

>> NEXT CASE ON THE COURT'S AGENDA,
FLORIDA BAR V. LOBASZ.

>> YES.

GOOD MORNING, MAY IT PLEASE THE
COURT, I'M LORRAINE HOFFMAN, I
REPRESENT THE FLORIDA BAR IN
THIS MATTER.

>> AND, PLEASE, SPEAK INTO THE
MIC, PLEASE.

>> YES, MA'AM.

IN MARCH OF 2008, THIS COURT
REJECTED A REFEREE'S REPORT
RECOMMENDING THAT MR. LOBASZ
SHOULD BE DISBARRED FOR SERIOUS
TRUST ACCOUNTING VIOLATIONS.
THIS COURT GAVE HIM ANOTHER
CHANCE AND RECOMMENDED A
THREE-YEAR SUSPENSION FROM THE
PRACTICE OF LAW.

>> THE ORIGINAL REPORT WAS HOW
MUCH?

>> DISBARMENT.

>> OKAY.

>> YES, MA'AM.

NEARLY IMMEDIATELY AFTER THE
EFFECTIVE DATE OF THAT
THREE-YEAR SUSPENSION,
MR. LOBASZ APPEARED IN FEDERAL
IMMIGRATION COURT AND PRACTICED
LAW.

HE DID THAT FULLY AWARE OF THE
SUSPENSION ORDER, AND HE BROUGHT
WITH HIM AN INEXPERIENCED AND
UNPREPARED OTHER LAWYER TO
ASSIST IN THE CASE.

DURING THAT --

>> IN ACTUAL FACT HAD HE TURNED OVER, HAD HE TURNED OVER THIS CASE TO MR. CAHILL?

WAS THAT --

>> YOUR HONOR, THE TESTIMONY IN THE RECORD IS THAT MR. LOBASZ TURNED OVER A SIGNIFICANT NUMBER OF HIS CASES TO MS. CAHILL, BUT THE TESTIMONY AT THE SANCTIONS HEARING WAS THAT MS. CAHILL WAS VERY INEXPERIENCED AND HAD NOT PRACTICED LAW FOR A SIGNIFICANT PERIOD OF TIME.

SHE WAS UNPREPARED FOR THIS HEARING.

WE HAVE BEFORE YOU IN THE RECORD THE ACTUAL TESTIMONY OF THE TWO HEARINGS AT WHETHER MR. LOBASZ APPEARED IN IMMIGRATION COURT. HE APPEARED FIRST ON THE 10TH OF APRIL JUST DAYS AFTER THE EFFECTIVE DATE OF HIS SUSPENSION, AND HE APPEARED AGAIN THE FOLLOWING WEEK, ON THE 17TH OF APRIL, PREPARED TO CONTINUE THE CASE.

HOWEVER, BY THEN JUDGE MARKS LANE HAD LEARNED OF THE SUSPENSION.

SHE QUESTIONED BOTH MR. LOBASZ AND MS. CAHILL ON THE RECORD, THERE'S A TRANSCRIPT, AND DURING THAT DISCUSSION WITH JUDGE MARKS LANE MR. LOBASZ ADMITTED THAT HE KNEW HE WAS SUSPENDED AT THE TIME HE APPEARED BEFORE HER THE

PRIOR WEEK AND THEN, AND JUDGE MARKS LANE REMOVE POLICE DEPARTMENT LOBASZ FROM HER COURTROOM.

SHE ALLOWED MS. CAHILL TO GO FORWARD, HOWEVER, SHE CONTINUED THE MATTER TO ANOTHER TIME AND ADVISED MS. CAHILL SHE NEEDED TO BE PREPARED.

SHE ALSO DISCUSSED IN THE TRANSCRIPT THAT SHE WAS CONCERNED ABOUT THE ALIENS' DUE PROCESS RIGHTS BECAUSE THE HEARING BEFORE JUDGE LANE WAS A REMOVAL PROCEEDING.

IT WAS A VERY, VERY SERIOUS REMOVAL PROCEEDING.

THE CLIENT -- AND MR. LOBASZ IDENTIFIED THE ALIEN AT THE HEARING AS HIS CLIENT.

HE ADVANCED LEGAL ARGUMENT, HE RESPONDED TO THE JUDGE'S QUESTIONS, AND HE ALSO MADE SOMETHING OF A CLOSING DURING THAT FIRST APPEARANCE BEFORE JUDGE LANE ON THE 10TH OF APRIL.

>> WAS THIS A CLIENT THAT HE HAD REPRESENTED BEFORE?

>> YES, MA'AM.

THIS WAS MR. LOBASZ'S LONG-TERM CLIENT, AND HE INDICATED TO JUDGE MARKS LANE AND TO REFEREE IN THE INSTANT PROCEEDING THAT HE WAS THERE IN THE INTEREST OF HIS CLIENT, IN THE BEST INTERESTS OF HIS CLIENT BECAUSE

HE WANTED TO CONTINUE TO REPRESENT THE CLIENT TO CONCLUSION.

AND AS I SAID IN THE RECORD BEFORE JUDGE MARKS LANE, HE REFERRED TO HIM AS, "MY CLIENT."

>> SO THERE'S, I MEAN, THERE'S NO QUESTION THAT HE PRACTICED LAW.

NOW, THE ISSUE REALLY IS WHAT THE SANCTIONS SHOULD BE, AND THE BAR -- ARE WE PRETTY CLEAR THAT IF THERE IS ANY PRACTICING LAW NO MATTER WHAT THE REASON OR WHAT THE EXCUSE AFTER A SUSPENSION ORDER OF THIS MAGNITUDE THAT DISBARMENT IS THE APPROPRIATE SANCTION?

>> YES, YOUR HONOR.

IN THE RECENT BODY OF CASE LAW, THIS COURT HAS CONSISTENTLY IMPOSED THE SANCTION OF DISBARMENT UNDER CIRCUMSTANCES OF THIS KIND.

IN THE --

>> DID THE CLIENT IN THIS CASE, DID HE TESTIFY?

DID HE KNOW THAT MR. LOBASZ HAD BEEN SUSPENDED?

>> THE CLIENT DID TESTIFY AT THE HEARING, HE TESTIFIED IN RESPONSE TO QUESTIONS POSED BY MS. CAHILL AND TO A SERIES OF SIGNIFICANT QUESTIONS POSED BY MR. LOBASZ HIMSELF.

