

THE NEXT CASE ON THE COURT'S
AGENDA IS FLORIDA BAR VERSUS
IRISH.

>> MAY IT PLEASE THE COURT.

CHIEF JUSTICE QUINCE, ASSOCIATE
JUSTICES OF THE SUPREME COURT,
MS. LAZARUS, MY NAME IS RICHARD
MARX AND I REPRESENT THE
RESPONDENT, PHILIP IRISH, WHO IS
PRESENT BEFORE THE COURT.

AND WE ARE HERE TO RECOMMEND TO
THE COURT THAT THEY DISAPPROVE
THE DECISION OF THE REFEREE IN
TOTAL.

THE DECISION OF THE REFEREE IS
FLAWED IN INNUMERABLE WAYS.

AND AS SUCH, DEPRIVES THE
RESPONDENT OF A FAIR TRIAL.

>> ARE WE HERE JUST ON THE
DISCIPLINE TO BE IMPOSED HERE?
WAS THERE SOME AGREEMENT AS TO
THE RULES VIOLATION?

>> NO, THE RULES VIOLATION HAS
BEEN ADMITTED BY THE RESPONDENT
BY STIPULATION.

THE RESPONDENT ADMITTED TO FACTS
BY STIPULATION, AND WHAT
HAPPENED WAS THAT THE REFEREE
TOTALLY MISSED THE POINT IN THIS
CASE.

IT WAS AS IF HE DIDN'T HAVE THE
FIRST UNDERSTANDING OF WHAT
ADDICTION IS ALL ABOUT.

LET'S START WITH THE EXPERT
TESTIMONY OF DR. RICK SEELY.

DR. RICK SEELY IS ONE OF THE
LEADING EXPERTS IN THE STATE OF
FLORIDA ON THE SUBJECT OF
ADDICTION.

HE REPRESENTS THE FLORIDA BAR,
THE FLORIDA BOARD BAR EXAMINERS,
THE NFL, FOOTBALL.

HE DOES MORE EVALUATIONS THAN ANY OTHER EXPERT I BELIEVE IN THE STATE OF FLORIDA, AND HE TESTIFIED TO THAT.

HE TESTIFIED TO A THREE-HOUR CONSULTATION ON TWO SEPARATE OCCASIONS WITH MR. IRISH.

AND HE STATED MOST CLEARLY.

BELIEVE IT IS ON PAGE 32 OF THE TRANSCRIPT, AND IT IS WORTHY OF REPEATING SOME OF IT QUICKLY.

BECAUSE DR. SEELY SAID THAT PICTURE IS THAT OF WHAT IS COMMONLY SEEN AS A GOOD PERSON OF GOOD MORAL FIBER THAT FALLS SWAY TO ADDICTION AND THE CAUSE OF THEIR ADDICTION, BREAKS THE LAW, ENDS UP HAVING CONSEQUENCES AND NOW WAS ON THE ROAD TO RECOVERY.

THIS IS A GENTLEMAN THAT DIDN'T HAVE, YOU KNOW, PRIOR ARREST. HE IS SOMEONE THAT HAS MADE A COMPLETE TURNAROUND IN HIS LIFE AND SHOWS SUBSTANTIAL EVIDENCE OF REHABILITATION.

>> NOW THE BASIS FOR WHAT HE WAS SAYING THERE WAS THAT THREE-HOUR INTERVIEW ON THE PHONE.

IS THAT CORRECT?

>> YES, SIR.

>> SO HE HAD NO ACTUAL DOCUMENTATION OF CONDUCT OF STAYING CLEAN OR ANYTHING LIKE THAT, THAT WOULD PROVIDE A FACTUAL, SOLID FACTUAL BASIS FOR THAT OPINION?

>> CORRECT, BUT UNDERSTAND THIS IF YOU WOULD.

MR. IRISH AT THE TIME WAS IN PRISON, A GREAT IMPEDIMENT TO THIS CASE, AND MR. IRISH HAD TO

TESTIFY NOT IN PERSON BUT FROM PRISON BEFORE THIS REFEREE.

NOW, THAT DID NOT HELP.

>> THAT IS NOT THE BAR'S FAULT.

>> NO QUESTION ABOUT IT.

I AM NOT SAYING THAT AT ALL.

I AM JUST LAYING OUT WHAT HAPPENED.

AS FAR AS DR. SEELY IS CONCERNED, HE STATED MOST CLEARLY HE DOES THIS ALL THE TIME, AND HE HAS DEVELOPED AN EXPERTISE TO BE ABLE TO DO THIS AND RENDER, IN ALL MEDICAL CERTAINTY AND OPINION CONCERNING ADDICTION, AND HE WAS ACCEPTED AS AN EXPERT BY ALL THESE INSTITUTIONS.

