

>> PLEASE RISE.

HEAR YE HEAR YE HEAR YE.

THE SUPREME COURT OF FLORIDA IS
NOW IN SESSION.

ALL WITH A CAUSE TO PLEA, DRAW
NEAR, GIVE ATTENTION AND YOU
SHALL BE HEARD.

GOD SAVE THESE UNITED STATES,
THIS GREAT STATE OF FLORIDA, AND
THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING, LADIES AND
GENTLEMEN.

AND WELCOME TO THE FLORIDA
SUPREME COURT.

AS IS OBVIOUS I'M NOT CHIEF
JUSTICE QUINCE.

I WILL BE PRESIDING JUST FOR
TODAY.

THE CHIEF JUSTICE QUINCE WILL BE
PARTICIPATING IN ALL OF THE
CASES, BUT, THERE WAS A FAMILY
MEDICAL EMERGENCY WHICH MAKES
HER UNABLE TO BE HERE FOR ORAL
ARGUMENT THIS MORNING.

ALSO, JUSTICE PERRY STILL HAS
ISSUES WITH HIS VOCAL CHORDS SO
IF HE HAS ANY QUESTION HE'LL
PASS THOSE TO HIS ABLE
SPOKESPERSON, JUSTICE POLSTON,
I'LL CALL THE FIRST CASE, THE
FLORIDA BAR VERSUS ANN
BITTERMAN.

PARTIES READY?

>> YES, YOUR HONOR.

GOOD MORNING, PLEASE THE COURT,
I'M JENNIFER FALCONE MOORE AND I
REPRESENT THE FLORIDA BARREN
THESE PROCEEDINGS, THE FLORIDA
BAR IS ASKING THIS COURT TO
REJECT THE RECOMMENDATION OF THE
REFEREE IN THE MATTER OF 30 DAY
SUSPENSION.

THIS RECOMMENDATION, YOUR HONOR,
DOES NOT -- IS NOT SUPPORTED BY
ANY CASE LAW AND NOT SUPPORTED
BY THE STANDARDS FOR IMPOSING
LAWYER SANCTIONS AND DOESN'T
REFLECT ACCURATELY, THE TRULY
EGREGIOUS NATURE OF THE CONDUCT
THAT WAS COMMITTED IN THIS CASE,
NOR DOES IT REFLECT THE
AGGRAVATING FACTORS THAT WERE
PRESENT IN THE MATTER.

THERE IS ONE THING I WOULD LIKE
TO DRAW THE COURT'S ATTENTION TO
THAT MAY NOT HAVE BEEN
ADEQUATELY REFLECTED IN THE
BRIEF IN THIS MATTER.

EXCUSE ME.

THAT WOULD BE THE SIMILAR NATURE
OF THE PRIOR MISCONDUCT.

THAT IS SOMETHING THAT WAS
ARGUED BYRON DENT AS NOT BEING
PRESENT IN THE CASE.

THE FLORIDA BAR DISAGREED AND
ARGUED IT WAS IN FACT PRESENT IN
THIS CASE AND THE BA ARGUED THAT
THE -- BAR ARGUED THE CONDUCT --
THAT SHE COMMITTED PREVIOUSLY

CONTEMPT OF THE COURT'S
SUSPENSION ORDER, AND THAT IN
THIS CASE WE ALSO HAVE HAD
CONSENT OF THE COURT ES --
CONTEMPT OF THE COURT'S ORDER.

>> SO WE CAN BE CLEAR, SHE WAS
ON SUSPENSION, FROM 2004.

>> THAT'S CORRECT.

>> AND THIS COURT BECAUSE OF
FAILURE TO COMPLETE THE
QUARTERLY REPORTS -- WHAT WAS
THE VIOLATION AND THIS COURT
THEN GAVE A 6 MONTH ADDITIONAL
SUSPENSION, CLARIFY THAT.

>> THE INITIAL SUSPENSION WAS
BASED ON EXACTLY THE TYPE OF
SIMILAR CONDUCT THAT WE HAVE
PRESENT HERE.

THE CONDUCT AND FRAUDULENT --
DECEITFUL AND FLAWED LENT
CONDUCT AND THE PRIOR CONTEMPT
PROCEED WAS HER FAILURE TO
ADEQUATELY COMPLY WITH TERMS OF
PROBATION, NOT FILING ALL OF HER
QUARTERLY REPORTS, AND ATTESTING
THAT SHE HAD KEPT ABREAST OF HER
TREATMENT AND MEDICATION
REQUIRED.

BUT TO GET TO THE SIMILAR NATURE
IT WAS NOT FULLY REFLECTED IN
THE BRIEF, IN ADDITION TO THE
CONDUCT THE SIMILAR NATURE IS A
FRAUDULENT AND DECEITFUL
CONDUCT.

>> BE SPECIFIC ABOUT WHAT THE
PRIOR FRAUDULENT CONDUCT WAS.

