MALE, I'M OVER 60,
AND I'M NOT POLITICALLY CORRECT.
AND, YES, I'M SAYING THAT.
I KNOW IT'S A SERIOUS
ALLEGATION.
I'VE BEEN DOING THIS A LONG
TIME.
AND I WOULDN'T MAKE THOSE
ALLEGATIONS IF I DIDN'T FIRMLY
BELIEVE IN IT.
YOU KNOW, TO SAY THAT THERE ARE
FOLKS OUT THERE THAT ARE
GATHERING TO DO SOMETHING TO
DISCREDIT ME, I UNDERSTAND AT
LEAST THREE OF YOU HAD SOME
FOLKS OUT THERE TRYING TO
DISCREDIT YOU AND PREVENT YOU
FROM BEING RETAINED IN THE
POSITION THAT YOU ARE BY VIRTUE
OF DIFFERENT POLITICAL
PHILOSOPHIES.
WELL, MY PHILOSOPHY AND MY
BELIEFS ARE WHAT THEY ARE, AND
THEY HAVE BEEN FOR A LONG TIME.
SO, YES, I DO BELIEVE THAT.
AND I DON'T TAKE LIGHTLY WHAT
I'VE ACCUSED --
>> WELL, HOW WOULD YOU -- JUST
TRYING TO UNDERSTAND THIS.
YOU HAVE A FIRST AMENDMENT RIGHT
OUTSIDE OF THE PRACTICE OF LAW,
CERTAINLY, TO EXPRESS YOUR
BELIEFS.
NOBODY -- YOU'RE NOT BEING
CHARGED, AS I UNDERSTAND IT,
WITH PUTTING SOMETHING THAT IS

POLITICALLY INCORRECT SOMEPLACE.
WHAT YOU'RE ASKING THIS COURT TO FIND IS THAT THE REFEREE'S FINDINGS OF FACT AND THE EXPERT THAT TESTIFIED HAVE NO VALIDITY BECAUSE YOU ARE ALLEGING IN A WAY OUTSIDE THE RECORD THAT THERE'S A PATTERN OF ANIMUS AGAINST YOU.
AND YOU MUST UNDERSTAND SINCE YOU'VE BEEN PRACTICING LAW SINCE 1973 THAT THE IDEA THAT THERE IS A CONSPIRACY THEORY SOMETIMES MAKES SOMEONE THINK THAT, YOU KNOW, MAYBE THERE IS AN ELEMENT OF PEOPLE ARE OUT TO GET ME.
BUT IF YOU'RE SITTING HERE AS THE COURT AND WE'RE SYMPATHETIC TO THE IDEA THAT YOU HAVE THAT RIGHT, HOW DO WE ESTABLISH IN THIS RECORD THAT THAT'S WHAT WAS DONE?
I MEAN, YOU MENTIONED PROFESSOR SMILEY.
I REMEMBER PROFESSOR SMILEY.
I DON'T KNOW WHAT HE -- I MEAN, IT'S A VERY INTERESTING STORY, BUT WHAT DOES THAT HAVE TO DO WITH THE FOUR CORNERS OF WHAT WE'RE REVIEWING?
>> IF YOU REVIEW IT, AND I UNDERSTAND YOUR POSITION, IF YOU REVIEW THE RECORD, IT'S ABUNDANTLY CLEAR THAT TO DRAW THE CONCLUSIONS THAT THE REFEREE DID BASED ON THE FACTS BEFORE HER IS LIKE ME DEDUCTING THAT THE CHICAGO CUBS ARE GOING TO WIN THE WORLD SERIES NEXT YEAR BECAUSE THEY WIN 5 OUT OF THEIR FIRST 12 GAMES.
THERE'S NO JUSTIFIABLE BASIS FOR RELYING ON THE FACTS --
>> COULD I ASK, MAYBE APPROACH IT IN THIS FASHION, UM, THE SUBSTANCE OF THE CLAIM IS THAT

THERE IS AN ALLEGATION THAT
THERE WAS A CHILD AT RISK OF
DANGER.
IS THAT A FAIR STATEMENT SO FAR?
>> THAT WAS THE ALLEGATION.
>> ALLEGATION.
AND THEN THE ALLEGATION WAS THAT
THIS PERSON, A PERSON CAME TO
YOUR OFFICE AND ASKED YOU TO
FILE EMERGENCY RELIEF TO REMOVE
THAT CHILD FROM THE CUSTODY OR
FROM THE CONTROL OF THE MOTHER.
IS THAT FAIR SO FAR?
>> YES, SIR.
>> AND THAT -- I'M NOT SURE HOW
YOU WOULD REFER TO IT TIME WISE,
BUT THE FAMILY OR SOMEONE CAME
AND DELIVERED, I BELIEVE, $1500?
>> CORRECT.
>> AND THEN THE NEXT IS WHERE I
THINK THE DISPUTE ARISES, IS
THAT THERE'S NOTHING THAT
HAPPENS IN THE FILING, NOTHING
IS FILED.
IS THAT A FAIR STATEMENT?
>> TRUE.
>> AND THAT -- WAS IT DURING
THAT TIME SOME ALLEGATIONS THAT
THE CHILD, IN FACT, WAS INVOLVED
IN SOME KIND OF INCIDENT OR THAT
THE MOTHER AND HER BOYFRIEND
WERE ARRESTED DURING THAT PERIOD
OF TIME THAT WE'RE SPEAKING OF?
>> THAT IS TRUE.
THEY WERE IN JAIL IN SARASOTA
FOR POSSESSION OF HEROIN.
>> RIGHT.
SO THAT WAS THE CONCERN.
AND THEN IS IT ALSO -- AS I AM
READING THIS, TRYING TO
UNDERSTAND IT, IS THAT FOR
WHATEVER REASON -- AND IT COULD
BE ANIMUS, COULD BE WHATEVER --
BUT SOME THREE WEEKS LATER,
ABOUT 22 DAYS LATER SOMEBODY
FROM THE FLORIDA BAR CALLED TO