>> SUBSEQUENT, DID HE SAY THAT

HE KNEW WHY MS. CAHILL WAS BEING BROUGHT IN?

>> NO, YOUR HONOR, HE DID NOT KNOW.

IN FACT, HE SPECIFICALLY SAID HE DID NOT KNOW THAT MR. LOBASZ WAS SUSPENDED.

>> AND WHY WAS MS. CAHILL BROUGHT INTO THE HEARING?

>> THE TESTIMONY INDICATES IN THE TRANSCRIPT THAT WE HAVE BEFORE THE HEARING, WHICH IS PART OF THIS RECORD, THAT MS. CAHILL WAS BROUGHT IN BECAUSE MR. LOBASZ WAS SUSPENDED, THAT THE TWO OF THEM HAD DISCUSSED IT.

SHE HAD NOT BEEN IN COURT FOR 11 YEARS PRIOR TO THAT.

SHE WAS TERRIFIED OF BEING IN COURT, SHE TOLD THE TRIAL JUDGE SHE WOULD RATHER HAVE, I THINK IT WAS A ROOT CANAL, THAN BE IN COURT BUT BECAUSE SHE HAD TO BE, AND SHE INSISTED THAT MR. LOBASZ COME, AND IT WAS HIS INTENT TO WHISPER IN HER EAR DURING THE PROCEEDINGS.

AFTER JUDGE MARKS LANE FILED HER COMPLAINTS WITH THE FLORIDA BAR, THE BAR FILED A CONTEMPT ACTION AND AFTER THIS COURT ENTERED A SHOW CAUSE ORDER, MR. LOBASZ MADE FALSE REPRESENTATIONS TO THIS TRIBUNAL ABOUT THE EXTENT OF HIS PRACTICE BEFORE JUDGE

MARKS LANE.

IN THE PROCEEDINGS BEFORE YOU, HE TOLD THIS BODY THAT HIS PARTICIPATION IN THAT HEARING CONSISTED SOLELY OF ONE RESPONSE TO JUDGE MARKS LANE AND FIVE BRIEF QUESTIONS TO THE RESPONDENT, TO THE ALIEN CLIENT. WE KNOW THAT MR. LOBASZ KNEW THIS WAS FALSE WHEN HE ANSWERED THE COURT IN THAT WAY BECAUSE HE'D HAD THE SAME DISPUTE AND DISCUSSION WITH JUDGE MARKS LANE IN THE TRANSCRIPT, AND HE TOLD HER, "JUDGE, I ONLY ASKED A FEW QUESTIONS," AND SHE SAID, "NO, I REMEMBER DIFFERENTLY."

SO WE KNOW THAT THIS HAD HAPPENED BEFORE.

NONETHELESS, IN THE RESPONSE TO THE SHOW CAUSE ORDER ENTERED BY THIS COURT, MR. LOBASZ INDICATED HE HAD VERY LIMITED PARTICIPATION IN THAT PROCEEDING AND ONLY WHEN THE BAR FILED A SUPPLEMENT TO ITS PETITION FOR CONTEMPT WITH THE ACTUAL TRANSCRIPT DID MR. LOBASZ AGREE TO A SUMMARY JUDGMENT WHICH BROUGHT US TO A SANCTIONS-ONLY HEARING.

AT THAT SANCTIONS-ONLY HEARING CLEARLY NOTICED AS SUCH, A DECREE ORDER AGREEING TO CONTEMPT, THE REFEREE ALLOWED MR. LOBASZ TO PRESENT

SIGNIFICANT MITIGATION TESTIMONY REGARDING THE UNDERLYING MISCONDUCT.

THE BAR PREPONDED DISCOVERY AND ASKED, IS THERE ANY MITIGATION?

>> LET ME ASK YOU BEFORE YOU ACTUALLY GET TO THE SANCTION, AS I UNDERSTAND THE RESPONDENT'S ARGUMENT, HE IS SAYING THAT THIS HEARING WAS NOT REALLY A SANCTIONS-ONLY HEARING, BUT THAT THERE WAS STILL A QUESTION OF WHETHER OR NOT HIS PARTICIPATION AT THAT APRIL 10TH HEARING WAS AN INTENTIONAL DISREGARD OF THIS COURT'S SUSPENSION ORDER?

>> YES, MA'AM.

>> AND DO YOU AGREE THAT THAT WAS AN ISSUE AT THE HEARING?

>> NO, I DO NOT, YOUR HONOR.

AT THE TIME THAT IT WAS NOTED, IT WAS NOTICED AS A SANCTIONS HEARING.

THERE WAS NO OBJECTION TO THAT, THERE WAS NO MODIFICATION OF THAT, THERE WAS NO MITIGATION PRESENTED IN RESPONSE TO THE BAR'S DISCOVERY REQUEST.

THE REASON WE PREPONDED DISCOVERY, THE REASON WHY WE ASKED FOR MITIGATION IS WE WANTED AN OPPORTUNITY TO TEST IT.

IF MR. LOBASZ HAD ANYTHING HE WANTED THE BAR TO UNDERSTAND, THE BAR NEEDED TO HAVE AN

OPPORTUNITY TO TEST IT.
SO IT WAS NOTICED AT A SANCTIONS
HEARING, AND IT WENT FORWARD.
THE ONLY TESTIMONY THAT WAS
OFFERED AT THAT HEARING WAS THAT
OF MR. LOBASZ, AND THE JUDGE LET
IT IN TO PRESENT EVIDENCE OF
MITIGATION.

DURING THAT MITIGATION HEARING,
MR. LOBASZ TESTIFIED EXPANSIVELY
ABOUT MITIGATION THAT HAD NOT
BEEN REVEALED TO THE FLORIDA
BAR.

HE TESTIFIED ABOUT MENTAL HEALTH
ISSUES, HE TESTIFIED ABOUT
VARIOUS SYMPTOMS THAT HE
EXPERIENCED, HE TESTIFIED ABOUT
TREATMENT, HE TESTIFIED ABOUT
MEDICATION --

>> WHY WOULDN'T THAT -- MAYBE
I'M -- THE SANCTION IS, IF IT'S
SANCTIONS, SHOULDN'T MITIGATION
BE SOMETHING THAT IS CONSIDERED
IN THE SANCTIONS THAT ARE GOING
TO BE IMPOSED?