>> IN '04 FOR THE ORIGINAL REHABILITATION SUSPENSION, THERE WERE TWO COUNTS PRESENTS IN THE CASE AND THE FIRST COUNT WAS THAT THAT'S CORRECT HAD UNREPRESENTED APPROACHING... AND LIED TO THE PERSON SAYING HE'D BE PLACED IN JAIL, KNOWING THERE WAS NO RESTRAINING ORDER IN PLACE AT THE TIME, REFLECTED IN THE REPORT OF REFEREE AND OTHER VIOLATION AS WELL, OUGHT AS IT PERTAINS TO THIS CASE, IT WAS THE LIE THAT SHE TOLD AND ADDITION IN THE SECOND COUNT, AND MORE IMPORTANTLY FOR OUR PURPOSE IN THE SECOND COUNT FOR THE CASE, SHE HAD TAKEN OVER REPRESENTATION FROM A PRIOR ATTORNEY, AND SOUGHT TO REOPEN THE PROCEEDINGS FOR HER CLIENT AND CONTACTED THE PRIOR ATTORNEY AND REQUESTED THAT THAT PRIOR ATTORNEY COMMIT FRAUD ON THE COURT BY LYING TO THE COURT ABOUT WHY THE CLIENT HAD MISSED THE FIRST PROCEEDING. THIS IS THE FINDINGS IN THE REPORT OF REFEREE, YOUR HONOR, ADDITIONALLY, WHEN THE ATTORNEY FAILED -- OR REFUSED TO PARTICIPATE IN THAT FRAUD ON THE COURT WITH HER, SHE DID FILE A MOTION TO REOPEN THE -- THAT CONTAINED FACTUAL INACCURACIES, SIMILAR TO THE CONDUCT WE HAVE

BEFORE US TODAY WHERE SHE
FRAUDULENTLY AND DECEITFULLY
PRESENTED A FLORIDA BAR
IDENTIFICATION CARD IN ORDER TO
CREATE THIS IMPRESSION THAT SHE
WAS A LAWYER IN GOOD STANDING
REPRESENTING THE FERNANDEZ AND
FRAUDULENTLY OBTAINED THE
POSSESSION OF A VEHICLE WHICH
THE RIGHTFUL OWNER DIDN'T WANT
HER TO HAVE AND RETITLED IN HER
NAME AND REFUSED TO RETURN IT TO
THE OWNER WHEN THE OWNER WAS
RELEASED FROM CUSTODY AND THE
OWNER HAD TO FILE A LAWSUIT IN
ORDER TO REGAIN POSSESSION OF
THAT VEHICLE.

THE DECEIT --

>> ONE SECOND, GOING BACK AND --
IN THE HISTORY, IN SOMETHING
THAT I NEED MORE FACTS ON, IN
1996, THE RESPONDENT HAD BEEN
SUSPENDED.

AS FOR ASSAULT OF NEG REFLECT
AND TAPING TELEPHONE
CONVERSATIONS WITHOUT THE OTHER
PARTY'S CONSENT.

WHAT TYPE OF CASE WAS THAT.

>> THE RECORD IS SILENT ON THAT.
I HAVE THE REFEREE AND IT
INDICATES THE TYPE CASE BUT
INDICATES THERE ARE FOUR CLIENTS
SHE... WITHOUT THEIR KNOWLEDGE
AND CONSENTS.

>> WAS SHE PROSECUTED FOR THAT,
IS THAT A CRIME OF THE STATE OF

FLORIDA.

>> THAT IS A CRIME IN THE STATE OF FLORIDA AND THE RECORD IS SEE YOU -- SILENTS.

>> WE NEED TO MAKE SURE WE CAN CONCENTRATE ON... [INAUDIBLE] ARGUMENTS.

>> THANK YOU, YOUR HONOR.

INTO BECAUSE OF THE SIMILAR NATURE OF THE PRIOR MISCONDUCT, IT'S A CUMULATIVE NATURE OF THE PRIOR MISCONDUCT AND THE PRIOR PRECEDENT FROM THE COURT SUGGESTS THAT WITH HER EXTENSIVE DISCIPLINARY HISTORY, COVERING 7 DISCIPLINES, RESULTING IN FIVE SUSPENSIONS OVER A PERIOD OF 13 YEARS, THAT THAT CONDUCT COUPLED WITH THE FACT THAT IT IS SIMILAR MISCONDUCT, AND, NOT ONLY DO WE HAVE SIMILAR MISCONDUCT, YOUR HONOR, WE ALSO HAVE A SITUATION WHERE THE RATIONALIZATION FOR THE CONDUCT IS THE SAME, IN 2004 AS IT IS IN THE PRESENT CASE. IN 2004 THERE ARE FINDING FROM THE COURT SHE IS ACT IN A HUMANISTIC CARING MANNER AND HER ACTION ARE THE RESULT OF SOME SORT OF CARE OR CONCERN FOR HER CLIENT AND SHE'S DOING THE WRONG THING KNOWINGLY AND ADMITS IN HER BRIEF THAT SHE KNOWS RIGHT FROM WRONG AND TAKES THE WRONG ACTION AND IN ORDER TO ACCOMPLISH WHAT SHE PERCEIVES TO

BE THE CORRECT OUTCOME.

>> I HAVE A QUESTION ABOUT THE PRIOR SUSPENSION WHICH WAS IN THE 2004, FOR 91 DAYS.

THE SPECIAL CONDITIONS INCLUDED THAT SHE WOULD CONTINUE TO RECEIVE PSYCHOTHERAPY AND MEDICAL TREATMENT AS DEEMED NECESSARY BY HER PSYCHIATRIST. WHAT IS -- UNLESS IT REVEALS AT THAT POINT OR IN THIS HEARING, WHAT THE NATURE IS, OF HER MENTAL -- MENTAL INSTABILITY.

>> THE ONLY DIAGNOSIS REPORTED IN THE RECORD IS AN EXTREME DEPRESSION.