ASK ABOUT THE CASE?
>> TED LITTLEWOOD.
>> IS THAT -- AM I CORRECT SO FAR?
>> CERTAINLY IS.
>> AND THEN --
>> I CALLED HIM THE SAME DAY.
>> OKAY.
AND THEN IT WAS AFTER THAT PHONE CALL, AND I'M NOT SURE I HAVE THE EXACT NUMBER OF DAYS, BUT IT WAS SOME DAYS AFTER THAT THAT YOU THEN FILED FOR SOME KIND OF EMERGENCY RELIEF?
>> I DID.
>> OKAY.
AND THE ALLEGATION WAS -- AND MAYBE YOU HAVE A LEGITIMATE, YOU KNOW, LEGAL DEFENSE -- BUT THE ALLEGATION AND THE THRUST OF WHAT THEY WERE SAYING IS THAT THAT COUNSELOR, THAT YOU DID NOT TAKE EMERGENCY ACTION AND WHAT THEY FOUND IT ON IS SOME OF THESE RULES.
AND SOMETIMES THEY SEEM A LITTLE FORMALISTIC, BUT THAT AFTER THE FIRST DAY YOU DID NOT TAKE ACTION FOR SOME 42 DAYS, AND THEY'RE ALLEGING THAT THAT BREACHES THE CODE WITH REGARD TO REPRESENTING CLIENT.
AND SECONDLY IS THAT THERE'S SOME SITUATION ABOUT YOU BEING ILL, AND NO ONE RETURNED ANY CALLS THAT WERE MADE?
>> THAT'S ABSOLUTELY FALSE.
>> WELL, I'M JUST SAYING, THAT'S THE ALLEGATION.
>> YES.
>> AND THAT'S WHAT IS A FINDING OF VIOLATION THAT WE'RE LOOKING AT, THAT'S COME TO US.
>> I UNDERSTAND.
THERE'S NO EVIDENCE TO SUPPORT THAT.

>> WELL, DID YOU SAY THAT YOU INDICATED AT THE FINAL HEARING THAT YOU HAD BEEN OUT SICK FOR A FEW WEEKS?
>> ON AND OFF, I HAD BEEN OUT.
>> WELL, I MEAN, WHAT WAS THE REASON -- IT GOES BACK TO THIS -- THAT FOR AFTER THE RETAINER'S PAID, THE CLIENT INDICATES HE CALLED YOU REPEATEDLY, MULTIPLE TIMES A DAY AND RECEIVED ABSOLUTELY NO WORD BACK.
SO THAT BEGINS THE PROBLEM OF WHAT LEADS TO THIS COMPLAINT.
NO HUGE -- I MEAN, THIS IS SOMETHING THE BAR, YOU KNOW, NEXT TO TRUST ACCOUNT CASES, CLIENT NEGLECT IS A BIG DEAL TO THE BAR.
SO, AND IT WASN'T JUST THAT.
SO WE'RE DEALING NOT, WE'RE DEALING -- MAYBE DISBARMENT ISN'T WARRANTED, BUT WHAT YOU'RE REALLY DEFENDING ON IS THAT YOU SHOULDN'T RECEIVE ANY SANCTION.
IS THAT WHAT YOU'RE SAYING?
YOU DIDN'T DO ANYTHING WRONG?
>> I DID NOT.
AND THERE'S A GREAT GULF THERE --
>> BUT WHAT WOULD YOU SAY?
LET'S ASSUME THAT WE FIND THAT YOU DID SOMETHING WRONG WITH THIS CASE.
>> OKAY.
>> ALL RIGHT?
NO ANIMUS, NO JUST LOOKING AT THE FACTS, LOOKING AT THE RECORD THAT WE THINK IT LOOKS LIKE YOU DID WHETHER YOU INTENDED TO OR DIDN'T INTEND TO, THAT YOU NEGLECTED THIS CLIENT IN THIS CASE.
WHAT IS, IN YOUR VIEW LOOKING AT THE LAW ABOUT REMEDIES, ABOUT