>> YES, MA'AM, IT SHOULD, BUT
THE FLORIDA BAR V. HOROWITZ
CLEARLY ESTABLISHED, THIS COURT
ESTABLISHED IN YOUR RULING IN
THAT CASE THAT MITIGATION
TESTIMONY MAY NOT COME IN FOR
THE FIRST TIME UNDISCLOSED TO
THE BAR PRIOR TO THAT AT A
SANCTIONS HEARING, AND THE WHOLE
PURPOSE OF THAT IS THAT IT IS
UNTESTED.

THE DANGER IN SUCH A SCENARIO IS EXACTLY WHAT HAPPENED IN THIS CASE.

MR. LOBASZ CAME IN, HE TESTIFIED EXPANSIVELY ABOUT HIS MENTAL HEALTH ISSUES THAT THE COURT WILL HAVE NO ABILITY TO --

>> DID YOU OBJECT PRIOR TO MR. LOBASZ ACTUALLY TESTIFYING ABOUT HIS MENTAL HEALTH?

>> REPEATEDLY.

THE BAR OBJECTED.

THE RECORD IS REplete WITH THE BAR'S OBJECTION.

THE BAR BROUGHT TO THE REFEREE'S ATTENTION THIS COURT'S HOLDING IN THE FLORIDA BAR V. HOROWITZ. NONETHELESS, THE REFEREE ALLOWED WHAT THIS COURT TERMED IN THE FLORIDA BAR V. BITTERMAN AS SUBJECTIVE, SELF-SERVING TESTIMONY TO COME IN.

IT DIDN'T IN BITTERMAN, BUT IN THIS CASE THE REFEREE ALLOWED IT TO COME IN, AND BASED ON THIS UNSUBSTANTIATED MITIGATION TESTIMONY, THE REFEREE ACTUALLY MADE FINDINGS IN HIS REPORT OF REFEREE AS TO DIAGNOSES, SO TO SPEAK, OF THESE MYRIAD ABNORMALITIES THAT MR. LOBASZ TESTIFIED TO.

THE REFEREE SPECIFICALLY FOUND IN HIS REPORT THAT MR. LOBASZ SUFFERED FROM POSTTRAUMATIC STRESS DISORDER, THAT HE

SUFFERED FROM STRESS SYNDROME, THAT HE SUFFERED FROM DEPRESSION AND ANXIETY, AND THIS IS BASED ON NO CORROBORATION IN THE RECORD, NO DOCTORS' RECORDS, NO EVALUATIONS, NO MEDICAL RECORDS, TO OTHER TESTIMONY OTHER THAN THAT OF MR. LOBASZ.

>> LET ME MAKE SURE I UNDERSTAND HERE, YOU'RE SAYING WHEN MR. LOBASZ TESTIFIED CONCERNING HIS MENTAL HEALTH ISSUES, THE BAR OBJECTED?

>> REPEATEDLY.

>> TO HIS TESTIMONY?

>> YES, SIR.

FURTHER, THE PURPOSE OF THIS TESTIMONY WAS TO ESTABLISH NO INTENT TO COMMIT THESE INFRACTIONS ON APRIL 17TH AND APRIL 10TH BEFORE JUDGE MARKS LANE.

BASED ON THIS UNSUBSTANTIATED, SELF-SERVING TESTIMONY THAT WAS UNCORROBORATED, NO RECORD EVIDENCE IN ANY WAY, THE REFEREE FOUND THAT ALTHOUGH MR. LOBASZ HAD DEMONSTRATED, HAD PRACTICED LAW DURING THE TIME OF HIS SUSPENSION AND THE REFEREE FOUND THAT HE SUFFERED FROM THESE MALADIES THAT I'VE LISTED FOR YOU, THE REFEREE ALSO DETERMINED THAT MR. LOBASZ HAD NO INTENT AND, THEREFORE, RECOMMENDED THAT HE RECEIVE A CONCURRENT

THREE-YEAR SUSPENSION BUT FOR THE FEW DAYS IN BETWEEN THE DATE OF THE EFFECTIVE DATE OF THE THREE-YEAR SUSPENSION AND APRIL 10TH.

SO, IN ESSENCE, HE RECEIVED A PROSPECTIVE SUSPENSION OF ABOUT TWO OR THREE DAYS.

>> LET ME GO BACK TO OBJECTIONS ON' THE MENTAL HEALTH TESTIMONY.

>> CERTAINLY.

>> DID HE GIVE ANY TESTIMONY RELATED TO HIS MENTAL HEALTH TO WHICH YOU DID NOT OBJECT? SPECIFICALLY, WHEN HE GAVE TESTIMONY CONCERNING HIS POSTTRAUMATIC STRESS DISORDER, ANXIETY AND DEPRESSION, WERE, WAS -- DID THE BAR MAKE OBJECTION TO TESTIMONY ON THOSE SUMMITS FROM MR. LOBASZ?

>> YES, JUSTICE CANADY.

THE BAR OBJECTED REPEATEDLY AND VOCIFEROUSLY.

IT WAS SOMETHING OF A SKIRMISH BECAUSE THERE WAS A POINT WHERE THE REFEREE ACTUALLY TEASED OUT QUESTIONS -- HE ASKED HIS OWN QUESTIONS.

FOR INSTANCE, THERE WAS AN EXCHANGE, I THINK IT'S LAID OUT IN THE BAR'S BRIEF, WHERE THE REFEREE ASKED MR. LOBASZ, WELL, WHAT CONDITION ARE YOU SUFFERING FROM, AND HE COULDN'T ANSWER. WHAT MEDICATIONS ARE YOU TAKING?

MR. LOBASZ SAID HE COULDN'T
REMEMBER.

THE REFEREE OFFERED HIM THE NAME
OF A PARTICULAR DRUG, I BELIEVE
IT WAS THORAZINE, AND MR. LOBASZ
SAID, I CAN'T REMEMBER DRUG
NAMES, IT'S ABOUT 300 MILLIGRAMS
OF SOMETHING, SO THE REFEREE
CONTINUALLY TEASED OUT THIS
TESTIMONY OVER THE BAR'S
OBJECTION.

HE ASKED HIM ABOUT HIS SYMPTOMS,
ARE YOU HAVING TROUBLE SLEEPING,
CAN YOU REST, THESE KINDS OF --

>> IF THE BAR HAD BEEN GIVEN
PROPER NOTICE, IS THE FINDING
THAT HIS ACTIONS WERE DRIVEN
MORE BY HIS EMOTIONAL STATE AND
HIS DESIRE TO HELP A FORMER
CLIENT THAN BY A DISREGARD FOR
THE ORDER OF THE COURT?