>> BUT THAT WAS -- IN THE RECORD, WHAT WAS -- WAS THERE ANYTHING PRESENTED IN MITIGATION IN THIS CASE, CONCERNING THE -- WHETHER ANY MENTAL ILLNESS WAS CONTRIBUTING TO THIS BEHAVIOR.

>> NO, YOUR HONOR.

IN THIS PARTICULAR CASE, SPECIFIC MENTAL INFORMATION WAS NOT PRESENTED ALTHOUGH SHE DID TESTIFY TO THE FACT THAT REFERRING TO A PRIOR HEARING, THE SAME REFEREE HEARD BOTH OF THESE CASES, THE SIX-MONTH SUSPENSION AND THE CURRENT CASE AND THE SIX-MONTH SUSPENSION HAD A GREAT DEAL OF TESTIMONY REGARDING HER ACTUAL TREATMENT AND THE MEDICATIONS THAT SHE WAS ON AND PRESENTED, A GREAT DEAL

OF DOCUMENTARY AND TESTIMONY
EVIDENCE AT THAT TIME
THE REFEREE ESSENTIALLY RELIED
ON HIS KNOWLEDGE OF THAT CASE,
IN PRESENTING THAT MITIGATION IN
THIS CASE.

>> IN REGARD TO THE REFEREE'S
REPORT, AND REFEREE'S COMMENTS,
DURING THE HEARING, DID THE
REFEREE KNOW THIS RESPONDENT
OTHER THAN FROM THE PRIOR
HEARINGS?

THERE SEEMS TO BE SOME COMMENTS
THAT DO NOT IN MY VIEW SEEM TO
BE APPROPRIATE FOR A REFEREE TO
BE ENUNCIATING.

TO PUT IT MILDLY AND I WANT TO
UNDERSTAND WHAT THE BAR'S
TECHNICIAN IS.

>> THE REFER REIS
EXTRAORDINARILY SYMPATHETIC TO
THE RESPONDENT, BY HIS COMMENTS
HOPE TO RECORD AND HIS REPORTS
TO THE REFEREE AND HIS
RELATIONSHIP WITH RESPONDENT AS
FAR AS THE BEARS AWARE IS
LIMITED TO HIS ROLE AS THE
REFEREE AND STEMS BACK TO THE
JULY 5, 2001 ORDER OF THE COURT
AND HE WAS THE REFEREE IN THAT
CASE AS WELL, WHERE THERE WAS A
CONSENT JUDGMENT BASED ON HER
CONFLICT OF INTEREST.
AND REPRESENTING THE HUSBAND AND
THE WIFE, IN THE DIVORCE
PROCEEDINGS.

THE LENGTH AND BREADTH OF THE
PRIOR HISTORY AND THE CUMULATIVE
AND SIMILAR NATURE OF THE PRIOR
HISTORY IN THIS CASE, AS WELL AS
THE AGGRAVATING FACTORS... TO
THIS DAY IN THESE BRIEFS, THIS
RESPONDENT HAS TAKEN NO
RESPONSIBILITY FOR HER ACTIONS.
AND SHE IS IN NO WAY ACCEPTING
THE WRONGFULNESS OF HER CONDUCT,
AND IN HER BRIEF TO THIS COURT,
SHE ARGUES THAT WHAT SHE DID WAS
OKAY.

BECAUSE SHE REALLY CARED ABOUT
THE OUTCOME AND REALLY CARED
ABOUT THE PERSON.

AND SHE TAKES ABSOLUTELY NO
RESPONSIBILITY FOR HER ACTIONS.
THE VICTIM IN THIS CASE, AGAIN,
AGGRAVATING FACTOR BEING THE
VULNERABILITY OF THE VICTIM, IN
THIS CASE THE VICTIM WAS
COMPLETELY HELPLESS TO PREVENT
HER FROM ESSENTIALLY STEALING
HER CAR.

AND SHE WAS IN CUSTODY -- UNABLE
TO DO ANYTHING ABOUT IT AND THAT
TYPE OF HARM, THAT TYPE OF
ACTION, IS ABSOLUTELY
REPREHENSIBLE AND CANNOT BE
CONDONED BY THE COURT AND THE
REFEREE HIMSELF AS YOUR HONOR
HAS NOTED FOR THE COURT, WAS
EXTREMELY SYMPATHETIC TO THE
RESPONDENT AND EVEN HE
ACKNOWLEDGED THIS IS A TAKING

AND THIS IS SOMETHING THAT REFLECTS INADEQUATELY ON THE INTEGRITY AND THE TRUTHFULNESS OF THE RESPONDENT, AND THESE ACTIONS ARE NOT SOMETHING THAT THE COURT CAN CONDONE, SHE HAS HAD NUMEROUS BITES AT THE APPLE, AND HAS BEEN GIVEN EVERY CHANCE OF REHABILITATION AND COMMITS THE SAME TYPE OF CONDUCT, FOR THE SAME TYPES OF REASONS, OVER AND OVER AND OVER AGAIN AND THE FLORIDA BAR ASKS TO YOU DISBAR HER.

[INAUDIBLE].

>> YOUR HONOR, ROY WASSON REPRESENTING MS. BITTERMAN. TO ANSWER JUSTICE PARIENTE'S QUESTION, THE TESTIMONY THE HEARING, FORMAL DIAGNOSIS IS MAJOR DEPRESSION WITH MELANCHOLIA.

>> DOES THE HISTORY GO BACK TO THE TYPE OF ADMISSION TO THE BAR?

