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**The Florida Bar v. Gerald John D'Ambrosio
Docket Number: SC04-922**

FLORIDA BAR VERSU S D'AMBROSIO.

GOOD MOR NING. MAY IT PLEASE THE COURT. MY NAME IS K EVIN TINY AND AND I AM HERE ON BEHALF OF -- KEVIN TYNAN, AND I AM H ERE ON BEHALF OF MY CLIENT J OE DAM BROSJOE D'AMBROSIO , AND LORRAINE HOFFMANN ARGUING ON B EHALF OF THE FLORIDA BA R. IN THIS CASEY WANT TO ARGUE THE SPECIFIC FACTS WITH YOU AND TALK ABOUT THE ULTIMATE SANCTION IF I CAN .

JUSTICE: THERE ARE TWOAREAS I WOULD LIKE FOR TO YOU AD DRESS , AND THAT IS THE SITUATION WITH MR . SAYLOR , THE TAKE OVER , AND WHAT EVIDENCE WE HAVE THAT HE ACTUALLY TOOK OVER THESECASES AND REALLY TRIED , I THINK THERE IS REFERENCE TO THE DOMESTIC CASE.

CORRECT.

JUSTICE: SOMEWHERE, AND WHETHER THIS WAS GIVEN TO THE REFEREE, NOT GIVEN TO THE REFEREE , IN SOME FORM OTHER THAN THE STATEMENTS OF YOUR CLIE NT, AND THEN , A LSO , THE CRIM INAL MATTER , WHETHER THE BAR , WHETHER THEY HAD INFORMATION TO KNOW THAT THIS IS NOT CORRECT , TH AT HE DID MORE THAN JUST TO SHOW UP TO REPO RT TO THE JU DGE ICAN'T DO THIS , AND WE NEED , SOMEONE ELSE IS T AKING OVER . S O THAT IS AN ARE A I AM CONCERNED WITH .

THAN K YOU , JUSTICE, AND IWAS GOING TO START MY ARGUMENT BY SAYING BASICALLYIT IS THE MIDDLE COUN TS OF THE BAR'S COMPLAINT THAT REALLY BRING US HERE I THINK, AND THAT IS THE ALLEGATIONS OF UNLICENSED PRACTICE O F LAW WHILE SUSPENDED O R UCL. THE TWO OTHER CHARGES IF I COULD JUST BRIEFLY ADDRESS THOSE JUST MOMENTARILY , I HOPE THE BAR WOULD CON CEDE STANDING ALONE THAT THOSEWOULD BE P U BLIC REPRIMAND T YPE CASES THAT MAY BE ENHANCED BY P R IOR R ECORD, WHICH WE WILL TA LK ABOUT LATER, BUT IT IS REALLY ALLEGATIONS OF UNAUTHORIZED PRACTICE OF LAW THAT I WILL REFER TO , AND THE F IRST DENNIS MATT ER, WHICH IS M Y CLIENT BEING IN THE W RONG PLACE AT THE WR ONG TIME PERHAPS FOR THE RIGHT REASON , AND I SAY PERHAPS, AND THAT IS WHERE THIS CASE AS WELCHHE FRIE DMAN CASE, HAD BEEN TAKEN OVER BY A N OTHER LAWYER BECAUSE MY CLIENT WAS SUSPENDED. HIS LAST NAME IS SAYL OR. UNFORTUNATE LY MR . SAYLOR WAS DECEASED AT THE TIME THAT THIS CASE WAS TRIED , UNABLE TO TESTIFY IN EITHER DIRECTION.

BUT THERE ARE RECORDS , AND WERE THOSE RECO RDS GIVENTO THE REFEREE?

CORREC T. THE ONLY TESTIM ONY AS TO THE TRANSFER IS MY CLIENT'S TESTIMONY THERE.IS NO, AND UNFORTUNATELY IN THIS CASE WHE N YOU LO OK AT THE RECORD, THERE IS NO TESTIMONY FROM THE TRIAL JUDGE , THE HE ARING WAS IN FRONT OF. THERE IS NO TESTIMONY FROM THE PROSECUTOR IN THAT CASE , AND THE ONLY TESTIMONY PRESENTED BY THE BAR IN THE DENNIS MATTER , IS NOT MR . DENNIS, THE CLIENT, BUT MRS. DENNIS , HIS MOTHER.

JUSTICE: THE ATTORNEY HAD NOT ENTE RED ANY KIND OF NOTICE OF AND'S AT EITHER ONE OF THESE CASES, WHICHWOULD HAVE BEEN A DO CUMENT THAT WOULD BE AVAILABLE .

THE RECORD DOES NOTINCLUDE IT, YOUR HO NOR. IT DOES NOT MEAN IT DIDN'T HAPPEN BUT THE

RECORD DOES NOT INCLUDE IT.

CHIEF JUSTICE: WHAT HAPPENED ON MARCH 7 , 2002.

THAT WOULD BE THE DENNIS MATTER.

CHIEF JUSTICE: I THOUGHT YOU WANTED TO TALK ABOUT THE DENNIS MATTER.

WHAT MY POSITION IS , YOUR HONOR, IS HIS TESTIMONY BEFORE JUDGE MURPHY WOULD YOU SAY WAS THAT HE SHOWED UP TO MAKE SURE THAT -- BEFORE JUDGE MURPHY WAS THAT HE SHOWED UP TO MAKE SURE THAT MR . SAYLOR SHOWED UP , AND IN A SIDE BAR HE SUGGESTED THAT MR . SAYLOR WAS SUPPOSED TO HAVE BEEN THERE .

YOU ARE PRESENTING THE FACTS IN THE LIGHT MOST FAVORABLE TO YOUR CLIENT .

THAT IS THE TESTIMONY , YOUR HONOR.

JUSTICE: WASN'T THE TESTIMONY FROM FOLS ONLY DIFFERENT FROM THAT?

-- FROM FOLS ONLY DIFFERENT FROM THAT?

-- FROM GOL SOME DIFFERENT FROM THAT ?

THAT IS THE DEFENDANT'S MOTHER .

AND THE REFEREE FOUND THAT YOUR CLIENT HAD VIOLATED HIS SUSPENSION BY APPEARING IN COURT. CORRECT?

CORRECT .

JUSTICE: SO DON'T WE HAVE TO TAKE DENNIS'S MOTHER'S VERSION OF THE FACTS INSTEAD OF YOUR CLIENT'S VERSION OF THE FACTS.