IS THAT AN APPROPRIATE FINDING
FOR A REFEREE TO MAKE IN THIS
TYPE OF SANCTIONED HEARINGS?

>> ABSOLUTELY NOT.

ABSOLUTELY NOT.

>> SO WHAT IS THE -- SO IN TERMS
OF DECIDING WHAT SANCTION TO BE
IMPOSED FOR VIOLATION OF THE
COURT ORDER, WHAT IS IT THAT WE
ARE SUPPOSED TO CONSIDER?

>> THIS COURT SHOULD CONSIDER
THE EVIDENCE OF WHAT MR. LOBASZ
HAS DONE IN THIS PROCEEDING
UNDER THE FLORIDA BAR V.
FORESTER, THIS COURT SHOULD

CONSIDER THE CIRCUMSTANTIAL EVIDENCE AFTER THE APRIL 10TH HEARING AND BEFORE THE HEARING WITH THE REFEREE WHICH INCLUDED GOING TO HIS OFFICE EVERY DAY, CONTINUING TO MEET WITH HIS CLIENTS ALONE, MANY OF THEM CANNOT READ AND WRITE, THEY ARE THE MOST VULNERABLE CLASS OF PEOPLE AMONG US.

>> WERE THOSE CHARGED AS PART OF THE CONTEMPT?

>> NO, MA'AM, BUT THEY'RE PART OF THE CIRCUMSTANTIAL EVIDENCE. WHAT'S DEMONSTRATED JUST BY THE CONDUCT IS AN INTRACTABLE CONTEMPT FOR THIS COURT'S ORDER. HE NOT ONLY HELD HIMSELF OUT AS A LAWYER, HE WALKED INTO A FEDERAL COURTROOM AND COMPELLED A FEDERAL IMMIGRATION JUDGE TO FILE A COMPLAINT WITH THE FLORIDA BAR.

SHE HAD TO RESCHEDULE HER HEARING ON A DEPORTATION MATTER INVOLVING FELONIOUS MISCONDUCT BECAUSE OF THE MISCONDUCT OF THIS LAWYER.

AND THAT IS THE INTRACTABLE CONTEMPT FOR WHICH HE SHOULD BE PUNISHED IN THIS PROCEEDING.

I'D LIKE TO SAVE JUST A FEW MINUTES FOR REBUTTAL, IF I MAY.

>> WELL, YOU'VE USED YOUR TIME BUT --

>> YES, MA'AM.

THANK YOU.

>> MR. SMITH?

>> MAY IT PLEASE THE COURT, GOOD MORNING.

I'M CULVER SMITH, WEST PALM BEACH.

I HAVE THE PRIVILEGE OF REPRESENTING THE RESPONDENT, MR. LOBASZ, WHO IS SITTING HERE AT COUNSEL TABLE.

>> NOW, DID YOU AGREE THAT MR. LOBASZ APPEARED AT THE APRIL 10TH HEARING, ACTUALLY DID, AND THAT HE WOULD PRACTICE LAW AT THAT HEARING?

>> WE AGREED TO THAT.

THAT'S WHAT THE AGREED ORDER ON SUMMARY JUDGMENT FINDS AS A MATTER OF FACT.

>> MR. SMITH, WERE YOU REPRESENTING THIS RESPONDENT AT THE TIME THE DISCOVERY WAS PROPOUNDED WITH REGARD TO MITIGATION?

>> YES, SIR.

>> DID YOU RESPOND TO THAT TO OUTLINE WHAT THE MITIGATION WOULD BE?

>> WE RESPONDED SAYING EITHER IT WAS NOT YET DETERMINED, WHICH WAS TRUTHFUL, IT WAS EARLY IN THE PROCESS OR ON THE RESPONSE TO THE DOCUMENTS THAT THERE WERE NO SUCH DOCUMENTS WHICH WAS TRUTHFUL AND A TIMELY RESPONSE.

>> DID YOU EVER NOTIFY THE BAR

THAT MITIGATION WAS GOING TO BE PRESENTED BEFORE THE HEARING?

>> NOT IN ANY FORMAL WAY --

>> I DIDN'T ASK IN A FORMAL WAY, DID YOU NOTIFY THE BAR?

>> I DON'T RECALL.

I WOULD ADD --

>> I'M SORRY, GO AHEAD.

FINISH.

I DIDN'T MEAN TO CUT YOU OFF.

>> I WOULD ADD THAT I DON'T BELIEVE THAT'S A REQUIREMENT.

THEY CAN FOLLOW UP WITH ADDITIONAL DISCOVERY.

>> WELL, IS THAT THE WAY YOU PRACTICE LAW?

>> WELL, YOUR HONOR --

>> [INAUDIBLE]

>> BEG YOUR PARDON?

>> SOMEONE SENDS YOU DISCOVERY AND YOU JUST IGNORE IT AND OTHER CASES AND DO NOT PROVIDE IT AND SAY, WELL --

>> I DID NOT IGNORE THEIR DISCOVERY REQUEST, YOUR HONOR, I RESPONDED TO THEM TRUTHFULLY.

>> DID YOU GIVE THEM THE DOCUMENTS THAT YOU ULTIMATELY -- THE E-MAIL THAT CAME INTO EVIDENCE?

>> NO.

BECAUSE THAT CAME INTO MY HANDS A DAY OR TWO BEFORE.

SO THEY COULD OBJECT TO IT AND, BY THE WAY, THAT WAS THE OBJECTION MADE ON THE BASIS OF

HOROWITZ OR HOLLINGSWORTH.

I THINK SHE SAID HOLLINGSWORTH,
SHE MEANT HOROWITZ.

THAT WAS THE OBJECTION, WAS TO
THAT E-MAIL, AND THAT OBJECTION
WAS SUSTAINED.

A QUICK LOOK AGAIN AT THE RECORD
AND BASED ON MY RECOLLECTION, I
DON'T RECALL ANY OBJECTIONS TO
MR. LOBASZ'S OWN TESTIMONY ABOUT
HIS -- ON DIRECT EXAMINATION OR
IN QUESTIONING TO THE REFEREE AS
TO HIS OWN MENTAL STATE.

>> PROTECTION TO MITIGATION
BEING PRESENTED?

>> THERE WAS NO OBJECTION TO
MITIGATION BEING -- BEST I
RECALL --

>> I UNDERSTAND THE E-MAIL.
WAS THERE OTHER OBJECTIONS
RAISED BY THE BAR PROCEEDING IN
THAT FASHION?