>> HAD YOUR CLIENT GONE THROUGH SOME KIND OF REHAB BEFORE?

>> CORRECT.

>> AND WAS THIS DOCTOR AWARE OF THAT?

>> HE WAS AND HE HAD THE RECORDS FROM THE OASIS TREATMENT CENTER, WHERE MR. IRISH ATTEMPTED TO GET CLEAN AND SOBER, AND ACTUALLY SUCCEEDED FOR A BRIEF PERIOD OF TIME, AND THEN RELAPSED, WHICH IS NOT AN UNCOMMON OCCURRENCE FOR PEOPLE SUFFERING FROM ADDICTION.

AND I DON'T THINK THE REFEREE COMPREHENDED THAT RELAPSE, UNFORTUNATELY, IS A REALITY IN ADDICTION AND IT DOESN'T MEAN--

>> I THINK IT DID WHEN HE SAID HE HAD SOME CONCERNS ABOUT WHETHER OR NOT MR. IRISH WOULD RELAPSE AGAIN.

>> THAT IS A SPECULATIVE CONCERN THAT WAS NOT SUPPORTED IN THE

RECORD AND THAT IS ONE OF THE PROBLEMS HERE.

THAT REFEREE MADE DECISIONS NOT IN THE RECORD.

THE FLORIDA BAR HAD NO EXPERT. PLEASE REMEMBER THIS.

THE ONLY LIVE TESTIMONY CAME ON BEHALF OF MR. IRISH.

THE FLORIDA BAR PUT ON REALLY NO CASE AND THE REFEREE HAD NOTHING EXCEPT HIS OWN JUDGMENTS TO COME TO A DECISION.

>> WELL, THIS IS NOT JUST A CASE OF WHERE THERE IS A CRIME AND IT IS SOLELY DRUGS THAT THE DEFENDANT WAS ADDICTED TO. FIRST OF ALL, AND YOU CAN ADDRESS IT, THE JUDGE FOUND THAT THERE WERE AT LEAST TWO OTHER SUBSTANCES THAT HE WAS DEALING WITH THAT HE WASN'T ADDICTED TO. DO YOU DISAGREE WITH THAT?

>> NO, I DON'T DISAGREE WITH THAT BUT MY POSITION ON THAT IS CRYSTAL CLEAR. IT DOESN'T MATTER.

>> ADDICTION, AND THIS WHOLE ISSUE IS SOMETHING I AM ENTIRELY UNDERSTANDING ON YOUR POSITION, BUT IN THIS CASE, IN ORDER TO OVERCOME THE PRESUMPTION OF DISBARMENT, THE JUDGE FOUND, AND I WANT TO UNDERSTAND THIS, THAT HE NOT ONLY WAS THERE USING ILLEGAL DRUGS FOR SIX YEARS AND ENGAGING IN CRIMINAL ACTS, BUT HE GAVE PROFESSIONAL MISCONDUCT FOR THREE YEARS, DAMAGING SIX CLIENTS, SO THAT WE HAVE NOT JUST A CRIME AGAINST SOCIETY, BUT WE HAVE MISCONDUCT THAT AFFECTED HIS CLIENTS, AND EVEN

IF-- AND THE DRUGS HE WERE
ADDICTED TO WERE GHB AND
COCAINE?

CAN YOU EXPLAIN WHAT GHB IS?

>> THIS IS CRITICAL AND I'M
REALLY GLAD YOU BROUGHT IT UP
JUSTICE PARIENTE.

AT THE TIME MR. IRISH GOT
INVOLVED WITH GHB, IT WAS A
PERFECTLY ACCEPTABLE PRODUCT AND
IT WAS SOLD AT GNC.

>> WHAT IS THAT?

>> IT WAS A BODY-BUILDING,
MOOD-ENHANCING DRUG.

>> EXPLAIN TO ME IF IT IS NOT--
IT CAME IN A LEGAL DRUG
BODY-BUILDING ENHANCEMENT, HOW
ADDICTION TO COCAINE AND GHB
EXCUSES TO OVERCOME THE
ASSUMPTION OF DISBARMENT.
I DON'T SEE HOW THAT FOLLOWS,
THAT SOMEONE ADDICTED TO COCAINE
IS THEREFORE GOING TO ENGAGE IN
PROFESSIONAL MISCONDUCT.

>> WELL, THEREIN LIES THE
PROBLEM THAT THIS COURT HAS
ALWAYS WRESTLED WITH OVER THE
LAST X AMOUNT OF YEARS AND HAS
DISTINGUISHED THE LITANY OF
CASES, SOME OF WHICH OVERCOME
THE PRESUMPTION, SOME DON'T.
AND THERE IS A VERY FASCINATING
FIELD AND, IT HAS GOT NO REAL
PRECEDENT TO IT.