I THINK THERE IS NO DISAGREEMENT MY CLIENT WAS THERE. I THINK THE DISAGREEMENT AND ONLY SLIGHTLY IS WHAT WAS SAID TO THE JUDGE.

CHIEF JUSTICE: HE WAS INTENDING TO BE THERE FOR WHAT REASON?

TO MAKE SURE MR . SAYLOR WAS THERE BECAUSE THAT WAS HIS FORMER CLIENT AND APPARENTLY THERE HAD BEEN SOME DIFFICULTY . AS YOU CAN SEE THERE IS AT LEAST ONE OTHER INSTANCE WHERE MR. SAYLOR SHOULD HAVE BEEN SOMEWHERE.

JUSTICE: SHE TESTIFIED THAT HE NEVER TOLD HER OR DENNIS OF THE SUSPENSION AND THAT HE SAID THAT THE REASON HE HAD TO WITHDRAW FROM THEIR CASE WAS BECAUSE OF A HEART PACEMAKER CONDITION NOT BECAUSE OF ANY SUSPENSION.

RIGHT AND THERE IS DISAGREEMENT IN THE TESTIMONY, YOUR HONOR.

JUSTICE: AGAIN, WHEN THERE IS A DISAGREEMENT IN THE TESTIMONY AND THE REFEREE HAS FOUND AGAINST YOUR CLIENT, WE HAVE TO TAKE THE CASE IN THE LIGHT MOST FAVORABLE TO THE REFEREE'S FINDINGS. WHICH MEANS THAT WE HAVE TO TAKE NOT YOUR CLIENT'S VERSION OF THE EVENTS BUT THE OTHER WITNESSES -- THE OTHER WITNESS'S VERSION.

YOU HAVE TO LOOK, TOO , YOUR HONOR , AND ONE OF THE POINTS WHEN I GET TO TALK ON SANCTION, IS I CAN UNDERSTAND YOUR POINT IN ACCEPTING THE REFEREE'S RECOMMENDATION, EVEN THOUGH WE BELIEVE HIM TO BE INCORRECT, I UNDERSTAND THAT, BUT WHEN YOU LOOK

AT IT QUALITATIVELY, WHAT DID THIS LAWYER DO WHILE ON SUS PENSION ? NO MATTER HO W YOU LOOK AT THAT FIRST INST ANCE OF APPEARANCE , HE SHOWED UP. NOTHING OCCURRED.

JUSTICE: THE REASON NOTHING OCCURRED , ACCORDINGTO THIS WITNESS WAS THAT THE JUDGE SAID YOU ARE NOT SUPPOSED TO BE HERE IN THIS COU RT. YOU ARE EXCUSED. YOU NEED TO LEAVE.

IT IS BECAUSE THE JUDGE KNEW THAT MY CLIENT WAS SUSPENDED AND UNABLE TO DO ANY PRACTICE AT THAT P OINT IN TIME . THEY BOTH KN EW. IN FACT , YOU KNOW , LIKE I SAID AS IT STA RTED OUT , WRONG PLACE , WRONG TIME. MAYBE THE RIGHT REASON, TO MAKE SURE THAT THE CLIENT WAS BEING PROTECTED .

JUSTICE: YOU SAID YOU WERE GOING TO GET TO THE SANCTION PART, BECAUSE YOU HAVE TO REALIZE THAT , WHEN THE FINDINGS , FACTUALFINDINGS THAT MAY BE IN DISPUTE COME BEFORE US , WE TREAT THEM JUST AS IF A JURY, JUDGE , OR , SO WE HAVE TO ACC EPT , UNLESS IT CAN B E DEMONSTRATED WITHOUT A DOUBTTTHAT THERE WAS NO EVIDENCE TO SUPPORT WHAT THE TRIAL COURT CONCLUDED AC TING AS A REFEREE , WHEREAS WITH REFERENCE TO THE SANCTIONS , THIS IS A RECOMMENDATION , AND SO WE LOOK AT THAT ALITTLE BIT MORE BROA D LY. NOW , GIVEN OUR ACCEPTANCE , ASSUME AGO THAT WE DO , WE - - ASSUMING THAT WE DO, WE FIND THAT THERE IS SUFFICIENT EVIDENCE TO SUPPORT THESE FINDINGS, WHY WASN 'T THE RECOMMEND ATION AND THE SANCTIONS APPROPRI ATE IN THIS INSTANCE , GIVEN THENUMBER AND SERIOUSNESS OF THE OFFENSE S INVOLVED HERE?

CERTAINLY. IF I COULD, YOUR HONOR , BUTIT WOULD TAKE A TWO -SECOND SUGGESTION QU AY BACK TO THE FRIEDMAN, THE -- SEGUE BAC K TO THE FR IEDMAN , NO MORE N O LESS THAT, IS THE RECORD, SO WHEN YOU LOOK AT THE RECORD,WHAT YOU HAVE, AGAIN, AND INCLUDED IN THE RECORD , AND ATTACHED TO THE ANSWER IS A LETTER TO O PPOSING COUNSEL, ADVISING HIM OF THE SUSPENSION.

CHIEF JUSTICE: HOW DID THE BAR LEARN THAT HE HAD APPEARED BEFORE JUDGE CARLISLE ON A P RIL 7?

I AM UNBE A WARE OF THAT, YOUR HONOR. THE -- I AM UNAWARE OF THAT , YOUR HONOR. THE TRIAL TRANSCRIPT DOESN'T SPEAK TO. THAT I AM UNAWARE OF HOW THE BAR CAME INTO POSSESSION OF THAT.

CHIEF JUSTICE: THE BAR DIDN'T PUT ANYTHING ON?

THEY CROSS-EXAMINED MY CLIENT, YOUR HONOR. THAT IS THE EX TENT OF MY RECOLLECTION OF WHAT IS IN THE TESTIMONY ON THE FRIEDMAN MATTER.

JUSTICE: WAS MR . FRI EDMAN NOTIFIED OF THE SUSPENSION?

MY CLIENT TESTIFIED THAT HE HAD DONE SO OR ALLY. YOU MAY HAVE SEEN THE BAR'S B RIEF IN DISAGREEMENT AS TO WHETHER IT WAS W R ITTEN IN WRITING.

JUSTICE: LE T'S GO TO THE FIRST ONE. THE SECOND ONE THE ONLY TESTIMONY, IT IS YOUR POSITION, IS YOUR CLIENT.IS THERE ANY TESTIMONY FROM THE MOTHER THAT THE ATTORNEY WAS TRYING TO D O SOME THING AFFIRMATIVELY? I MEAN, WHAT IS THE , T AKING THE EVIDENCE IN THE LIGHT M OST FAVORABLE TO THE BAR, WAS HE TR YING TO DO SOMETHING , DID SHE SAY THAT HE MADE ARGU MENTS TO THE COURT?