>> I DO NOT BELIEVE SO.

>> OKAY.

SO WHAT THE BAR SAID THIS
MORNING IS NOT A CORRECT
REPRESENTATION OF THE RECORDS?

>> BASED ON MY RECOLLECTION,
THAT IS CORRECT.

AND I WOULD ASK THE COURT TO
LOOK CLOSELY BEHIND
CHARACTERIZATIONS THAT THE BAR
HAS MADE ABOUT MANY OF THESE
PROCEEDINGS, ABOUT PLEADINGS,
ABOUT TESTIMONY.

FOR EXAMPLE, I BELIEVE THE

EVIDENCE WAS THAT, IN FACT,
MR. LOBASZ HAD TURNED OVER THIS
CASE, THE AQUINAS CASE, TO
MS. CAHILL ALONG WITH MANY
OTHERS.

>> IF HE HAD, IN FACT, TURNED
THIS CASE OVER TO MS. CAHILL,
WHY WAS HE DOING THE
PRESENTATION AT THE HEARING?

>> OUT OF CONCERN, AS HE
TESTIFIED.

>> SO WHY IF HE KNEW THAT SHE
WAS AN INEXPERIENCED LAWYER AND
DIDN'T GO -- WHY DID HE TURN THE
CASE OVER TO HER?

DID HE ATTEMPT TO FIND ANY OTHER
LAWYER WHO WAS PROLIFIC IN THIS
PARTICULAR AREA TO TAKE THIS
CASE?

>> YES, THE EVIDENCE IS THAT HE
DID UNSUCCESSFULLY.

>> IS THE BAR'S REPRESENTATION
THAT MS. CAHILL HAD NOT BEEN IN
A COURTROOM OR PRACTICED,
ESSENTIALLY -- YOU WERE HERE,
YOU HEARD WHAT SHE SAID -- ABOUT
11 YEARS AND FELT AS THOUGH IT
WAS GOING TO A SEVERE DENTAL
PROCEDURE, IS THAT IN THIS
RECORD?

>> OH, IN THE RECORD?

NO, IT'S NOT IN THE RECORD.

WHAT COUNSEL WAS REFERRING TO,
THE TRANSCRIPT OF THE SECOND
APRIL HEARING BEFORE THE
IMMIGRATION JUDGE WHEN THE

IMMIGRATION JUDGE --

>> WAS THAT PLACED INTO EVIDENCE?

>> THAT WAS NOT PLACED INTO EVIDENCE.

THE APRIL 10TH TRANSCRIPT WAS PLACED INTO EVIDENCE.

THOSE TRANSCRIPTS ARE ATTACHED, I BELIEVE, TO THE BAR'S MOTION FOR SUMMARY JUDGMENT.

BUT THAT'S NOT PART OF THE EVIDENCE BEFORE THE REFEREE.

>> WAS NOT PART OF THE SUMMARY JUDGMENT HEARING?

IF A LAWYER FILES A TRANSCRIPT OF A HEARING, YOU'RE SUGGESTING THAT'S NOT PART OF THE RECORD?

>> NO, I'M NOT SUGGESTING THAT. IT'S PART OF THE OVERALL RECORD OF THE CASE.

>> OKAY, SO IT IS --

>> IT'S NOT IN THE EVIDENCE BEFORE THE REFEREE.

>> SUMMARY JUDGEMENT, MATTERS OF AFFIDAVIT ARE NOT MATTERS BEFORE A --

>> NOT AT A TRIAL, NOT AT AN EVIDENTIARY HEARING, NO SIR. NO WAY.

NOW, WE PUT THE APRIL 10TH TRANSCRIPT INTO EVIDENCE AT THE HEARING SO THAT IT WOULD BE IN EVIDENCE.

WE DID THAT.

IT'S NOT TRUE -- SO IT'S, AND IT'S NOT TRUE THAT MR. LOBASZ,

DESPITE WHAT COUNSEL, SAYS WENT
THERE TO CONTINUE TO REPRESENT
THAT CLIENT.

THAT'S BEEN BASED ON
INTERPRETATION OR ARGUMENT ON
OTHER EVIDENCE.

THE TESTIMONY WAS THAT HE WAS NO
LONGER REPRESENTING.

THERE WAS AFFIRMATIVE TESTIMONY
THAT HE WAS NO LONGER
REPRESENTING THAT CLIENT.

NOW --

>> WHY DID HE GO TO FEDERAL
COURT?

BECAUSE THE REALITY THERE OF A
SUSPENDED LAWYER SITTING AT
COUNSEL TABLE AND FEDERAL COURT
THAT IS HARD TO AVOID.

>> I'M SORRY, THERE'S WHAT?

>> A CERTAIN REALITY.

>> OH, YES, SIR.

THERE CERTAINLY IS.

HE TESTIFIED HIS MOTIVE WAS TO
ASSIST MS. CAHILL IN THE PROCESS
OF TRANSITIONING THIS, YOU KNOW,
HE HAD TRANSITIONED THE FILE TO
HER.

THIS WAS THE DEPORTATION
HEARING.

SHE WAS NEW TO THE CASE, AND HE
WAS THERE JUST TO HELP MAKE SURE
THINGS DID NOT GO AWRY BY --

>> THEN SHE ASKED HIM TO
ACCOMPANY HER?

>> I DON'T REMEMBER WHAT THE
EVIDENCE IS ON THAT POINT, YOUR

HONOR.

>> DID MS. CAHILL WORK FOR HIM BEFORE THE SUSPENSION?

>> NO.

>> DID SHE WORK OUT OF HIS OFFICE FACILITY AFTER THE SUSPENSION?

>> NO.

THEY SHARED OFFICE SPACE IN THE SAME FACILITY.

TWO INDEPENDENT LAWYERS --

>> WHAT DOES THAT MEAN?

WHAT DOES THAT MEAN?

YOU GO IN THE FRONT DOOR, THEY HAD TWO DIFFERENT OFFICES?

>> WELL, THERE'S NO REFERENCE AS TO WHAT THE SIGNAGE WAS.

>> SHE WAS IN THE SAME FACILITY?