>> YES, SHE HAS BEEN... LIFETIME, LIFETIME OF...

>> WAS HE CONDITIONALLY ADMITTED TO THE BAR, IS THAT HOW SHE WAS ADMITTED TO THE BAR?

>> I DIDN'T HEAR YOU.

>> WAS HE CONDITIONALLY ADMITTED OR ADMITTED STRAIGHT IN?

>> [INAUDIBLE].

>> WHERE DID THE HISTORY THEN OF THIS MENTAL HEALTH KIND OF ISSUE

SURFACE?

AFTER SHE WAS ADMITTED TO THE
BAR?

THE RECORD OF THAT?

IS THERE A HISTORY OF THAT.

>> I DON'T KNOW IF IT IS IN THE
RECORD.

>> OKAY.

>> I REMEMBER --

>> REALLY DON'T HAVE --

>> INVESTIGATING MEMBER, ON --
THE FIRST GRIEVANCES.

>> WE DON'T HAVE AN ADEQUATE
RECORD, REALLY OF MENTAL HEALTH
TO SUPPORT ANY KIND OF DETAILED
ANALYSIS IN THE CASE.

>> NO, AND I DON'T -- I FRANKLY
DON'T KNOW INTENT HEALTH ISSUES
HAD ANYTHING TO DO WITH SHORTER
-- SHOWING HER THE BAR CARD TO
TRY TO HELP HER FRIEND GET THE
CAR OUT OF THE YARD WHERE IT
WAS, WHERE IT WAS ACCRUING
STORAGE CHARGES AND THE CAR SHE
HAD BOUGHT AND GIVEN TO HER
FRIEND, THIS IS NOT -- THIS WAS
NOT AN ACT AS THE JUDGE SAID,
JUDGE NEWMAN SAID IT WAS NOT AN
ACT OF ATTORNEY -- OF AN
ATTORNEY AGAINST A CLIENT.
THIS WAS AN ACT IN WHICH
MS. BITTERMAN WAS TRYING TO KEEP
THIS CAR FROM BEING FORFEITED
AND THE CAR THAT SHE GAVE TO
ALLOW HER FRIEND TO LIVE IN,
WHEN THEIR RELATIONSHIP SOURED

AND, HER FRIEND LEFT HER.

AND, HAD NO PLACE TO LIVE.

>> I WAS UNDER THE IMPRESSION
THERE WAS EVEN A REPLEVIN ACTION
FILED AND THIS REALLY GOOD
RELATIONSHIP, JUST SEEMS TO BE
UNDERMINED BY THE ULTIMATE
OUTCOME, WHERE, SOMEONE HAS
FILED LEGAL ACTION SO IS THAT
ALL PART OF THE -- YOU KNOW,
GOOD DEED?

I'M --

>> I THINK SO.

>> SOMETHING THAT IS JUST NOT
CLICKING HERE.

>> I THINK IT IS, AND, I THINK
-- I BELIEVE THAT THESE BAR
PROCEEDINGS ARE UNUSUAL, UNUSUAL
ENOUGH FOR ME TO SAY THAT I HAVE
KNOWN HER FOR A LONG TIME SINCE
I WAS THE INVESTIGATING MEMBER
AND I BELIEVE SHE MEANS WELL --

>> I REALLY DON'T THINK THAT IS
APPROPRIATE.

I HAVE NEVER SEEN A LAWYER STAND
BEFORE AN APPELLATE COURT AND
ATTEMPT TO BE A WITNESS.

I THINK THAT IS... I DON'T THINK
THAT IS --

>> I APOLOGIZE, MY INTENT WAS
NOT -- WAS, I BELIEVE THESE
WOULD BE UNUSUAL, ORIGINAL-TYPE
PROCEEDINGS, BEFORE THIS COURT.

>> AND WE HAVE, HOW MANY TIMES,
DO WE HAVE A LAWYER THAT HAS
BEEN SUSPENDED, HOW MANY

SUSPENSIONS ARE WE TALKING ABOUT?

>> WE ARE TALKING ABOUT ALMOST A HALF DOZEN, CORRECT.

>> YES, YOUR HONOR.

>> AND WE ARE TALKING ABOUT A TIME PERIOD OF, WHAT, MAYBE 13, 14 YEARS.

>> YES, YOUR HONOR.

>> AND SO, IN THAT PERIOD OF TIME, HELP ME UNDERSTAND, WHY THAT IS NOT A PATTERN OF DEMONSTRATING SOMEONE WHO JUST DOESN'T FOLLOW THE RULES. THEY MARCHED TO THEIR OWN DRUMMER AND THAT MAY WELL BE AND JUST RULES ARE MADE FOR OTHER PEOPLE, RULES ARE NOT MADE FOR HER TO FOLLOW.

>> WELL, I BELIEVE SHE HAS LEARNED HER LESSON AND I BELIEVE THE TRIAL -- THE REFEREE AND -- INNERING HIS RECOMMENDED SANCTIONS HAS -- UNDERSTANDS AND BELIEVES THAT SHE HAS LEARNED A LESSON AND HE HAS HAD THE EXPERIENCE WITH HER OVER PRIOR AGREEMENTS, THAT IS WHERE HE KNOWS HER FROM BEING THE REFEREE ON THESE PRIOR GRIEVANCES.

>> WHAT IS IT ABOUT THIS AGREEMENT THAT SAYS, FINALLY LEARNED THE LESSON?