I DON'T BELIEVE SO.I THINK MY RECOLLECTION OF MRS. FOLSOM'S TESTIMONY IS THAT MY CLIENT WENT FORWARD AND WAS TOLD ST OP .

JUSTICE: YOU MEAN WALKING UP TO THE BAR?

THAT IS MY RECOLLECTION . AGAIN , THE RECORD WILL BEAR O UT MY RECOLL ECTION IS CORRECT.

CHIEF JUSTICE: YOU WANT TO TALK ABOUT THE SANCTIONS. I MEAN, I GUESS THE PROBLEM I HAVE , IS THAT , AND IT GO ESTO THE SANCTION , IS IT LOOKS TO ME LI KE THE WHOLE COMBINATION OF WHAT OC CURRED HERE WAS A LAWYER THAT , INSTEAD OF DO ING WHAT WE REQUIRE TO BE DONE UNDER A 90-DAY SUSPENSION , NOT IFY CLIENTS THAT YOU ARE UNABLE TO PRACTICE , THAT H E MISREPRESENTED HIS STAT US, AND SO THE NATURE O F THE , OF THESE VIOLATIONS IS A LSO THERE , BUT WHY ISN'T DISBARMENT AN APPROPRIATE SANCTION HERE?

CERTAINLY. A COUPLE OF THINGIES WANT TO MENTION ON THE SANCTION SIDE. FIRST , AS WE ALL KNOW , THAT WE N EED TO LOOK AT EACH ACT BY IT SELF AND COME UP WITH THE VALUE OF THAT ACT . THE BACK ARD AND APPLE MATTERS , YOU WOULD START AND HOPEFULLY AG REE WITH ME THAT THOSE ARE PU BLIC REPRIMAND T YPE SANCTIONS AND IT I S REALLY THE UPL CHARGES THAT COULD DRIF LT W A Y UP TO DISBAR -- COULD DRIVE ALLTHE WAY U P TO DIS BARMENT AND THAT IS WHERE THE REFEREE STARTED OUT , STARTED ED OUT L OOKING AT OTHER CASE S OF THE COURT.IF YOU LOOK AT OTHER CASES BEFORE THE COURT, FOR EXAMPLE THE GREEN OP INION , THAT PARTIC ULAR LA WYER DID ALOT OF THINGS TO PRACTICE. SOME OF THE OTHER CASES, YOU KNOW, THE LAWYER WAS HELD IN CONTEMPT FOR PRACTICE IT GO AND STILL WENT -- PRACTICING AND STILL WENT TO COURTAGAIN.THIS IS NOT THAT SITUATION.

JUSTICE: DOESN'T THIS CASE INV OLVE CUMULATIVE MISCONDUCT?

ONE OF THERS , YOUR HONOR -- ONE OF THE ISSUES , YOURHONOR , CERTAINLY , BUT WHEN WE LOOK AT THE CUMULATIVE MISCONDUCT HERE, YOU ARE ALSO TALKING ABOUT PRIORRECORD N THIS CASE IF I CAN T ALK ABOUT PRIOR RECORD JUST F OR A SECOND AND GET IT OUT OF THE WAY, YOU HAVE A 9 0-DAY SUSPENSION , WHICH WAS THE SUSPENSION THAT HE WAS SERVING AT THE TIME OF THE TWO COURTHOUSE INCIDENTS. THAT, THERE IS SOME O LDER DISCIPLINE, A PUBLIC REPRIMAND IN 1998, AND IN 1994 , A N ADMONISHMENT . THE ATTORNEY/CLIENT CONDUCT , THE UPL PUT A S IDE, ALL HAPPENED BEFO RE THE 90-DAY SUSPENSION, SO THE ONLY ACT THAT HE DID D URING SUSPENSION OR A FTER A MORE RECENTLY, WAS THE TWO COURTHOUSE APPEARANCES.

CHIEF JUSTICE: WHAT WASTHE 9 0-DAY SUSPENSION FOR?

MY RECOLLECTION , IT HADTO DO WITH A DISAGREEMENT WITH THE BANKRUPT CY COURTOU OF SI DE . AND --

JUSTICE: ACTUALLY WASN'T IT THAT THE BANKRUPTCY COURT HAD SPECIFICALLY OR DERED YOUR CLIENT OV ER THE P HONE TO RE TAIN \$225,000 I N HISTRUST AC COUNT AND NOT DO ANYTHING WITH IT, AND YOUR CLI ENT WAS FOUND TO BE IN CONTEMPT OF THAT ORDER?

THAT'S CORRECT. THAT'S CORRECT . THAT'S CORRECT, YOUR HONOR. WHEN YOU LOOK AT THE SANCTION IN THIS CASE , WHEN YOU GO BACK TO SOME OF THE CASE LAW AND THERE HIS CASE LAW WITH THIS COURT LOOKING AT PRACTICE I S SUES , QUALITATIVELY , WHAT WAS THE PRACTICE , AND THE DISBAR MENT CASES THAT ARE CITED BY THE BAR AND THE ONES SET FORTHIN OUR BRIEF, TALKED ABOUT SIGNIFICANT PRACTICE IN COURT , ARGUING MOTIONS , REPRESENTING CLIENTS, TAKING ON NEW CASES. HERE WHAT M Y CLIENT DID WAS ATTEMPT, HE THOUGHT, TO TRANSITION THE CLIENT S TO NEW COUNSEL , WHICH IS WHAT WAS RE QUIRED UNDER THE ORDER, AND NEW COUNSEL UN NORTH NATALIE DIDN'T TAKE HIM WHERE HE NEEDED TO BE . -- NEW COUNSEL , UNFORTUNATELY, DIDN'T TAKEH IM WHERE HE NEEDED TO BE.

JUSTICE: W AS THERE A PHONE CALL, A LE TTER, OR ANY AFFIDAVIT TO THE BAR WHERE YOUR

CLIENT TOLD HIS CLIENTS OF HIS SUSPENSION?