SANCTIONS?
YOU HAVE SOME HISTORY OF HAVING PREVIOUS ACTIONS WITH THE BAR.
WHAT WOULD YOU SAY IS THE APPROPRIATE SANCTION THE COURT SHOULD IMPOSE?
IF WE FIND A VIOLATION, WE'VE GOT TO IMPOSE SOME SANCTION.
>> NO DISRESPECT, BUT I DON'T THINK YOU SHOULD FIND A VIOLATION.
>> I UNDERSTAND THAT.
>> BUT IF YOU DID --
>> RIGHT.
>> -- I DON'T THINK THERE SHOULD BE ANY PENALTY.
DON'T THINK I'VE DONE ANYTHING WRONG.
>> SEE, THAT DOESN'T HELP ME.
>> I UNDERSTAND.
>> WE NEED TO KNOW, THIS JUDGE HAS SAID YOU SHOULD NOT BE ABLE TO PRACTICE LAW.
>> SHE DID.
>> SO WE HAVE TO DECIDE IF THAT'S THE -- ASSUMING EVERYTHING'S TRUE ABOUT WHAT SHE SAID FOR THIS INSTANCE, WE OUGHT TO KNOW IF THAT'S THE PROPER SANCTION OR WHETHER YOU OUGHT TO HAVE A SUSPENSION FOR A PERIOD OF TIME.
CAN YOU HELP US, YOU KNOW, LOOKING AT ALL THE CASE LAW FROM THIS COURT, AND IF YOU WERE ADVISING, SAY YOU WERE REPRESENTING SOMEONE LIKE YOURSELF.
WHAT WOULD YOU SAY WOULD BE --
DO YOU HAVE AN IDEA OF WHAT WOULD BE A REASONABLE SANCTION?
I KNOW THAT'S A DIFFICULT --
>> IT IS.
>> -- ARGUMENT, BUT I'M TRYING TO SEE SO WE CAN GET TO A MIDDLE GROUND HERE TO UNDERSTAND

WHETHER YOU APPRECIATE THAT
ASSUMING THE MAGNITUDE OF WHAT
YOU DID, IT'S HARD WHEN YOU SAY,
WELL, YOU DID NOTHING WRONG.
BUT LET'S ASSUME THAT YOU DID
SOMETHING THAT THE BAR AND THIS
COURT THINKS IS NOT PROPER.
WHAT IS THE RIGHT SANCTION?
>> UM, I CAN'T TELL YOU THAT.
A LOT'S HAPPENED BETWEEN THE
TIME FRAMES THAT JUDGE LEWIS IS
TALKING ABOUT.
I SPOKE WITH THE MOTHER OF THIS
CHILD ON SEVERAL OCCASIONS.
I SPOKE TO THE MOTHER'S FATHER.
THE MOTHER WAS A WOMAN I KNEW
FOR YEARS.
MY WIFE AND I USED TO EAT DINNER
IN THE RESTAURANT THAT SHE
WORKED AT.
>> WELL, THAT -- OKAY.
SO YOU HAD A PERSONAL
RELATIONSHIP WITH THE ADVERSE
PARTY HERE?
>> I KNEW HER.
I TALKED TO HER AND NOTICED HER
ABOUT A HEARING --
>> YOU'RE TELLING ME ABOUT YOUR
PERSONAL RELATIONSHIP WITH HER.
AND I JUST -- DID THAT AFFECT
THE WAY YOU WENT ABOUT DOING
YOUR JOB FOR YOUR CLIENT?
BECAUSE YOU HAD A CLIENT.
>> YES.
NO, IT DIDN'T.
I'LL TELL YOU WHAT THAT
RELATIONSHIP WAS.
I SAW HER IN THE RESTAURANT, SHE
SERVED US, SHE WAS VERY PROUD OF
HER 8-YEAR-OLD SON, AND, YOU
KNOW, AND I WAS AWARE OF THE
FACT THROUGH HER FATHER THAT
THIS CHILD WAS BEING WELL CARED
FOR BY THIS LADY'S SISTER.
THIS CHILD WAS IN NO DANGER.
>> BUT, YOU SEE, IT SOUNDS TO ME