>> WELL, NOTHING YET, THE RECORD, I BELIEVE SHE'S HERE TO SO ASSURE THE COURT TODAY.

>> DURING THE FINAL HEARING,
WHEN THE REFEREE WAS DISCUSSING
POSSIBLY INCLUDING A SUPERVISION
TERM, AS A CONDITION OF HER
PROBATION, WHEN SHE HEARD THAT,
I GUESS THE REFEREE WAS THINKING
OUT LOUD AS TO WHAT TO DO.
YOUR CLIENT'S RESPONSE WAS, NO,
NO, NO.

>> WE AGREE, THAT -- WE AGREED
TO IT AND I AGREED TO BEING HER
SUPERVISING ATTORNEY FOR THE
PERIOD --

>> THAT IS NOT WHAT SHE WANTED
AT THE TIME, SHE WAS NOT WILLING
TO ACCEPT -- I MEAN, SHE HAD NO
CHOICE, BUT TO ACCEPT IT.
BUT, SHE DID NOT EVEN WANT THAT.

>> WELL, I THINK... PERHAPS IT
IS BECAUSE THE SUPERVISION HAD
TO DO WITH SUPERVISING HER IN
HER PRACTICE AND HANDLING HER CASES
AND THIS WHOLE CASE, AS IT --
HAD NOTHING TO DO WITH HER
PRACTICING LAW.

IT CERTAINLY HAD NOTHING TO DO
WITH BEING AN IMMIGRATION
ATTORNEY WHICH IS HER AREA.

>> WHEN SHE SHOWED HER BAR CARD,
WAS SHE A MEMBER OF THE FLORIDA
BAR IN GOOD STANDING?

>> NO, SHE WAS A MEMBER OF THE
FLORIDA BAR, NOT IN GOOD
STANDING.

AS THE YOUNG SAID AT THE
HEARING, JUST BECAUSE SHE WAS

SUSPENDED DOES NOT MEAN THAT SHE WAS NOT A MEMBER OF THE FLORIDA BAR.

>> ARE YOU SAYING IT WAS APPROPRIATE FOR HER TO SHOW HER BAR CARD IN THE CIRCUMSTANCES, WHERE SHE SHOWED HER BAR CARD THOUGH SHE WAS UNDER SUSPENSION.

>> NO, JUSTICE, IT WASN'T APPROPRIATE --

>> HAS IT BEEN CONCEDED THAT THAT WAS WRONGFUL CONDUCT?

>> WE CAN -- CONCEDE HERE AND NOW IT WAS WRONGFUL CONDUCT AND SHE'S LEARNED HER LESSON, IT WAS... SHE WAS WELL MEANING AND WELL-INTENTIONED IN DOING IT. IT WAS NOT SOMETHING OF A PATTERN.

SHE HAD NOT EVER DONE THAT BEFORE, SHE HAD NOT EVER HELD HERSELF OUT TO BE AN ATTORNEY. DURING A PERIOD OF SUSPENSION. THERE IS NO PATTERN OF SIMILAR MISCONDUCT.

TWO TIMES, IN THE SAME SAME NARROW TIMEFRAME, DOES NOT ESTABLISH A PATTERN.

>> I THINK WHAT MY CONCERN WAS AND AGAIN, MS. BITTERMAN, PLEASE, I KNOW... AND IF YOU WANT TO CE DEVELOPMENT A FEW MINUTES TO LET MS. BITTERMAN TALK TO THINGS OUTSIDE THE RECORD, BUT HAS TO HER REMORSE AND ASSURANCE ON THIS, BUT, THIS

APPEARS TO ME TO BE A CASE FOR
DISBARMENT AND THE REASON THAT
-- WHAT CONCERNS ME, MR. WASSON
IN THE RECORD IS THAT AT THE
HEARING, THE IDEA WAS THAT YOU
ADVANCED AND SHE TESTIFIED SHE
WAS DOING TO IT HELP THIS PERSON
THAT WAS IN JAIL.

BUT, YET, THE PERSON IN JAIL AS
JUSTICE LEWIS POINTED OUT, FILED
A REPLEVIN ACTION AND ULTIMATELY
GAINED TITLE TO THE VEHICLE AND
THE IDEA THAT SHE WAS DOING
SOMETHING TO HELP THIS FRIEND OF
HERS, DOESN'T BEAR OUT, AND HOW
THE COMPLAINT EVEN CAME TO THE
ATTENTION OF THE FLORIDA BAR.
HOW BASED ON THE RECORD IN THIS
CASE, CAN YOU EXPLAIN THAT
INCONSISTENCY?

>> WELL, EVEN IF I CAN'T EXPLAIN
IT -- AND I CAN'T EXPLAIN THE
INCONSISTENCY OTHER THAN SHE DID
NOT BELIEVE THAT THE PERSON THAT
SHE GOT POSSESSION OF HER CAR
WOULD ABUSE -- USE IT
APPROPRIATELY, THAT SHE HAD
ALREADY USED IT I THINK IN
CONNECTION WITH A CRIME, SHE HAD
WRECKED IT.

SHE HAD --

>> WELL, IS THIS ALL IN THE
RECORD?

>> I BELIEVE SO.

VERY BRIEFLY I BELIEVE THAT THE
CASE LAW DOES NOT SUPPORT THAT

THIS IS A CASE FOR DISBARMENT
BECAUSE NONE OF THE CASES CITED
BY THE BAR HAVE ANY SIMILARITY
TO THIS CASE.