>> I GUESS THEY WERE IN THE SAME BUILDING ON THE SAME FLOOR, AND I DON'T -- THERE'S NO EVIDENCE ABOUT ENTRANCES, BUT IF LAWYERS SHARE, IF LAWYERS SHARE -- THE JURISPRUDENCE OF A STATE IS IF LAWYERS SHARE OFFICE SPACE AND MAKE IT LOOK TO THE PUBLIC LIKE THEY'RE PARTNERS, THEN THEY CAN BE VICARIOUSLY LIABLE TO EACH OTHER, BUT I DON'T KNOW THAT THAT BEARS ON THIS CASE.

THERE'S NO EVIDENCE THAT ONE OF THEM WORKED FOR THE OTHER.

THE BAR SAID MR. LOBASZ, ON THE ONE HAND, WAS THERE TO ACT AS ASSISTANT TO MS. CAHILL WHICH, INDEED, HE TESTIFIED TO.

AND ON THE OTHER HAND, LATER AT THE REFEREE'S HEARING HE TESTIFIED HE WAS NOT A LEGAL INSTANT OR PARALEGAL FOR MS. CAHILL WHICH IS TRUTHFUL ALSO.

THEY'RE NOT INCONSISTENT. THIS LACK OF CORROBORATION ISSUE, WHETHER YOU CALL THIS A GUILT HEARING OR A SANCTIONS HEARING, WE WENT THERE THINKING THERE WAS STILL GUILT ISSUES SUCH AS THE WILLFULNESS ISSUE OF CONTEMPT, BUT THAT COULD BE PART OF THE MITIGATION OR SANCTION PROCESS.

I DON'T THINK WE HAVE TO SPLIT THAT HAIR.

BUT WHAT THE QUESTION HERE IS, THE BAR SAYS MR. LOBASZ'S TESTIMONY ABOUT NOT INTENTIONALLY WANTING TO DISREGARD THIS COURT'S ORDER WAS UNCORROBORATED.

WELL, IT MAY HAVE BEEN UNCORROBORATED, BUT THERE'S NO REQUIREMENT IT BE CORROBORATED. IT'S DIRECT TESTIMONY, AND IT CONSTITUTES SUBSTANTIAL EVIDENCE OF IT OWN.

THE REFEREE COULD HAVE CHOSEN TO OBJECTIVITY, THE REFEREE CHOSE TO ACCEPT IT AND FOUND IT CREDIBLE.

THAT SHOULD END THAT DISCUSSION ABOUT WILLFULNESS, IF THERE'S

COMPETENT SUBSTANTIAL EVIDENCE.

>> WHY ISN'T IT WILLFUL WHEN
SOMEBODY WALKS INTO A FEDERAL
COURTHOUSE, EXAMINES A WITNESS
AND RESPONDS TO QUESTIONS ABOUT
A FEDERAL JUDGE ABOUT WHAT'S
GOING ON IN A CASE?

WHY ISN'T THAT A WILLFUL ACT?

>> THAT'S A WILLFUL ACT, DON'T
MISUNDERSTAND ME, YOUR HONOR.

THAT'S A WILLFUL ACT.

THE WILLFULNESS QUESTION WAS
WHETHER IT WAS BEING WILLFULLY
CONTEMPTUOUS OF THIS COURT, A
WILLFUL VIOLATION.

>> DIDN'T YOUR CLIENT KNOW HE
SHOULD NOT BE PRACTICING LAW?

>> YES, SIR.

CERTAINLY.

>> THEN HOW IS WALKING INTO THAT
FEDERAL COURTHOUSE NOT AN ACT OF
PRACTICING LAW?

>> WELL, THESE ARE IMPORTANT
HAIRS TO SPLIT --

>> I DON'T SEE A HAIR TO SPLIT.

>> WELL, WALKING INTO A
COURTHOUSE IS NOT PRACTICING
LAW, YOUR HONOR --

>> I AGREE WITH THAT.

RESPONDING TO A JUDGE'S
QUESTIONS ON A PARTICULAR CASE
AND DOING A DIRECT EXAMINATION
OF A WITNESS SEEMS TO ME TO BE
PRACTICING LAW --

>> IT ABSOLUTELY IS, AND WE
AGREED TO THAT ON SUMMARY

JUDGMENT.

ABSOLUTELY.

>> SO DID YOU TELL THE JUDGE
THAT HE WAS SUSPENDED?

>> BEG YOUR PARDON?

>> DID HE TELL THE
ADMINISTRATIVE JUDGE, THE
IMMIGRATION JUDGE THAT HE WAS
SUSPENDED?

>> NO, HE DID NOT.

HE TOLD -- MS. CAHILL TOLD THE
JUDGE THAT SHE WAS THE ATTORNEY
FOR THE CLIENT NOW, THAT SHE WAS
CONDUCTING THE HEARING, INDEED,
THE HEARING STARTED THAT WAY
OTHER THAN ONE QUESTION HE
ANSWERED, WITH HER DIRECTING
EXAMINATION, AND THEN HE GOT
INVOLVED WITH ANSWERING
PROCEDURAL QUESTIONS BECAUSE HE
KNEW THE HISTORY.

SHOULDN'T HAVE DONE IT, ADMITS
THAT HE DID THE QUALIFICATION
FOR VOLUNTARY DEPORTATION WHICH
IS CLEARLY PRACTICING LAW, AND
HE SHOULDN'T HAVE DONE IT.

WHAT'S AT ISSUE IS THIS A
WILLFUL CONTEMPT OF THIS COURT?
AND HE TESTIFIED THAT WAS NOT
HIS --

>> WELL, TELL ME WHAT MORE
SHOULD HAVE BEEN SHOWN WHEN HE
KNEW, I MEAN, YOU JUST AGREED
THAT HE KNEW THAT HE WAS NOT
SUPPOSED TO PRACTICE LAW.

YOU JUST AGREED THAT HE KNEW HE

WAS, IN FACT, PRACTICING LAW.

WHAT MORE NEEDED TO BE SHOWN?

>> WELL, I'M SORRY.

HE DID NOT KNOW AT THE TIME THAT WHEN HE WAS RESPONDING -- HE TESTIFIED THAT HE DID NOT REALIZE, DID NOT THINK AT THE TIME WHEN HE WAS ASKING PROCEDURAL QUESTIONS THAT THAT WAS PRACTICING LAW.

>> WHAT ABOUT WHEN HE WAS EXAMINING A WITNESS?

DID HE KNOW THAT WAS PRACTICING LAW?

>> WELL, THERE'S NO EVIDENCE IN HIS STATE OF MIND ABOUT THAT, BUT I THINK HE WASN'T THINKING ABOUT WHETHER HE WAS VIOLATING THE COURT'S ORDER, BUT IT WAS CLEARLY PRACTICING LAW.