LIKE YOU'RE NOW GOING BACK TO
ARGUING THE FACTS.
YOU'RE SAYING YOU MADE YOUR OWN
DETERMINATION THAT THIS WAS NOT
AN EMERGENCY MATTER.
BUT YOU WERE HIRED BECAUSE THE
CLIENT FELT IT WAS AN
EMERGENCY --
>> HE DID.
>> AND YOU EVENTUALLY FILED IT
AS A -- BELATEDLY.
>> YES, MA'AM.
AND I TOLD HIM THAT IN MY
EXPERIENCE FILING THESE
EMERGENCY MOTIONS, THERE WEREN'T
ENOUGH FACTS --
>> THAT'S WHAT YOU TOLD HIM AT
THE TIME YOU ACCEPTED THE
RETAINER OF $1500?
>> YES, IT IS.
AND THAT'S IN THE RECORD.
>> YOUR TIME HAS EXPIRED.
THANK YOU FOR YOUR ARGUMENT.
>> GOOD MORNING, JUSTICES.
MAY IT PLEASE THE COURT, LISA
HURLEY REPRESENTING THE FLORIDA
BAR.
THE FLORIDA BAR SUPPORTS THE
REFEREE'S RECOMMENDATION OF
DISBARMENT --
>> CAN I -- AND I DO WANT TO GO
BACK TO THAT.
CAN WE -- WHAT, IF ANYTHING,
DOES THE ROLE OF, UM, THIS
RESPONDENT THINKING THAT HE IS
BEING PERSECUTED BY THE FLORIDA
BAR AND HAS SAID THIS DURING
APPARENTLY EVEN THE FINAL
HEARING ABOUT THAT HE IS A
CONSPIRACY, APPARENTLY ACCORDING
TO THE REFEREE'S REPORT
MENTIONED JEWS AND HOMOSEXUALS
ARE OUT TO GET HIM FOR HIS WELL
KNOWN RELIGIOUS AND MORAL VIEWS
AND THAT IT WAS THOSE STATEMENTS
WERE NOT HELPFUL TO THE COURT,

AT LEAST THAT COURT IN
DETERMINING WHETHER THE BAR
COULD MEET A BURDEN OF PROOF.
SO LET'S TAKE THAT ALL OUT OF
THE EQUATION.
THAT IS THAT THIS MAN, THIS
RESPONDENT, WHETHER PEOPLE AGREE
OR DISAGREE WITH HIS VIEWS, HAVE
A RIGHT OUTSIDE OF HIS COURT
HEARING OR HIS ROLE AS AN
ATTORNEY TO ESPOUSE VIEWS THAT
OTHERS CONSIDER TO BE
INAPPROPRIATE.
WHAT FOR THIS VIOLATION, WHICH
IS CLIENT NEGLECT, WHY
DISBARMENT?
I MEAN, IT SEEMS EXTREME.
>> AND I UNDERSTAND.
DISBARMENT'S APPROPRIATE WHEN
YOU TAKE INTO ACCOUNT THE
AGGRAVATING FACTORS THAT THE
REFEREE FOUND IN THIS CASE.
>> BUT THE BAR THOUGHT IT WAS
ONLY 91 DAYS, IS WHAT THE BAR
THOUGHT WAS APPROPRIATE HERE.
AM I CORRECT?
>> YES, YOUR HONOR.
>> WHAT CHANGED THIS ALL OF A
SUDDEN?
BECAUSE SOMEBODY DIDN'T LIKE HIM
DURING THE HEARING, OR HE DIDN'T
SMILE ENOUGH?
I MEAN, WHAT CHANGED?
>> UNFORTUNATELY, THIS COURT
DOESN'T HAVE THE ABILITY TO VIEW
THE RECORD.
THE RESPONDENT WAS DIRECTED TO
FILE THE TRANSCRIPTS PURSUANT TO
THE COURT'S FEBRUARY 15, 2012,
ORDER.
HOWEVER, HE FAILED TO DO SO.
SO WHAT WE HAVE BEFORE THE COURT
IS THE REPORT OF REFEREE.
IT WAS HIS CONDUCT DURING --
>> OKAY.
SO YOU SAY WE'VE GOT NO RECORDS,

SO WE CAN'T -- THERE'S NO BASIS
FOR US TO DECIDE THERE'S NOT
COMPETENT, SUBSTANTIAL EVIDENCE
FOR WHAT IN THE REFEREE'S
REPORT, RIGHT?
MAYBE I'M MISSING SOMETHING
HERE.
>> NO.
THE REFEREE FILED A VERY
DETAILED REPORT OF REFEREE, I
BELIEVE IT WAS 35 PAGES LONG.
>> WHAT HE'S ASKING YOU IS
THERE'S NOTHING UPON WHICH THE
COURT WOULD HAVE TO BASE A
REJECTION, I BELIEVE THAT'S WHAT
HE'S ASKING.
>> ISN'T THAT WHAT I SAID?
>> I'M SORRY, MAYBE I
MISUNDERSTOOD.
TO FIND THAT THERE'S, THERE IS
NOT SUBSTANTIAL, COMPETENT
EVIDENCE TO SUPPORT THE FINDING,
YES, I AGREE WITH YOU.
>> WELL, IF THERE'S NO RECORD OF
THE PROCEEDING BEFORE THE
REFEREE AND THE RESPONDENT HAS
FAILED TO PROVIDE THAT TO US,
THEN WE'VE GOT TO ACCEPT ALL OF
THE FACTUAL CONCLUSIONS OF THE
REFEREE.
I MEAN, THAT'S JUST ABSOLUTELY
NO -- THERE'S NO ROOM TO DO
ANYTHING ELSE, ISN'T THAT
CORRECT?
>> I WOULD AGREE.
>> AND THAT'S WHERE WE ARE.
>> YES.
>> SO IT LOOKS LIKE THAT THE
MAJOR REASON THAT THE REFEREE
ELEVATED THIS ABOVE WHAT THE
BAR, THE BAR WAS ASKING FOR --
BECAUSE WE HAVE AN INDEPENDENT
DUTY ANYWAY TO LOOK AT,
CERTAINLY ON GUILT I THINK
THAT'S TRUE, ON SANCTION WE'VE
GOT TO LOOK.