THE NECKMAN CASE, THAT WAS A
CASE IN WHICH THE LAWYER WAS
REPRESENTING HIMSELF TO BE AN
ATTORNEY DURING A, YOU KNOW, TO
SOLICIT CLIENTS.

AND THE CASE, THE RESPONDENT
WILL FULLY FAILED TO ABIDE BY
TEMPORARY SUSPENSION ORDERS AND
THE JONES CASE, PRACTICED LAW ON
NUMEROUS OCCASIONS AND
MISREPRESENTING COMPLIANCE WITH
PRIOR ORDERS.

>> HOW CAN YOU EXPLAIN... THE
IDEA OF A 30-DAY SUSPENSION, YOU
ARE SAYING, WELL, DISBARMENT IS
NOT APPROPRIATE BUT EVEN THE
REFEREE ORIGINALLY WAS GOING TO
SUSPEND HER FOR AN ADDITIONAL
REHABILITATIVE TIME AND THAT IS
WHAT... YOU KNOW, THAT IS WHAT I
CANNOT REMOTELY UNDERSTAND.
HOW THIS COULD JUST SIMPLY
WARRANT A 30-DAY SANCTION.

>> THANK YOU FOR REMINDING ME AT
THE POINT I WAS TRYING TO MAKE.
IT IS A TWO-YEAR-PLUS SUSPENSION
ALREADY BECAUSE OF THE FACT OF
THE PENDING CASE, HAS PREVENTED
HER FROM APPLYING FOR
REINSTATEMENT FROM HER PRIOR
SUSPENSION, WHICH SHE WAS... SHE
WAS AT THE POINT WHERE SHE COULD

HAVE APPLIED FOR IT FOR THE
REINSTATEMENT.

THIS CASE HAS BEEN GOING ON FOR
TWO YEARS AND THREE MONTHS
ALREADY, SINCE THE COMPLAIN WAS
FILED AND DURING THIS
PROCEEDING, SHE COULD NOT APPLY
FOR REINSTATEMENT.

SO, WE BELIEVE THAT THE COURT
SHOULD AFFIRM THE RECOMMENDED
DISCIPLINE AND MAKE IT NUNC PRO
TUNC SO SHE'S ALREADY SERVED HER
TIME AND SHOULD GET CREDIT FOR
THE TIME THAT SHE SERVED SO FAR
AND IS NOT A LAWYER, WHO IS
TRYING TO -- WHO IS OUT TO CHEAT
ANYBODY, NOT TRYING TO SAY SHE'S
PROFICIENT IN ONE AREA AND
PRACTICING IN ANOTHER AREA, NOT
GUILTY OF A TRUST ACCOUNT
VIOLATION.

THERE IS NO -- SHE'S NOT TRYING
TO TAKE MONEY THAT DOESN'T
BELONG TO HER, THE JUDGE --
JUDGE NUM MAN FOUND HER TO BE A
BEAUTIFUL PERSON, CARING FOR
PEOPLE AND HEALED HERSELF A
GREAT DEAL WHILE SHE WAS IN
HAWAII.

TIMES HAVE CHANGED.

SHE'S IMPROVED HERSELF AND IS
READY TO ADMIT TO HER WRONGDOING
ON THIS OCCASION.

NOT A CASE FOR DISBARMENT AND I
WILL WATCH OVER HER AND MAKE
SURE THAT SHE TOWS THE LINE

DURING THE PERIOD OF HER PROBATION, I'LL CHICK THE WORK THAT SHE DOES, I'LL FILE THE QUARTERLY REPORTS AND TAKE THAT ON AS A VOLUNTEER AT NO COMPENSATION.

AND, ASK THAT THE COURT APPROVE THE REPORT OF THE REFEREE.

>> DOES MS. BITTERMAN WANT TO STAND UP HERE NOT TO PROVIDE ANY TESTIMONY, BUT TO INDICATE WHETHER SHE IS -- ACKNOWLEDGES HER WRONGDOING?

>> [INAUDIBLE].

>> COME TO THE STAND.

>> I ACKNOWLEDGE WHAT I AM DOING, WHEN I SHOWED THE CARD I HAD JUST RECEIVED AN EMERGENCY NOTICE THAT THIS WOMAN, WHOM I CARED ABOUT, HAD BEEN ARRESTED FOR PREMEDITATED ATTEMPTED MURDER AND YOUR QUESTION... AND I WAS OVERWHELMED AND I WANTED TO GO SEE HER, YOUR QUESTIONS ARE -- I BELIEVE NOBODY HERE CAN ANSWER THEM BUT ME.

I WOULD LOVE TO ADDRESS -- [INAUDIBLE] THE POWER OF MYSELF AND THE POWER OF ATTORNEY IN A REPLEVINS, I CAN CLEAR IT UP.

>> IS THAT TESTIMONY THAT HAS BEEN GIVEN ALREADY.

>> IT'S IN THE RECORD AND EVERYONE SEEMS TO HAVE MISSED IT.

>> IF IT IS IN THE RECORD --

POINT US TO THE RECORD.

>> IT IS TOWARDS THE END, I
DON'T KNOW WHERE.

BUT I GUARANTEE IT IS THERE.
AND MAY I SPEAK TO IT?

OKAY.

I HAD A POWER OF ATTORNEY.

THIS WOMAN AT THE TIME THAT SHE
COMMITTED THE ATTEMPTED MURDER
AND TRIED TO RUN WITH THE GUN,
HAD A SUSPENDED LICENSE.