THERE WAS TESTIMONY FROM MY CLIENT DURING THE TRIAL, AS TO THESE CLIENTS HERE. THERE WAS AN ISSUE ABOUT WHAT WE CALL THE 351 AFFIDAVIT, THE REQUIREMENT THAT WE AS SUSPENDED OR DISBARRED LAWYERS MUST NOTIFY OUR CLIENTS IN WRITING AND TELL THE BAR ABOUT IT. THERE WAS AN ISSUE IN THIS CASE BROUGHT AT TRIAL THAT MY CLIENT HAD -- BROUGHT UP AT TRIAL THAT MY CLIENT HAD NOT TIMELY SUBMITTED ONE OF THOSE. THERE WAS A PRIOR CONTEMPT PROCEEDING GROWING OUT OF THE 90-DAY SUSPENSION, HAD TO DO WITH HANDLING OF MONEY WHICH GOT RESOLVED, I BELIEVE IN MY CLIENT'S FAVOR, THAT WE THOUGHT THAT WAS ALL TAKEN CARE OF AT THAT TIME.

JUSTICE: THIS MOST SIMPLE QUESTION, WHAT DID YOUR CLIENT PRESENT A COPY OF THE LETTER TO FRIEDMAN OR THE OTHER --

NO. IT IS MY UNDERSTANDING OF THE RECORD THERE IS NO SUCH EVIDENCE INTRODUCED AT TRIAL AS TO THAT, YOUR HONOR.

CHIEF JUSTICE: YOU MAY WANT TO SAVE THE REST OF YOUR TIME.

YES. I AM GLAD TO SIT DOWN. THANK YOU.

MAY IT PLEASE THE COURT. LORRAINE HOFFMANN FOR THE FLORIDA BAR. YOUR HONOR, THERE IS NO EVIDENCE IN THE RECORD REGARDING MR. D'AMBROSIO'S NOTICE TO THE COURT, BECAUSE HE GAVE NO NOTICE. THE UNDERLYING MATTER AND THE CORE OF THIS CASE, IN FACT, IS HIS CONTINUED PRACTICE AFTER HIS SUSPENSION.

JUSTICE: LET'S GO INTO THAT IF WE COULD.

SURE.

JUSTICE: CERTAINLY ADMITTEDLY DID NOT, AND I THINK THAT IS WHAT THE RECORD SHOWS, DID NOT GIVE NOTICE I HAVE BEEN SUSPENDED, TO CLIENTS.

CORRECT.

JUSTICE: THAT IS DISBARABLE, GIVEN NOTHING ELSE, THAT DISBARABLE CONDUCT?

YES, YOUR HONOR. NONCOMPLIANCE WITH 3-5.1-GIS NOT A DISBARABLE OFFENSE. THE CONTEMPTUOUS CONDUCT, CONTINUING TO PRACTICE LAW. JUST JUST I AM JUST AS KING --

JUSTICE: I AM JUST ASKING, NOT SENDING THE LETTER OUT IS NOT DISBARABLE. IF A PRIEST COME INTO THIS COURT -- IF HE CAME INTO THE COURTROOM AND SAID I CAN'T DO THIS CASE BUT THE OTHER LAWYER IS NOT HERE, THAT DISBARABLE, IF HE CAME TO THE COURTHOUSE TO SEE THAT THE TRANSITION TOOK PLACE?

I AM SORRY?

JUSTICE: IF WE HAD WITNESSES, A THIRD PARTY THAT SAID HE CAME INTO THE COURTHOUSE TO LET THE COURT KNOW HE COULDN'T CONTINUE WITH THE CASE.

NO, NOT DISBARABLE.

JUSTICE: SO REALLY THIS COMES DOWN TO WHAT OCCURRED IN THIS, REALLY ISN'T THAT AT THE HEART OF THIS? HE HAS GOT SOME OTHER PROBLEMS AND THAT MAY BE A DIFFERENT ISSUE.

YES, YOUR HONOR.

JUSTICE: ISN'T, REALLY, THE AGGRAVATING AND THE REAL BAD STUFF IN THIS CASE, CENTERS ON THESE TWO.

YES.

JUSTICE: THERE MAY BE OTHERS WE DON'T KNOW ABOUT BUT AT LEAST THOSE TWO.

YES, YOUR HONOR. THAT IS ABSOLUTELY CORRECT, AND I BROUGHT UP THE 3-5.1-G, NONCOMPLIANCE, BECAUSE THAT GETS THE REFEREE TO THE ISSUE OF INTENT, AND TO DEMONSTRATE THAT THE CONDUCT, THE APPEARANCE IN COURT, WAS INTENTIONAL. AS THE COURT HAS NOTED --

JUSTICE: HE MAY BE INTENTIONALLY TO APPEAR, BUT I WOULD HATE TO WRITE AN OPINION THAT WE KNOW THAT THE LAWYER CAME ONLY TO MAKE SURE THAT THE TRANSFER HAD OCCURRED.

WE DON'T KNOW THAT, JUSTICE.

JUSTICE: AGAIN WE ARE ASSUMING SOMETHING FROM THIS, AND I AM TRYING TO MAKE SURE WHAT THE EVIDENCE IS AND WHAT IT REALLY SHOWS, BECAUSE I WOULD HOPE THAT A SUSPENDED LAWYER WOULD TAKE WHATEVER STEPS NECESSARY TO BE SURE THAT THE CLIENT WERE REPRESENTED.

THAT'S CORRECT.

JUSTICE: AND IF THAT IS WHAT WE ARE TALKING ABOUT, TO ME IT IS A FAR, FAR DIFFERENT THING THAN REPRESENT A CLIENT, SO I AM TRYING TO UNDERSTAND -- REPRESENTING A CLIENT, SO I AM TRYING TO UNDERSTAND AND THE BAR SHOULD HAVE SOME EVIDENCE. NO JUDGE TESTIFIED?

NO, YOUR HONOR, NO JUDGE TESTIFIED.

JUSTICE: WHO COMPLAINED ABOUT THESE THINGS AND FILED THE COMPLAINTS?

MR. FREEDMAN'S LAWYER FILED THE COMPLAINT WITH THE BAR.

JUSTICE: MR. FREED -- MR. FREEDMAN'S --

MR. FREEDMAN'S LAWYER FILED THE SWORN COMPLAINT WITH THE FLORIDA BAR AND SAID, IN THE SWORN COMPLAINT, THAT MR. D'AMBROSIO APPEARED BEFORE THE COURT.

JUSTICE: RIGHT.

-- REPRESENTING THE CLIENT, WITH NO NOTIFICATION TO ANY PARTY THAT MR. WEITZMAN WAS AWARE OF THAT HE HAD BEEN NOTIFIED, NO NOTICE TO ANYONE THAT HE HAD BEEN SUSPENDED. NO ONE HAD RECEIVED A COPY OF THE SUSPENSION ORDER AS 3-5.1-G REQUIRES. THE JUDGE APPARENTLY HAD NOT. MR. WEITZMAN --

JUSTICE: WE ALL UNDERSTAND THAT. WHAT WAS THE REPRESENTATION?