I MEAN, THE RECORD FOR REPORT APPARENTLY RELIES HEAVILY ON THE PRIOR DISCIPLINARY HISTORY.
SO LET ME -- LET'S GO OVER THAT.
THE LAST, UM, THERE WAS -- THE LAST DISCIPLINE, HE HAD TWO ADMONISHMENTS IN 1993.
THOSE WERE 20 YEARS AFTER HE STARTED PRACTICING LAW.
WHAT WERE THOSE?
DOES THE RECORD REVEAL WHAT THOSE ADMONISHMENTS WERE FOR?
>> YES.
THE REPORT OF REFEREE OUTLINED WHAT EACH DISCIPLINE --
>> OKAY.
SO JUST TO GIVE IT QUICK, COULD YOU TELL ME?
>> SURE.
THE, ONE ADMONISHMENT WAS FOR HIM FAILING, FOR RESPONDENT FAILING TO ADVISE THE CLIENT IN AN ALIMONY ACTION FOR AN OFFER AND FOR FAILING TO RETURN --
>> SO A CLIENT NEGLECT KIND OF SITUATION.
>> YES.
>> OKAY.
THEN PUBLIC REPRIMAND IN 2000?
>> WELL, THERE WERE TWO ADMONISHMENTS.
THE SECOND ADMONISHMENT WAS FOR CLIENT NEGLECT AS WELL.
>> ARE THEY ALL, ARE ALL OF THESE CLIENT NEGLECT CASES?
>> NO.
>> WHAT WAS THE 30 DAYS IN 2007?
>> UM, THE 30 DAYS IN 2007, THE BAR ENTERED INTO A CONSENT JUDGMENT WITH RESPONDENT FOR HIS FAILURE -- THERE WERE FOUR COUNTS -- HIS FAILURE TO RESPOND TIMELY TO TWO OF THE COUNTS AS WELL AS FAILURE TO RESPOND TO A TRUST ACCOUNTING SUBPOENA IN THAT CASE.

>> AND IT WAS -- THE COURT SAID
WHAT WAS IMPORTANT TO HIM WAS
THAT THIS -- HER -- THAT THIS
CONDUCT OCCURRED SHORTLY BEFORE
THE RESPONDENT HAD ENTERED INTO
A CONDITIONAL GUILTY PLEA
REGARDING OTHER MISCONDUCT.
AND THE OTHER MISCONDUCT HAD TO
DO WITH A TRUST ACCOUNT?
WHAT WAS THE OTHER, WHAT WAS THE
2007?
>> THE UNDERLYING CASES, THE
ALLEGATIONS SURROUNDED IMPROPER
BILLING OF THE CLIENT AFTER THE
CLIENTS HAD TERMINATED THE
SERVICES OF THE RESPONDENT.
>> DID THE BAR SEEK, SOUGHT 91
DAYS IN THIS CASE?
>> YES.
>> DID IT ARGUE FOR MORE THAN
THAT IN THE, AT ANY TIME?
I JUST GET SOME -- I'M CONCERNED
ABOUT A DISPARITY.
I MEAN, IT SEEMS TO ME THAT A
SUSPENSION OVER 90 DAYS IS
WARRANTED BASED ON THE HISTORY,
THE HISTORY.
BUT JUST GIVE ME, AGAIN, WHERE
THIS THEN RISES TO DISBARMENT.
>> YES.
IF I MAY CLARIFY, IN THAT
DISCIPLINARY HISTORY, THERE WERE
TWO PUBLIC REPRIMANDS.
AND THOSE PUBLIC REPRIMANDS WERE
FOR A CASE IN WHICH THE CLIENT,
I MEAN, THE RESPONDENT SENT A
LETTER TO A CLIENT OR TO THE
VICTIM OF HIS CLIENT WHO WAS
BEING PROSECUTED CRIMINALLY FOR
FALSE IMPRISONMENT AND BATTERY.
AND THAT CLIENT, THAT LETTER TO
THE VICTIM WAS FOUND TO HAVE
BEEN INTENDED TO EMBARRASS,
HUMILIATE AND INTIMIDATE THE
ALLEGED VICTIM IN THAT CASE.
SIMILARLY, AROUND THE SAME TIME