>> BASICALLY, HE WAS UNMINDFUL. YOUR WHOLE DEFENSE HERE IS THAT, ESSENTIALLY, HE WENT INTO COURT THERE AND HAD SOME ENGAGEMENT IN THIS LEGAL PROCEEDING UNMINDFUL OF OUR ORDER OF SUSPENDING HIM, AND THEREFORE, IT WASN'T WILLFUL.

>> I'D LIKE TO SAY THAT, BUT THAT'S NOT THE CASE.

WE'RE NOT SAYING HE WAS UNMINDFUL OF THIS COURT'S SUSPENSION ORDER.

HE KNEW, HE KNEW HE WAS A SUSPENDED LAWYER WHEN HE WALKED INTO THAT COURTROOM.

SO WHAT WE'RE TALKING ABOUT,
REALLY, IS DEGREES HERE AND
PERSPECTIVE COMPARED TO ALL
THESE OTHER CASES THAT THE BAR
HAS CITED WHICH ARE FAR MORE
EGREGIOUS CIRCUMSTANCES THAN
THIS ONE.

AND, REMEMBER, THIS IS A
CONTEMPT CASE, AND THESE
CONTEMPT PROCEEDINGS SEEM TO BE
UNDER THE JURISPRUDENCE OF A
SOMEWHAT HYBRID WHETHER THEY'RE
CONTEMPT, STAND-ALONE CONTEMPT
PROCEEDINGS OR DISCIPLINARY
PROCEEDINGS.

SO WHAT WE HAVE HERE IS AN
INDIRECT CRIMINAL INTENT
TECHNICALLY, AT LEAST, AND THE
QUESTION IS, WHAT IS THE
SANCTION FOR THAT?

IF THIS WERE NOT A BAR CASE,
YOU'D BE TALKING MAYBE ABOUT
FINES OR MAYBE ABOUT SOME TIME
IN JAIL, YOU KNOW, WHATEVER.
BECAUSE IT'S A BAR CASE UNDER
OUR CASE LAW, WE CAN BRING IN
THE WHOLE DISCIPLINARY SANCTION
RELATION.

>> SO DO YOU THINK THAT TWO
DAYS, IN ESSENCE, OF ADDITIONAL
SUSPENSION IS SUFFICIENT FOR A
LAWYER WHO, KNOWING HE IS A
SUSPENDED LAWYER, PRACTICES LAW
ANYWAY?

>> WELL, UNDER THE CASE LAW,
YES, MA'AM.

AND THE QUESTION HERE WITH REGARD TO THE RECOMMENDED SANCTION IS WHETHER IT HAS REASONABLE SUPPORT IN THE STANDARDS AND IN THE CASE LAW. AND WE SUGGEST THAT STANDARD 8.3 IS THE ONE THAT APPLIES HERE NEGLIGENTLY.

THE REFEREE DID NOT CITE A STANDARD.

>> WHAT WOULD BE YOUR ARGUMENT, THEN, IF THE REFEREE RECOMMENDED A THREE-YEAR SUSPENSION, CORRECT?

>> CORRECT.

>> AND THIS THREE-YEAR SUSPENSION WAS TO RUN CONSECUTIVE TO THE THREE-YEAR SUSPENSION THAT HE'S ALREADY UNDER?

>> I'D --

>> DOES THE COURT HAVE THE AUTHORITY TO DO THAT?

>> I WOULD THINK SO, BUT I'D BE ARGUING NOT CONSECUTIVE VERSUS CONCURRENT IS UNSUPPORTED, I'D BE ARGUING ABOUT THE LENGTH OF THE SUSPENSION FOR THAT ACT. SO WHAT WE'RE TALKING ABOUT IS WHAT HE DID ON THIS SINGULAR OCCASION.

THE FIRST WEEK OF THE SUSPENSION --

>> AND WHAT ABOUT HIS GOING IN THE COURT ON APRIL 17TH? THAT WAS HIS SECOND CASE,

CORRECT?

>> THAT WAS, THAT WAS THE
NEXT -- THAT WAS THE SAME CASE.

>> I KNOW IT'S THE SAME CASE,
BUT HE WAS GOING TO PARTICIPATE
ON APRIL 17TH IN ANOTHER HEARING
BUT FOR THE FACT THAT THE JUDGE
AT THAT HEARING KNEW THAT HE WAS
A SUSPENDED LAWYER.

>> I THINK ALL WE CAN FAIRLY
SAY, YOUR HONOR, IS THAT HE
APPEARED FOR THAT HEARING AT
WHICH THE PURPOSE OF WHICH WAS
FOR THE IMMIGRATION JUDGE TO
ANNOUNCE HER DECISION BASED UPON
WHAT HAD OCCURRED ONE WEEK
BEFORE.

THERE WAS NOT GOING TO BE ANY
TAKING OF EVIDENCE OR ANY
FURTHER ARGUMENT OR ANYTHING.
LISTEN, I'M NOT TRYING TO AWARD
MR. LOBASZ A MEDAL FOR GOING TO
COURT THOSE TWO DAYS, I'M TRYING
TO PUT THIS IN PERSPECTIVE.
AND THE CASE LAW, ACTUALLY FAR
LESS THAN A THREE-YEAR
SUSPENSION, I DON'T KNOW HOW TO
PRONOUNCE IT --

>> DOES THE CASE LAW SUPPORT A
TWO-DAY SUSPENSION?

>> IT DOES BY IMPLICATION
BECAUSE IT SUPPORTS A PUBLIC
REPRIMAND, AND IT SUPPORTS WHEN
THERE'S NO --

>> UNDER WHAT CIRCUMSTANCES?

>> PARDON ME?

>> UNDER WHAT CIRCUMSTANCES?

>> LET'S SEE, THAT'S THE NECKMAN CASE WHICH THE REFEREE DID CITE TO, AND THAT'S A CASE IN WHICH THE REFEREE FOUND THAT -- AND THIS COURT AFFIRMED THERE WAS NO INJURY CAUSED BY NECKMAN.

HERE THERE'S AN INJURY TO THE SYSTEM I CAN SEE BECAUSE IT HAD TO BE PUT OVER TO A LATER DATE. BUT FOUND THAT NECKMAN WAS NOT MOTIVATED BY FINANCIAL GAIN BUT BY A DESIRE TO HELP FRIENDS.

>> DO WE KNOW WHAT THE CIRCUMSTANCES WERE IN THAT CASE?