WHAT THE... SHE DRANK AND DID
DRUGS WITH IMPUNITY.

SHE WOULD NOT INSURE THE CAR.

I TRIED TO INSURE IT.

BUT GEIKO SAID I DIDN'T HAVE AN
INSURABLE INTEREST.

I WENT TO JAIL THE SECOND TIME
AND URGED HER TO LEASE ME THE
CAR, MONTHS AND MONTHS, AND THAT
SHE COULD REPOSESSION IT,
WITHOUT JUDICIAL PROCESS, IF I
DIDN'T PAY \$450 A MONTH BY THE
5th OF THE MONTH IN ORDER TO
HAVE AN INSURABLE INTEREST.

I DIDN'T WANT TO HURT OR
FRIGHTEN HER AND SHE WOULDN'T DO
IT KNOWING HER LICENSE WAS
SUSPENDED AND KNOWING I SIMPLY
USED MY POWER OF ATTORNEY.

NOW, THE REPLEVIN ACTION, SHE
WAITED UNTIL I WENT TO NICARAGUA
TO RESCUE -- I WAS OUT OF THE
COUNTRY AND MY MOTHER WHO IS AN
ATTORNEY WROTE TO HER ATTORNEY
AND SAID THERE IS A WEE BIT OF

SERVICE PROBLEM.

THAT -- LET US KNOW EXACTLY
WHERE SHE IS AND I LOST BY
DEFAULT BECAUSE I WASN'T IN THE
COUNTRY.

I HAVE AN AUDI IN HAWAII AND I
LIVE IN HAWAII.

I SIMPLY TOOK THE CAR AND
INSURED IT, AND PUT IT IN MY
HOUSE AND CLOSED THE HE CAN
TRONIC GATE AND LEFT.

-- ELECTRONIC GATE AND LEFT...

THE SAME FOR 13, AT LEAST, YEARS
AND ANY MOMENT, SHE COULD PICK
IT UP AND TOLD HER... HER
DRIVING PRIVILEGES ARE
REINSTATED AND IN FACT IN APRIL
SHE WAS ARRESTED IN MAY FOR
MURDER AND APRIL, I SIGNED HER
UP FOR DRUNK DRIVING LESSONS AND
TRIED TO GET HER A HARDSHIP
LICENSE, AND I HAVE DONE NOTHING
BUT HAVE -- HELP THIS WOMAN.
AND I... I TRIED TO GET HER TO
SIGN THE POWER.

>> WOULD YOU DO THE SAME THING
OVER AGAIN?

KNOWING WHAT YOU KNOW ABOUT THE
FACT THAT YOU WERE HOLDING
YOURSELF OUT TO BE A LAWYER?

>> I WAS NEVER -- NEVER SHOWED
-- I WOULD NEVER SHOW MY BAR
CARD.

THAT WAS BAD JUDGMENT.

BAD JUDGMENT.

MAY I SAY SOMETHING ELSE.

>> AS LONG AS IT IS ARGUMENT AND NOT TESTIMONY.

>> NO.

IT IS IN THE RECORD.

WITH RESPECT TO THE PREVIOUS SUSPENSION, I DID NOT... -- I DID NOT NEED... IT WAS NOT A DIVORCE ACTION, IT WAS A SPOUSE PETITION AND I HAD THREE MEDICAL REPORTS OF SPONTANEOUS ABORTIONS FOR DOMESTIC VIOLENCE.

I DIDN'T NEED ANY RESTRAINING ORDER OR VIOLATION.

HE HAD COMMITTED THREE ACTS OF DOMESTIC VICE, IT'S NOT A DIVORCE.

WHEN I SIGNED THE CONSENT, AND ALL OF THOSE WERE CONSENTS AND WHEN I SIGNED THE CONSENT JUDGMENT I SAID THIS IS WRONG, MOREOVER, THE SIX MONTH SUSPENSION...

>> YOU SIGNED --

>> ALL OF THESE WERE CONSENT JUDGMENTS.

>> THEY WERE WRONG.

>> I POINTED OUT THAT IT WAS NOT

--

>> DID YOU STILL SIGN THEM.

>> I DID.

>> AND WHAT WOULD YOU DO IF YOU ARE REPRESENTING A CLIENT, WOULD YOU HAVE CLIENTS SIGN DOCUMENTS THAT ARE WRONG?

I AM MISSING SOMETHING HERE.

>> NO.

NO.

I WOULDN'T.

BUT I BROUGHT IT UP AND NO ONE
SEEMED TO CHANGE IT.

AND --

IF I MIGHT BE TOTALLY FRANK IT
WAS CONVEYED TO ME BY BAR
COUNSEL THAT I HAD LET HER DO IT
-- BETTER DO IT, BECAUSE THEY
WERE... WERE... OTHERWISE I
WOULD BE... NO, IT WAS -- I JUST
-- THAT IT -- I JUST DECIDED TO
TAKE THIS PUNISHMENT AND NOT
FIGHT.

>> YOU KNOW, AS -- RECEIVING A
SUSPENDED -- AS A SUSPENDED
LAWYER, AGREEING TO A CONSENT
JUDGMENT, MEANS THAT WHAT IS THE
COURT LOOKS AT --

>> THAT WAS THE -- THAT WAS THE
FIRST --

>> I HAVE -- WE HAVE GIVEN YOU
SEVERAL MINUTES TO RESPOND IN
THE TIME AND THE TIME HAS NOWICS
EXPIRED.