HE ALSO RECEIVED A PUBLIC
REPRIMAND IN A SECOND INDIVIDUAL
CASE FOR SPEAKING OUT, WRITING
AND PUBLISHING DISPARAGING
COMMENTS ABOUT AN OPPOSING
COUNSEL IN A MATTER AND AS WELL
AS A GUARDIAN AD LITEM IN THAT
SAME CASE.
THE BAR PREPARED AND THEIR
RECOMMENDATION FOR 91-DAY
SUSPENSION PRIOR TO THE TRIAL
PROCEEDING, UM, WE DIDN'T HAVE
THE OPPORTUNITY.
WE WENT RIGHT IN FROM THE TWO
DAYS OF TRIAL INTO THE SANCTION
HEARING IMMEDIATELY THE THIRD
DAY.
SO WE DIDN'T HAVE THE
OPPORTUNITY TO TAKE INTO FULL
CONSIDERATION MR. BUCKLE'S
CONDUCT WHICH HE DEMONSTRATED
DURING THE TRIAL PROCEEDINGS
ITSELF.
>> WELL, NOW THERE'S THE
PROBLEM.
BECAUSE THE CONDUCT OR, YOU
KNOW, WE HAVE THE REFEREE'S
REPORT.
IT SEEMED TO ME THAT SHE WAS
MAINLY RELYING ON THE HISTORY,
THE PREVIOUS HISTORY THAT HAD
OCCURRED.
THIS, THIS MISCONDUCT THAT'S THE
SUBJECT OF DISBARMENT OCCURRED
IN 2007?
IS THAT CORRECT?
>> YES.
>> ALL RIGHT.
THE REFEREE'S REPORT WAS
RENDERED IN JULY OF 2011?
I MEAN, THAT'S THE DAY THAT
WAS --
>> YES.
>> OKAY.
BETWEEN, IS THIS RESPONDENT
UNDER EMERGENCY, HAS HE BEEN

SUSPENDED?
>> NO.
HE'S UNDER NO --
>> THE COURT, I MEAN, THE BAR --
AND THE BAR HAS THE ABILITY ONCE
THERE'S A DISBARMENT TO SEEK
EMERGENCY SUSPENSION -- THE BAR
HAS NOT BEEN CONCERNED THAT EVEN
THOUGH HE'S HAD THIS PATTERN OF
PROTECTING THE PUBLIC FROM THIS,
FROM THE RESPONDENT FOR REALLY A
FIVE-YEAR PERIOD.
ARE THERE ANY OTHER PENDING
CHARGES AGAINST HIM RIGHT NOW?
>> CURRENTLY, THERE'S BEEN A
FINDING OF PROBABLE CAUSE WITH
RESPECT TO THE JUDICIAL REFERRAL
OF THE FIRST REFEREE IN THIS
CASE WITH REGARD TO THE MOTION
TO APPOINT NEW REFEREE.
HOWEVER --
>> YOU MEAN THE CONDUCT THAT
OCCURRED IN 2007?
>> DURING --
>> IS THAT SOMETHING THAT HE --
SO THIS SEEMS TO BE, THAT PART
IS ARISING OUT OF WHAT IS HE
SAYING, THAT SHE REFERENCED
SEXUAL ORIENTATION?
>> YES.
>> OKAY.
SO NOT A CLIENT HARM.
IS THERE ANY INDICATION THE BAR,
HAS THE BAR AT ANY TIME ASKED
FOR A MENTAL HEALTH EXAMINATION
OR ANYTHING AS FAR AS THE MENTAL
STATE OF THE RESPONDENT?
>> NOT THAT I'M AWARE OF.
>> OKAY.
SO GOING BACK TO JUST ALL OF OUR
CASES, I'M JUST NOT SEEING WHERE
DISBARMENT IS, ENDS UP BEING --
I'M JUST, YOU KNOW, I'M LOOKING,
I'M SYMPATHETIC TO WHAT'S GOING
ON HERE, AND I, YOU KNOW, A LOT
OF THE THINGS THAT THIS

RESPONDENT SAYS DEFINITELY IS
OFFENSIVE.
BUT OFFENSIVE, THERE ARE A LOT
OF PEOPLE THAT OFFEND BOTH WAYS,
YOU KNOW, THAT WE HAVE OUT
THERE.
AND WE'VE GOT TO JUST BE SURE
THAT WE'RE MAKING THE RIGHT
DECISION FOR THE RIGHT REASONS.
SO GIVE ME YOUR BEST ARGUMENT
ABOUT WHY THIS IS A DISBARMENT
CASE.
THAT MEANS THAT HE IS BANNED
FROM THE PRACTICE OF LAW, YOU
KNOW, UNTIL -- AND TO NOT
REENTER UNTIL HE TAKES THE BAR
EXAM FOR SOMETHING THAT OCCURRED
IN 2007 WHERE HE HASN'T BEEN
SUSPENDED FOR THE FIVE YEARS
BETWEEN WHEN THIS OCCURRED
AND THE PRESENT TIME.
>> I WOULD ASK THE COURT TO
FOCUS ON THE AGGRAVATING FACTORS
WHICH THE REFEREE DETAILED IN
HER REPORT.
>> NOW, FOR THOSE AGGRAVATING
FACTORS, DO WE NEED A TRANSCRIPT
TO KNOW -- I MEAN, THOSE ARE
JUST PRIOR BAR DISCIPLINES.
>> WELL, THERE WERE MULTIPLE
AGGRAVATING FACTORS.
THERE WAS CONSIDERATION OF HIS
PRIOR DISCIPLINARY DEFENSES,
THERE WAS DISHONEST OR SELFISH
MOTIVES --
>> WELL, THAT WE CAN -- BUT
THAT'S FROM THE FACTS OF THIS
CASE.
THAT HE WANTED MORE MONEY BEFORE
HE FILED ANYTHING.
IS THAT RIGHT?
OR SOMETHING ABOUT, I MEAN, WHAT
DOES THAT COME OUT OF, THE
DISHONEST MOTIVE?
>> THE REFEREE FOUND THAT HE
OSTENSIBLY FIRED THE CLIENT IN