THE REPRESENTATION WAS THAT MR. D'AMBROSIO TOLD THE COURT THAT HE COULDN'T APPEAR ON THE DATE THAT WAS ANTICIPATED AND SUGGESTED FOR TRIAL, BECAUSE HE HAD A CONFLICT WITH THE FAMILY MEMBER. MR. WEITZMAN'S COMPLAINT DID NOT SAY THAT HE SAID I AM SUSPENDED AND THEREFORE UNAVAILABLE.

CHIEF JUSTICE: SO THE IDEA WAS THAT HE WAS TRYING TO GO BEYOND THE 90 DAYS.

YES, MA'AM.

CHIEF JUSTICE: IN HOPE THAT HE COULD PUT THIS OVER ON EVERYBODY.

JUST AS HE DID IN THE CASE --

CHIEF JUSTICE: BUT DID MR. FREEDMAN'S ATTORNEY TESTIFY AT THE HEARING?

HE DID NOT. HE WAS UNAVAILABLE. HE WAS IN NEW YORK ON THAT DATE. HIS SWORN STATEMENT WAS INTRODUCED INTO THE RECORD.

CHIEF JUSTICE: IS THAT CONSIDERED AS EVIDENCE, HIS SWORN STATEMENT?

IT IS PART OF THE RECORD, YOUR HONOR.

CHIEF JUSTICE: SO IN OTHER WORDS, THAT IS, THAT WAS ENTERED UNOBJECTIONED TO?

YES, YOUR HONOR. I DON'T BELIEVE THERE WAS AN OBJECTION. THE EVIDENCE ON THIS POINT, TO ANSWER JUSTICE LEWIS'S QUESTION, THE ANSWER AS TO WHAT EVIDENCE EXISTS ON THIS POINT IS AS FOLLOWS. THE TESTIMONY OF MRS. FULSOM, WHO TESTIFIED FOR THE CLIENT MR. DENNIS WHO HAD A DIABETIC CONDITION AND COULDN'T BE THERE. MRS. FULSOM TESTIFIED THAT SHE WAS PRESENT AT EVERY MEETING, EVERY HEARING WITH HER SON -- MR. DENNIS, AND SHE TESTIFIED THAT MR. D'AMBROSIO TOLD HER ON THAT DAY WHEN THEY APPEARED IN COURT THAT HE WOULD HAVE TO PASS THE CASE OVER TO ANOTHER LAWYER, LAWYER, BECAUSE -- WITHDRAW IT, BECAUSE HE HAD ISSUES WITH A PACEMAKER AND COULD NOT REPRESENT THEM.

JUSTICE: IS THAT A DIFFERENT SCENARIO THAN GOING INTO THE COURTROOM AND REPRESENTING A CLIENT -- INTO THE COURTROOM AND REPRESENTING A CLIENT, OR ARE YOU SAYING THAT IN THE MEETINGS BEFORE THE REPRESENTATION --

THE REFEREE FOUND THAT IT WAS.

JUSTICE: I CAN'T TELL BECAUSE IT WAS A VERY BRIEF ORDER.

THE REFEREE FOUND THAT, GIVEN THE CONDUCT THIS WAS DEMONSTRATED BY THE FAILURE TO FILE THE ORDER WHICH WOULD HAVE CLARIFIED FOR EVERYBODY, AND ALSO GIVEN MR. D'AMBROSIO'S CONDUCT. HE DIDN'T COME IN AND STAND UP AND SAY I AM SUSPENDED. HERE IS A COPY OF MY ORDER. THE FURTHER EVIDENCE IS THAT MR. D'AMBROSIO DID NOT FILE THE AFFIDAVIT WITH THE BAR UNTIL A YEAR LATER, AND WHEN HE DID --

JUSTICE: EVERYBODY AGREES. YOU ARE BEATING THE SAME HORSE. HE DIDN'T COMPLY. THERE IS TECHNICAL REQUIREMENTS, BUT, AGAIN, THERE SEEMS TO BE STILL SOME QUESTION ABOUT WHAT HE ACTUALLY DID AS FAR AS REPRESENTATION.

THE OTHER EVIDENCE ON THAT POINT, AND I SHOULD POINT OUT THAT MR. D'AMBROSIO PRESENTED NO EVIDENCE THROUGHOUT THIS CASE. HE CALLED NO WITNESSES, AND -- PRESENTED NO EVIDENCE THROUGHOUT THIS CASE. HE CALLED NO WITNESSES.

CHIEF JUSTICE: I THOUGHT HE TESTIFIED.

HE DID BUT HE CALLED NO WITNESSES.

CHIEF JUSTICE: ON THIS ISSUE OF THE FIRST HEARING, IT WAS HIS TESTIMONY THAT HE WAS, HE HAD OBTAINED AN OTHER LAWYER FOR MR. DENNIS? AND HE WAS MAKING SURE THAT THAT OTHER LAWYER WAS PRESENT?

YES, MA'AM. HE TESTIFIED THAT HE HAD MADE ARRANGEMENTS WITH THE OTHER LAWYER TO COME IN. HE COULDN'T EXPLAIN WHY IT WAS THAT HE WAS THERE ANYWAY, IF ANOTHER LAWYER WAS REPRESENTING.

CHIEF JUSTICE: IS THAT HOW IT IS SUPPOSED TO BE DONE? IN OTHER WORDS IN THAT 90-DAY SUSPENSION, IS THAT THE LAWYER IS JUST ON HIS OR HER OWN, SUPPOSED TO GO GET A LAWYER FOR THE CLIENT, OR ARE YOU SUPPOSED TO TELL THE CLIENT I CAN'T REPRESENT YOU AND GIVE THEM OPTIONS?

ABSOLUTELY. IT IS COMPLETELY INCORRECT TO DO IT THE WAY MR. D'AMBROSIO DID.

CHIEF JUSTICE: OR IS CLAIMING TO DO.

YES, MA'AM. WHAT HE SHOULD HAVE DONE IS HE SHOULD HAVE SENT A COPY OF THE SUSPENSION ORDER TO HIS CLIENT, TO ALL OF THE LAWYERS REPRESENTING AND TO ALL THE COURTS. HE SHOULD HAVE GIVEN THE CLIENTS AN OPPORTUNITY TO CHOOSE ANOTHER LAWYER, AND IN THIS CASE HE SUGGESTED THAT MR. SALIER TAKE THE CASE.