THANK YOU VERY MUCH,
MS. BITTERMAN.

>> THANK YOU.

>> IF IT PLEASE THE COURT, YOUR
HONOR, EVEN AFTER TALKING TO
THIS COURT AND ATTEMPTING TO
ACCEPT RESPONSIBILITY FOR HER
ACTIONS, SHE IS STILL NOT...
YOUR HONORS THAT IDENTIFIED
BETWEEN HER ACTIONS AND WHAT SHE
PURPORTS TO SEE AS HER

WRONGDOING, AS --

>> IT CERTAINLY DOES SOUND A LITTLE DIFFERENT IF THAT IS IN THE RECORD, THAT SHE DIDN'T DRIVE THE VEHICLE, THIS DEFENDANT -- THAT HER FRIEND WAS ARRESTED FOR ATTEMPTED MURDER, AND IT WOULD -- IT PLACES AT LEAST A DIFFERENT PICTURE ON IT. THAT THE REFEREE MAY HAVE FOUND SO BE COMPELLING.

IS IT REPLEVIN --

>> IT WENT BY DEFAULT, YOUR HONOR, HOWEVER THAT IS NOT THE TESTIMONY IN THE RECORD. THE TESTIMONY THAT IS IN THE RECORD IS THAT SHE TOOK THE CAR, RETITLED IT INTO HER NAME AND REFUSED TO RETURN IT WHEN MS. FERNANDEZ WAS RELEASED FROM CUSTODY AND SHE HAD TO FILE THE ACTION IN ORDER TO REGAIN HER POSSESSION OF THE -- RIGHTFUL POSSESSION OF THE VEHICLE, AND MIS-FERNANDEZ, THE TESTIMONY IS SHE BECAME HYSTERICAL AND DISTRAUGHT AT THE -- HYSTERICAL AND DISTRAUGHT THAT THE THE NOTION, MS. BITTERMAN WOULD TAKE FROM IT HER AND SHE WENT TO THE LOT AND PRESENTED HER IDENTIFICATION AND REPRESENTED THAT SHE WAS AN ATTORNEY AND THERE ON BEHALF OF MS. FERNANDEZ AND THAT WAS THE ONLY REASON ACCORDING TO THE TESTIMONY IN

THE RECORD, THAT THEY RELEASED
THE VEHICLE TO HER AND
THEREAFTER, EXERCISING THE POWER
OF ATTORNEY AND THE QUOTE FROM
THE RECORD IN THE CASE, A --
CASE 133, SO, REFEREE CONSIDERED
THE TESTIMONY THAT SHE WAS
ACTING IN BEHALF OF HER FRIEND'S
BEST INTEREST.

AND SAID, YOU HAD AN AGENDA,
APPARENTLY, TO RECAPTURE
POSSESSION OF THE AUTOMOBILE,
AND I'VE HEARD YOUR TESTIMONY,
AND, NOTWITHSTANDING YOUR
STATEMENTS THAT YOU HAD NO
INTEREST IN HAVING THE CAR, I
THINK YOU DID.

I THINK YOU PAID FOR IT AND IT
WAS PART OF A CONSIDERATION OF
YOUR RELATIONSHIP WITH
MS. FERNANDEZ AND WHEN IT BROKE
DOWN YOU WANTED THE CAR BACK AND
TRANSFERRED IT TO YOURSELF AND
YOU INSURED IT AND YOU LOST THAT
CAR, WITH THE REPLEVIN AND
ADDITION, THE REFEREE FOUND
THERE WAS AN ACTUAL TAKING IN
THIS CASE, CASE 135, ON MAKING
THE FIND -- TRANSCRIPT PAGE 139.
BY EXERCISING THE POWER OF THE
ATTORNEY, MAKING HER FILE AN
ACTION MAKES IT A CONCERN,
RESPONDENT TOOK THE CAR, AND THE
TRANSCRIPT PAGE 140, THE
BEHAVIOR DOES NOT DEMONSTRATE
INTEGRITY AND TRUST AND THESE

ISSUES WERE CONSIDERED, THAT WAS PART OF THE RECORD AND THE REFEREE SPECIFICALLY FOUND THAT SHE HAD AN INTEREST IN TAKING THE CAR AND THERE IS NO NOTION HERE, AND THE FACT --

... SHE WAS ONLY ACTING IN THE BEST INTEREST OF MS. DAVIS-FERNANDEZ AND AS FAR AS IT GOES TOWARDS THE SUPERVISION THAT YOU DID MENTION BEFORE, IT IS CLEAR THAT EVEN THIS VERY, VERY SYMPATHETIC REFEREE, DID NOT BELIEVE SHE COULD ENGAGE IN THE PRACTICE OF LAW ON HER OWN AND THE TERMS OF SUPERVISION OF THE REFEREE MAKE IT CLEAR SHE WAS TO DISCUSS EVERY ACTION SHE TOOK IN EVERY CASE BEFORE SHE TOOK IT AND WAS TO HAVE EVERY DOCUMENT SHE FILED REVIEWED BY A SUPERVISOR, AND THESE ARE NOT TERMS THAT CAN BE SUSTAINED BY AN ATTORNEY IN THE PRACTICE OF LAW, FOR ALL OF THESE REASONS WE ARE URGING DISBARMENT IN THE CASE.

>> THANK YOU VERY MUCH, WE'LL TAKE THE MART UNDER ADVISEMENT. THANK YOU TO BOTH PARTIES.