MARCH, 2007, WHEN HE WROTE A
LETTER SAYING HE WAS GOING TO --
NOT GOING TO DO ANY MORE WORK ON
HIS CLIENT'S CASE.
THEN HE SERVES THE 30-DAY
SUSPENSION SOME MONTHS LATER
WITHOUT NOTIFICATION TO THIS
CLIENT OF THAT SUSPENSION.
>> OKAY.
SO IT HAS TO DO WITH THE FACT OF
THIS CASE, OF HOW HE HANDLED
THIS CASE.
>> YES.
>> OKAY.
WHAT OTHER AGGRAVATING
CIRCUMSTANCES?
>> THE REFEREE REALLY FOCUSED ON
THE FACT THAT THERE'S A PATTERN
OF MISCONDUCT AND FOCUSING ON --
HE HAD TWO PRIOR ADMONISHMENTS
BACK IN THE '90s FOR CLIENT
NEGLECT.
>> ALL RIGHT.
BUT IS THERE SOMETHING THAT WE
CAN'T DO IN LOOKING AT THE SAME
PATTERN, LET'S JUST SAY IT WAS
REVERSED.
SAY IT WAS A 91-DAY SUSPENSION
AND THE BAR WAS ARGUING IT
SHOULD BE DISBARMENT BASED ON
THE ESCALATING PATTERN OR THE
PATTERN.
THERE'S SOMETHING ELSE THAT WE
ARE MISSING BECAUSE WE DON'T
HAVE THE TRANSCRIPT THAT WE NEED
TO RELY ON THE REFEREE FOR.
>> IT'S DIFFICULT WITHOUT THE
TRANSCRIPTS TO REPLAY THE
REFEREE'S CONSIDERATION OF HIS
CONDUCT DURING THE COURSE OF THE
TRIAL PROCEEDING ITSELF.
IN MAKING A LOT OF FINDINGS WITH
RESPECT TO THE AGGRAVATION.
PATTERN OF CONDUCT IS IMPORTANT
IN THAT YOU HAVE A CONTINUING
COURSE OF CONDUCT WITH RESPECT

TO NEGLECT WHICH HE WAS
DISCIPLINED FOR BACK IN THE
'90s, AND 13 YEARS LATER AS
THE REFEREE POINTED OUT IN HER
REPORT, YOU SEE NO IMPROVEMENT
ON.
AND IN HIS CONDUCT, IN THE WAY
HE HANDLED HIMSELF DURING THE
COURSE OF THE PROCEEDINGS BY
ATTACKING EVERYONE INVOLVED IN
THE CASE, THE BAR'S FEE EXPERT,
THE CLIENT --
>> WELL, WE CAN SEE THAT BECAUSE
IT WAS DONE RIGHT HERE IN THE
COURT.
I UNDERSTAND WHAT WE'RE -- THAT
THIS IS THE SITUATION.
>> RIGHT.
>> IT'S VERY DISTURBING.
YOU CAN'T GO AHEAD AND, YOU
KNOW, JUST BECAUSE SOMEBODY IS
PROSECUTING YOU OR WE'RE ASKING
QUESTIONS ASSUME THAT THE MOTIVE
IS SOMETHING OTHER THAN TRYING
TO DO THE BEST OR MAKING SURE
THE BAR MAINTAINS HIGH STANDARDS
OF LAWYER CONDUCT.
AND THAT IS NOT, YOU KNOW, I
APPRECIATE THAT.
AND -- SO, BUT I'M STILL NOT
SURE WHETHER THAT ITSELF IF HE'S
NOT, YOU KNOW, IS HE DOING THIS
IN COURT PROCEEDINGS?
IS HE REPRESENTING CLIENTS AND
SAYING THINGS IN FRONT OF JUDGES
WHEN HE'S REPRESENTING HIS
CLIENTS IN COURT?
IS HE ACCUSING JUDGES OF BEING,
YOU KNOW --
>> THIS COURT RENDERED IN A
WRITTEN OPINION TO HIM WAS THE
LETTER THAT HE WROTE TO THE
VICTIM IN A CRIMINAL CASE WHICH
WAS THE COURT FOUND INTENDED TO
EMBARRASS, HUMILIATE AND
INTIMIDATE THE VICTIM INTO