CHIEF JUSTICE: OTHERWISE WE ARE MAKING A SHAM OF THE 90 DAYS, BECAUSE IF YOU ARE NOT TELLING YOUR CLIENTS AND YOU JUST GET ANOTHER LAWYER TO COME IN AND I AM SURE MR. TYNAN WOULD AGREE WITH THAT, THAT WOULD MAKE A MOCKERY OF THIS NONREHABILITATIVE SUSPENSION.

ABSOLUTELY, JUDGE, AND IF YOU DON'T TELL THE COURT, THEN YOU SIMPLY ASK TO MOVE CASES FORWARD TO DAYS BEYOND.

JUSTICE: WHAT HAPPENED IN THE DENNIS CASE? DID SALIER REPRESENT, THE LAWYER THAT RESPONDED AND OBTAIN, REPRESENT MR. DENNIS?

NO, HE DID NOT, SIR. MR. DENNIS WENT TO HIM BASED ON MR. D'AMBROSIO'S REPRESENTATION THAT THERE WOULD BE NO ADDITIONAL COST. HE HAD ALREADY PAID HIM \$3,000. WHEN HE WENT TO THE OTHER LAWYER, HE ASKED FOR NEW FEES AND HE COULDN'T AFFORD IT. THEY HAD TO GET ANOTHER LAWYER.

JUSTICE: WHAT HAPPENED TO THE \$3,000?

IT WAS NOT RETURNED.

JUSTICE: DID HE TESTIFY ABOUT THE MONEY?

HE TESTIFIED THAT HE DIDN'T BELIEVE HE NEEDED TO RETURN THE MONEY.

JUSTICE: IN OTHER WORDS HE BELIEVED THAT HE HAD EARNED THE MONEY?

THAT WAS MY RECOLLECTION. HE TESTIFIED THAT HE DIDN'T THINK HE HAD TO RETURN THE MONEY.

JUSTICE: IN THE FRIEDMAN CASE YOU KEEP SAYING THE REFEREE FOUND, AND I DON'T SEE THAT IN THE REFEREE'S ORDER. HIS FINDINGS IN THE ORDER ARE VERY SPARSE, ESPECIALLY WHEN YOU ARE TALKING ABOUT WHAT THE SUBSEQUENT ATTORNEY SAID IN THE COMPLAINT AND EVERYTHING. DID THE REFEREE ON THE RECORD AT THE HEARING, TALK ABOUT THOSE ALLEGATIONS AND FIND THOSE AS FACT, BECAUSE THEY ARE CERTAINLY NOT IN THE ORDER?

WITH REGARD TO MR. WEITZMAN?

YES.

NO , YOUR HONOR , H E DID NOT.

SO IT SEEMS TO ME THAT THE ONLY FINDING WE HAVE IS ON WHICH THE REFEREE RECOMMENDED DISBAR MENT AS T O FRIEDMAN , WAS THAT HE APPEARED ON BEHALF OF FRIEDMAN BEFORE JUDGE CARLISLE , AND FRI EDMAN RET AINED OTHER COUN SOLD TO REPRESENT HIM IN CONNECTION WITH THE DIVORCE , AND YOUR CLIENT, THE RESPON DENT FAILED TO FUR NISH A COPY OF THE SUSPENSION ORDER TO DAVID FRIEDM AN. THOSE ARE THE ONLY FIND INGSO F FACT REGARDING FRIEDMAN.

THAT IS ABSOLUTELY CORRECT. ABSOLUTELY CORRECT.

JUSTICE: IS THIS A DISBARABLE OFFE NSE , EVERYTHING WE HAVE HERE -- .

YES, YOUR HONOR , IT IS. I AM SO RRY .

JUSTICE: LET ME FINISH. IF WE WOULD ELIMINATE THE , WHAT IS CONSIDERED TO BE OR YOU ARE INTERPRETING AS BEING THE A CTUAL PRACTICE OR CONTINUING TO PRACTICE ON THE TWO CASES?

UM-H UM . NO.

JUSTICE: IT WO ULD NOT BE.

NO.

JUSTICE: SO IT DOES HINGE ON , REALLY, THOSE ARE THE AGGRAVATING FACTORS WE ARE TALKING ABOUT, AND WE DON'T REALLY HAVE MUCH FROM THE REF EREE, DO WE, TO REALLY KNOW WH AT THIS REFEREE WAS FINDING AND THAT K IND OF THING?

I THINK IT WOULD BE A MISTAKE , YOUR HONOR , TO INTERPRET THE SUCCINCT A SPECT OF THE REP ORT AS LACK OF CONFI DENCE IN THE FINDINGS. THE REFEREE HEARD A DAY OF TESTIMONY. HE HEARD EVIDENCE FROM WITNESSES. HE EXAM INED DOCUMENTS THAT WERE INTRODUCED IN AN UNUSUAL WAY. I THINK THE RECORD REF LECTS THAT THE DOCU MENTS WERE SORT OF BROU GHT IN , IN BU LK, AND THAT CREA TES SOME CONF USION , I THINK , IN REVIEWING THERECORD, BECAUSE THEY ARE NOT CLEARLY MARKED AND THEY ARE NOT CLEA RLY DISCUSSED. THE REFEREE DIDN'T SP END ALOT OF TIME ON THAT, BUT I THINK THAT HE MADE CLEAR FINDI NGS IN THE RECORD , VERY , VERY SUCCINCTLY STAT ED, AGREED THAT HE FO UND THAT HE APPEARED , THAT THOSE APPEARANCES , B ASED O N WHAT THE DOCUMENTS AND THE , ALL OF THE TESTIMONY DEMONSTRATES, THAT THOSE APPEARANCES WERE AS A LAWYER, NOT AS A SCRIVENER , NOT AS A LAW CLE RK, BUT THAT HE APPEARED AS LAWYER , AND THAT THE CLIENTS FOR WHOM HE APPEARED, MR. DENNIS , AND MR . FRIEDMAN, BELI EVED THAT HE WAS THERE AS A LAWYER .

CHIEF JUSTICE: JUSTICE ANSTEAD HAS A QUESTION.

COULD YOU, IN SORT OF A COMMON SE NSE WAY , EX PLAIN THE APP LEMAN ISSUE TO ME , BECAUSE I MUST AD MIT THAT I AM REALLY CONFUSED ABOUT THAT , READING THE ORDER FROM THE REFEREE .