>> YES.

IT'S NOT REAL DETAILED, BUT THE REFEREE FOUND THAT NECKMAN HAD REPRESENTED HIMSELF TO BE AN ATTORNEY IN CONNECTION WITH A DEBT COLLECTION MATTER AFTER THE DATE HIS RESIGNATION BECAME EFFECTIVE.

THE REFEREE ALSO FOUND NECKMAN NOT GUILTY OF A SEPARATE INCIDENT OF UPL.

WE ACCEPT THEM AS PROVEN.

AND THE BAR IN THAT CASE WAS LOOKING FOR DISBARMENT.

MR. NECKMAN WAS LOOKING FOR ADMONISHMENT, AND THE REFEREE HAD RECOMMENDED PRIVATE REPRIMAND, AND THIS COURT AGREED WITH THE REFEREE ON THAT.

IN ADDITION --

>> YOUR TIME HAS CONCLUDED.

IF YOU WOULD BRING YOUR ARGUMENT
TO A CLOSE.

>> YES, THANK YOU.

THE CASE THERE WAS NO SANCTION
BECAUSE THERE WAS NO WILLFUL
CONTEMPT, NECKMAN, THERE'S A
90-DAY SUSPENSION FOR TRUST
ACCOUNTING AND NEW BUSINESS
STUFF GOING ON DURING THIS
SUSPENSION, AND DON'T FORGET THE
CASE OF WILLIAM ABRAMSON WHO
ENGAGED IN DIRECT CONTEMPTUOUS,
AND THIS COURT GAVE HIM A 91-DAY
SUSPENSION.

SO --

>> WAS HE ALREADY SUSPENDED?

>> HE WAS NOT ALREADY.

>> THAT'S THE PROBLEM HERE,
MR. SMITH.

THIS IS A LAWYER THAT STANDS
SUSPENDED, IS PRACTICING LAW.
IT'S A DIFFERENT CATEGORY OF
CASE THAN ONE WHO'S NOT STANDING
SUSPENDED, DON'T YOU AGREE?

>> WELL, IT'S A DIFFERENT
CATEGORY OF CASE, FOR SURE, BUT
IT'S INDIRECT CONTEMPT HERE,
THAT WAS DIRECT CONTEMPT.
AND I WOULD SUGGEST BUT FOR THE
FACT HE WAS ALREADY UNDER A
THREE-YEAR SUSPENSION, THERE
WOULD BE NO NEED TO THINK YOU'D
HAVE TO DISBAR HIM --

>> WELL, THAT IS THE POINT,
THOUGH, IS THAT HE WAS
SUSPENDED.

>> THAT IS THE POINT.

>> YOU WON'T ACCEPT THAT?

>> THAT IS THE POINT, FOR SURE.

THANK YOU VERY MUCH.

>> ALL RIGHT.

YOU'VE USED YOUR TIME, BUT I

WILL GIVE YOU A COUPLE OF

MINUTES TO --

>> THANK YOU.

>> ANY ISSUES THAT WERE RAISED.

>> JUST A COUPLE OF THINGS.

I'D LIKE TO RESPOND TO THE

ARGUMENT REGARDING THE NECKMAN

MATTER.

IT'S THE FLORIDA BAR V. NECKMAN,

IT IS THE ONLY CASE THE REFEREE

CITED IN HIS POINT OF REFERENCE.

WHEN A REFEREE FAILS TO CONSIDER

THE APPROPRIATE CASE LAW THAT

YOUR HONORS MAY, THE STANDARD OF

REVIEW IS THAT YOU MAY THEN

REJECT THE RECOMMENDATION AND

REVISIT THAT.

THE NECKMAN CASE WAS

SPECIFICALLY REJECTED IN THE

FLORIDA BAR V. WEISSER.

>> COUNSEL TELLS US THAT WE HAVE

A FACTUAL DISPUTE HERE IN THIS

COURTROOM WE OUGHT NOT HAVE, AND

THAT IS WHETHER THE BAR OBJECTED

TO MITIGATION-TYPE EVIDENCE.

HE, WITHOUT HESITATION, SAYS THE

BAR NEVER OBJECTED.

I'D LIKE YOUR RESPONSE TO THAT.

>> THE BAR OBJECTED.

>> OKAY.

>> FURTHER, ANOTHER QUESTION I'D LIKE TO ANSWER FOR -- IS WITH REGARD TO THE SHOUREAS CASE. IT IS VERY DIFFERENT. IN THAT CASE THERE WERE SIGNIFICANT, CORROBORATED TESTIMONY REGARDING THE MITIGATING CONDUCT. THERE WAS TESTIMONY BY FLA, THERE WAS TESTIMONY BY A TREATING PSYCHOLOGIST. ALSO THERE WAS EVIDENCE THAT MS. SHOUREAS, THE RESPONDENT IN THAT CASE, WAS SUFFERING FROM MENTAL HEALTH ISSUES THAT WERE CORROBORATED IN THE RECORD AND ALSO SHE DID NOT KNOW THAT SHE WAS SUSPENDED ON THE OCCASION WHEN SHE PRACTICED LAW. COMPLETELY DIFFERENT THAN WHAT WE HAVE BEFORE US TODAY. IN RESPONSE TO JUSTICE LEWIS' QUESTIONS ABOUT MS. CAHILL, WHAT THE CONFIGURATION WAS, THERE IS NO EVIDENCE AS TO WHAT THE ACTUAL PHYSICAL OFFENSE WAS. HOWEVER, THERE IS TESTIMONY IN THE RECORD AT THE REPORT OF THE HEARING BEFORE THE REFEREE THAT MR. LOBASZ HIMSELF TESTIFIED THAT EVEN AT THE TIME OF THE SANCTIONS HEARING HE CONTINUED TO GO TO THE OFFICE, HE ANSWERED THE PHONE FOR MS. CAHILL, HE SPOKE TO CLIENTS, HE MET WITH CLIENTS WHO ARE NOW MS. CAHILL'S

CLIENTS.

SO THERE IS THAT CONTINUED
INVOLVEMENT, AND THERE WAS NO
FILINGS AS TO THE APPROPRIATE
RULE.

>> AND WITH THAT, YOU HAVE NOW
USED ALL OF YOUR TIME.

>> THANK YOU.

>> THANK YOU.

THE COURT WILL NOW BE IN RECESS
UNTIL TOMORROW MORNING.

>> PLEASE RISE.