POTENTIALLY WITHDRAWING HER --
STOP, YOU KNOW, NOT GOING
FORWARD WITH THE MATTER.
AND THEN HE ALSO, YOU KNOW, HAS
DEMONSTRATED THAT HE'S SPEAKING
OUT IN WRITING AND PUBLISHING TO
THE COURT DISPARAGING COMMENTS
ABOUT OPPOSING COUNCIL AND THE
GUARDIAN AD LITEM.
SO HE'S DEMONSTRATED THIS COURSE
OF CONDUCT IN THE PAST FOR WHICH
HE'S BEEN DISCIPLINED.
THE COURT VERY ELOQUENTLY IN THE
OPINION THAT THEY WROTE TO
MR. BUCKLE PRIOR POINTED OUT THE
ZEALOUS ADVOCACY CANNOT BE,
CANNOT BE TRANSLATED TO MEAN WIN
AT ALL COSTS.
AND ALTHOUGH THE LAW MAY BE
DIFFICULT TO ESTABLISH,
STANDARDS OF GOOD TASTE AND
PROFESSIONALISM MUST BE
MAINTAINED WHILE WE SUPPORT AND
DEFEND THE ROLE OF COUNSEL AND
PROPER ADVOCACY.
DURING THE COURSE OF THE
DISCIPLINARY PROCEEDING, HE'S
DEMONSTRATED THAT THAT ADVICE,
HE DOESN'T SEEM TO UNDERSTAND
THAT ADVICE.
>> WELL, I MEAN, YOU SEEM TO BE
SUGGESTING THEN THAT THERE'S AN
ENHANCEMENT BECAUSE OF JUST THE
WAY HE DEFENDED HIMSELF IN THIS
CASE, NOT ON SOME SEPARATE
CHARGE THAT'S BEEN FILED WITH
THE BAR, A BAR GRIEVANCE.
>> WELL, THE COURT CAN CONSIDER
UNCHARGED CONDUCT WITH RESPECT
TO --
>> I'M JUST ASKING THE QUESTION,
IS THAT WHAT -- THAT'S WHAT THIS
IS ABOUT THEN?
THERE'S NOT A PATTERN OF
IGNORING CLIENTS, IT'S THAT
PEOPLE, THE VIEWS THAT HAVE BEEN

EXPRESSED THAT HAVE PRODUCED
WHERE WE ARE TODAY?
>> WELL, NO.
THERE'S A PATTERN OF THE COURT,
OF NEGLECTING CLIENTS IN THAT HE
WAS NEGLECTING CLIENTS IN '93,
AND WE'RE BEFORE THIS COURT
BECAUSE OF --
>> SINCE WHEN DID THE BAR
RECOMMEND DISBARMENT INITIALLY?
SINCE YOU KNEW THIS GOING IN?
>> WE DIDN'T HAVE THE
UNDERSTANDING OF THE CONCEPT
DURING THE TRIAL --
>> DO YOU HAVE THE PREVIOUS
CHARGES AGAINST?
>> WE HAD HIS PRIOR DISCIPLINARY
PROCEEDING, BUT DURING THE
DISCIPLINARY PROCEEDINGS ITSELF,
THAT LED THE REFEREE TO THE
CONCLUSION THAT --
>> BUT HE'S NOT --
>> -- REHABILITATION'S
IMPROBABLE.
>> AND YET FOR FIVE YEARS HE'S
BEEN ALLOWED TO PRACTICE LAW.
THAT'S MY -- YOU KNOW, IT'S NOT
AUTOMATIC THAT EVERY CASE THAT
INVOLVES -- THE BAR, AFTER THE
REPORT DID NOT SEEK TO HAVE THIS
RESPONDENT SUSPENDED.
THEY WEREN'T CONCERNED THAT HE
SHOULD CONTINUE TO REPRESENT
CLIENTS.
ANYWAY, YOU KNOW, THAT'S MY --
WHEN WE TALK ABOUT THE ULTIMATE
PENALTY, I THINK WE JUST HAVE TO
BE CAREFUL THAT WE DON'T MIX OUR
OWN PERSONAL, YOU KNOW, FEELINGS
WITH IT.
>> RIGHT.
>> AND I -- ON BOTH SIDES.
>> WELL, IN ADDITION TO THE
PATTERN OF CONDUCT, THE COURT,
THE REFEREE KEENLY FOCUSED ON
HIS DEMEANOR AND HIS REFUSAL TO

ACKNOWLEDGE THE WRONGFUL NATURE
OF MISCONDUCT.
>> WELL, THAT -- HE DIDN'T THINK
HE DID ANYTHING WRONG, AND HE
STILL DOESN'T.
I AGREE WITH THAT.
BUT THAT STILL DOESN'T MEAN WHEN
SOMEBODY DOESN'T AGREE IT'S A
DEPARTMENT CASE.
>> YOU'VE EXCEEDED YOUR TIME.
THANK YOU FOR YOUR ARGUMENTS.
COURT IS ADJOURNED.
>> ALL RISE.