WITH REGA RD TO THE 10,000?

JUSTICE: WHAT IS THE ISSUE IN THE APPL EMAN CASE?

IN THE APPLEMAN MATTER , ESSENTIALLY WHAT MR . D'AMBROSIO DID IS HE ENTERED INTO TWO CONTINGENCY FEE AGREEMENTS WITH MR. APPLEMAN AND FAILED TO RE DUCE THEM TO A W RITING .

JUSTICE: THAT THE GIST OF THOSE?

THAT IS THE GIST OF THOSE.

JUSTICE: SO ALL OF THIS TALK ABOUT THE \$ 70 C HECK -- THE \$70,000 CHECK, WE ARE NOT TALK ING ABOUT SOMEBODY ST OLE \$70,000. IN FACT WHAT DID WE END UP WITH IS DID THE CLIENT OWE THE RESP ONDENT \$ 10,000 COMING OUT OF THE APPLEMAN CASE?

THAT WASN'T DETERMINED BY THIS REFEREE. THAT ISSUE WASN'T BEFOR E THIS REFEREE.

JUSTICE: IT CESSARICH ARRESTED APPLEMAN IS INDEBTED TO RESPONDENT IN THE SUM OF \$1 0,000 . THAT IS A FINDING OF THE REFEREE.

YES, YOUR HO NOR , AND THERE ARE NO R UL E VIOLATIONTHAT IS HINGE ON THAT RECITATION OF FACTS.

JUSTICE: SO THE V IOLATIONS CHARGED AND FOUNDBY THE REFEREE ARE SIMPLY THE NONEXIST ENCE OF A WRITTEN A G REEMENT OF REPRESENTATION.

THAT'S CORRECT, YOURHONOR.

JUSTICE: AND S O THE BAR , AS YOU STA RTED OUT , THE BAR 'S BELIEF IS THAT THE REAL GIST OF THESE PROCEEDINGS ARE THE VIOLATIONS WHILE SUSPENDED, OF GO ING TO COURT TW ICE .

THAT'S CORRECT, YOUR HONOR .

CHIEF JUSTICE: IN A SITUATION WHERE THE BAR , WITH THESE NONREHABILITATIVE SUSPENSIONS, I F THE EVIDENCE IS THAT WHAT THE LAWYER DOES , HE DOES N'T, HE OR SHE DOESN'T GO TO COURT BUT THEY COMPLETELY IG NORE THE REQUIREMENT OF NOTIFYING ALL THE CLIENTS , SO THAT THEY NORTH DOING ANYTHING FOR 90 DAYS -- SO THAT THEY ARE NOT DOING ANYTHING FOR 90 DAYS , BUT BECAUSE THE SECRETARYENDS UP SAYING THE PERSON ISA WAY O N VACATION OR WHATEVER, WHAT IS THE APPROPRIATE SANCTION UNDER THAT SITUATION? IS IT A LONG SUSPENSION? WHAT IS IT, WHAT IS THE B AR'S , BECAUSE IT SEEMS TO ME THERE HAS TO BE SOME, IF YOU DON'T REALLY SAY THAT I F YOU DISREGARD THIS AND YOU DON'T TELL THE CLIENTS, THEN YOU HAVE A NONREHABILITATIVE S ANCTION THAT IS AL MOST MEANINGLESS TO JUST HAVE A LAWYER NOT WORK ING. THAT IS NOT MEANINGLESS, BUT THE PART WHERE THE CLIENTS REALLY NEED TO KNOW IS PART AND PARCEL OF IT , SO WHAT IS THE STANDARD SANCTION FOR THAT? IS IT A LONGER SUSPENSION? A YEAR, TWO YEAR SUSPENSION?

THAT HAS , THIS COURT HAS E NTERED SANCTION DETERMINATIONS OF A YEAR IN DIFFERENT CASES. THE CASE THAT I THINK RESPONDS MOST ACCURATELY TO YOUR QUESTION , YOUR HONOR, IS THE FLORIDA BAR VERSUS GOLDEN. AND IN THAT CASE , THE , THE FACTS WITH REGARD TO THOSE VIOLATIONS ARE VERY SIMILAR TO THESE. MR. GO LDEN WAS UNDER A 90-DAY SUSPENSION , AS WAS RESPONDENT. HE APPE ARED IN COURT ONE TIME , WITH A CLIENT , I N TWO DIFFERENT MATTERS, BUT HE WAS ONLY RECOGNIZED AS A LAWYER ON CE. ANOTHER TIME HE JUST WENT IN WITH HIM. THERE WAS ALSO NO COMPLIANCE WITH THE NOTICE REQUIREMENT.

CHIEF JUSTICE: WHAT TYPE OF SUSPENSION WAS HE GIVEN?

ONE YEAR.

CHIEF JUSTICE: WHY WOULDN'T THAT BE A MORE APPROPRIATE SANCTION HE RE?

BECAUSE OF THE AGGRAVATING FACTORS HERE. BECAUSE OF THE OTHER MISCONDUCT THAT THE REFEREE FOUND, AND BECAUSE OF THE PRIOR DISCIPLINE. THE PRIOR DISCIPLINE IS IMPORTANT, EVEN THOUGH THE MOST RECENT ONE WAS THE PROBLEMS WITH THE FEDERAL JUDGE AND THE REFUSAL TO FOLLOW THE ORDER, MORE REMOTE IN TIME MR. D'AMBROSIO WAS ALSO FOUND GUILTY IN NEGLIGENCE AND INCOMPETENT, AND THOSE ARE ISSUES THAT ARE PRESENTED TO THIS COURT AGAIN IN THIS CASE. HE HAS NOT YIELDED TO THE REHABILITATIVE EFFORTS OF THIS COURT, AS IMPOSED THROUGH, AS METED OUT THROUGH THE SANCTION IMPOSED AGAINST HIM TO DATE. AND SO DISBARMENT IS APPROPRIATE.

CHIEF JUSTICE: IT SEEMS TO ME, I SEE YOUR TIME IS UP. THE PROBLEM WITH THE PRIOR MISCONDUCT IS THAT, WHEN IT CAME TO THIS, THE ONE HE WAS UNDER SUSPENSION, THE BAR FOR WHATEVER REASON, HE WASN'T PUT UNDER A REHABILITATIVE SUSPENSION. HE WAS GIVEN A 90 DAYS, SO IT SEEMS THAT UNDER THOSE CIRCUMSTANCES, TO GO FROM 90 DAYS TO DISBARMENT, WHERE THE RECORD IS A LITTLE SHAKY HERE, YOU CALL IT SUCCINCT. WE CALL IT SPARSE. YOU KNOW, IT IS, THAT IT SEEMS THAT A REALLY, YOU KNOW, SUBSTANTIAL REHABILITATIVE SUSPENSION WOULD BE AS APPROPRIATE AND CONSISTENT WITH OUR LAW. YOU DISAGREE BUT I AM JUST THINKING OUT LOUD.

I DO DISAGREE, YOUR HONOR, BECAUSE OF ALL OF THE CIRCUMSTANCES THAT COME TO BEAR HERE, BUT GOLDEN, REMEMBER, WAS, HIS CONDUCT WAS MORE LIMITED IN GOLDEN THAN IT IS IN THE INSTANT CASE, AND THAT IS WAS ONE YEAR JUST ON THOSE FACTS.

CHIEF JUSTICE: WE WILL LOOK AT GOLDEN, AND I DO SAY THIS, WHEN THE BAR IS SEEKING DISBARMENT, YOU KNOW, I THINK THAT THE RECORD REALLY NEEDS TO BE, MR. WEITZMAN COULDN'T BE THERE. APPARENTLY ON A DEPOSITION OR SOMETHING, SO THAT WE HAVE A LITTLE MORE TO GO ON. I SUSPECT I KNOW WHAT WAS HAPPENING HERE, BUT IT IS A LITTLE BIT SPARSE. ANYWAY. JUST FOR THE FUTURE. THANK YOU, MS. HOFFMANN.

THANK YOU.

THANK YOU. IN FACT, I HAVE WRITTEN TWO WORDS TO MYSELF, SUCCINCT AND SPARSE.

JUSTICE: EXPLAIN TO ME WHAT HAPPENED WITH THIS \$3,000 PAYMENT FOR THE FRIEDMAN MATTER THAT WAS NOT REIMBURSED.

THAT WOULD BE THERE IS A QUESTION OF WHETHER OR NOT THE FEE SHOULD BE RETURNED. THE JUDGE FOUND, IF I AM NOT MISTAKEN, IT IS REPORTED, OUGHT TO BE RETURNED, BUT THE REAL REASON WHY THE TESTIMONY ON THAT, MY CLIENT, I BELIEVE MY CLIENT'S TESTIMONY AT TRIAL WAS HE HAD DONE SIGNIFICANT WORK FOR THIS CLIENT. AND THEN HAD TO WITHDRAW BECAUSE OF THE SUSPENSION ORDER, BUT HE BELIEVES THAT --

JUSTICE: THAT CERTAINLY WAS NOT THE CLIENT'S FAULT.

I WOULD AGREE WITH THAT WHOLEHEARTEDLY, YOUR HONOR, AND UNFORTUNATELY THAT IS NOT SOMETHING WE REALLY ADDRESSED IN THE BRIEF SO THAT THERE IS LESS THERE. CHIEF IF WE AGREE WITH YOU --

CHIEF JUSTICE: IF WE AGREE WITH YOU THAT THERE MAY BE SOME QUESTION AS DISBARMENT, A LAWYER THAT COMPLETELY IGNORES A NONREHABILITATIVE SANCTION DOESN'T ALERT CLIENTS, DOESN'T TELL THE COURT, WHAT IS THE APPROPRIATE --

WELL, AGAIN, FACTUALLY MY CLIENT DID TELL THEM. HE DIDN'T DO IT IN WRITING AND FILE THE AFFIDAVIT. HAD HE DONE THAT, WE OBVIOUSLY WOULDN'T BE HERE ON THAT PARTICULAR

ISSUE. JUDGE , THE BAR TALKS ABOUT GOLDEN, ALSO WITH A CASE IN OUR BR IEF , BRIGHAM, WH ICH WAS A LAWYER WHO WAS SUSPENDED FOR SIX MONTH'S PERIOD OF TIME, HELD HIMSELF OUT AS A LAWYER, ALSO DID THINGS LIKE V IOLATE THE 3. 51 AFFIDAVIT REQUIREMENTS. HE RECEIVED AN ADDITIONAL SIX MONTHS OF TIME ON HIS SUSPENSION, BASI CALLY T W INED UP WHAT HE HAD ALREADY RECEIVED. I KNOW THIS IS A DIFFICULT CASE FOR THE COURT.

JUSTICE: ARE YOU SUGGESTING THAT WE , HE WAS SUSPENDED FOR 90 DAYS?

CORRECT.

THE DIFFERENCE IS HE WAS SUSPENDED FOR SIX MONTHS PREVIOUSLY IN YOUR CASE , THAN IS A REHABILITATIVE SUSPENSION. 90 DAYS IS NONREHABILITATIVE.

CORRECT. I UNDERSTAND THE DISTINCTION , YOUR HONOR, AND I UNDERSTAND THAT PART OF YOUR R OLE IS GOING TO BE ENHANCEMENT , B ASED UPON PRIOR RECORD, AND I DO KNOW THAT 91 IS A SIGNIFICANT SANCTION. ACTUALLY TA KES A LOT LONGTORY COME BACK AND PRACTICE, BUT THE ISH - - LON GER TO COME BACK AND PRIEST ADVERTISE, BUT THE ISSUE IN THIS -- AND PRACTICE, BUT THE ISSUE IN THIS CASE IS TO DISBAR AN ATTORNEY TO GIVE HIM WHAT THIS COURT HAS CONSISTENTLY HELD IS A SANCTION FOR SOMEONE WHO HAS NEVER BEEN AT THE BAR, AND THIS RECORD IS TO O THIN TO DO.THAT THANK YOU.

JUSTICE: THERE A TRANSCRIPT BEFORE THE REFEREE , THE HEARING?

THERE ARE THREE VOLUMES. THE THIRD VOLUME, AND THAT IS THE LAST AREA IN MY BRIEF THAT I KNOW YOU WILL HAVE TODEAL WITH , THAT M Y CLIENT WAS NOT GIVEN AN OPPORTUNITYTO AR GUE SANCTION. THAT ISSUE WAS RESOLVED WHEN HE CAME TO COURT.

JUSTICE: DID THE REFEREE MAKE ANY FINDINGS ON THE REC ORD?

HE DID NOT. THANK YOU VERY MUCH. IT HAS BEEN A PLEASURE.

CHIEF JUSTICE: THANK YOU FOR YOUR TIME AND THE COURT WILL BE IN RECESS .

MARSHA L: P LEASE R ISE.