IT HAS GOT GUIDEPOSTS.
I EQUATE THIS CASE TO ROSEN IN
MANY, MANY WAYS AND ROSEN--
THERE WAS SOME VERY GOOD
LANGUAGE ABOUT THE POTENTIAL
THAT ROSEN HAD TO DO GOOD.

>> BUT IN ROSEN--

>> THAT IS CORRECT, AND THAT IS

THE PROBLEM WITH ADDICTION AND TRYING TO DETERMINE-- AND I KNOW THE COURT WRESTLES WITH THIS-- TO DETERMINE WHAT CASE ADDICTION SHOULD PREVAIL AND WHAT CASE IT SHOULDN'T.

>> I HAVE ASKED YOU HOW THEN THESE ADDICTIONS CAN EXCUSE-- YOU MIGHT SAY EXCUSES CRIMINAL MISCONDUCT, WHICH IT DOESN'T EXCUSE--

HOW DOES IT PLAY INTO THE FACT OF HIM ENGAGING IN PROFESSIONAL MISCONDUCT OVER THREE YEARS?

>> IF WE PARSED ALL THE MISCONDUCT AND LOOKED AT IT IN TOTAL, WHAT IT AMOUNTED TO WAS A COMPLETE NEGLECT OF CLIENTS.

>> I WANT YOU TO EXPLAIN WHAT ABOUT BEING ADDICTED TO GHB OR COCAINE WOULD TOTALLY EXCUSE THAT THIS BEHAVIOR, AND BEYOND THAT, SAY TO US, WELL, THAT IS OUR RIGHT, HE WAS ADDICTED AND EVEN THOUGH HE HARMED CLIENTS WE ARE NOT GOING TO DISBAR HIM?

>> A, LET'S GET THIS ON THE RECORD.

THE MONIES THAT WERE INVOLVED HERE WERE MONIES PAID BY CLIENTS FOR MR. IRISH TO DO WORK. THEY WERE NOT TRUST ACCOUNT FUNDS.

>> BUT, IF HE DIDN'T DO THE WORK IT WAS STILL MONEY HE WAS NOT ENTITLED TO.

>> ABSOLUTELY, I UNDERSTAND THAT.

>> IN A WAY THAT IS WORSE BECAUSE YOU SAY HE NEEDED THIS MONEY TO FEED AN ADDICTION. WHAT HE DID IS HE MISSED COURT

DATES, HEARINGS, FAILED TO FILE PLEADINGS.

AND I'VE ASKED YOU THREE TIMES, WHAT IS IT ABOUT THE ADDICTION TO A BODYBUILDER THAT WOULD EXPLAIN THAT TYPE OF NEGLECT AND MISCONDUCT?

>> BECAUSE THE ADDICTION TO THAT PARTICULAR SUBSTANCE IS THE EQUIVALENT OF ADDICTION TO ALCOHOL.

THAT IS THE EFFECT OF GHB.

IT HAS GOT THE SAME EFFECT AS ALCOHOL AND IT STARTS TO PUT YOU INTO ALMOST A STUPOR, BECAUSE IT IS A DOWNER IN EFFECT, AND WHAT HAPPENS TO THE PERSON WHO IS DOING IT, SUCH AS MR. IRISH, IS YOU LOSE CONTROL OVER YOUR FACULTIES AND YOUR THOUGHT PROCESSES ARE IMPAIRED.

ONCE THAT HAPPENS, EVERYTHING ELSE FOLLOWS, AS DR. SEELY POINTED OUT.

IT IS NOT AS IF HE TAKES IT AND HE GOES ON AND KEEPS PRACTICING. THIS IS NOT A SHUMINER CASE.

HE COULD NOT PRACTICE, HE COULD NOT GET TO COURT, HE COULD NOT GET TO HIS OFFICE AND IT WAS ALL STARTED WITH THE GHB WHICH LED TO THE COCAINE AND WAS THE TOTAL WIPEOUT OF HIS ABILITY TO FUNCTION AS A HUMAN BEING.

HE LOST EVERYTHING IN HIS LIFE.

HE WAS DESTITUTE.

HE HAD NOTHING AND THE ONLY WAY HE KEPT EATING WAS THAT HIS FAMILY SENT HIM SOMETHING THAT HE COULD GET FOOD AT WINN-DIXIE OR SOMETHING.

>> MR. MARX, I HAVE A CONCERN I

NEED TO HAVE ADDRESSED, AND THAT IS THAT THIS ALL IS GOING ON WHILE IN LAW SCHOOL AND, AS A LAWYER, AND AFTER THE ARREST-- AFTER THE ARREST CONTINUED WITH THE SUBSTANCES.

IS THAT A FAIR STATEMENT?

>> ABSOLUTELY YOUR HONOR.

>> AND THEN AFTER THE ARREST, THE DRUG REHAB IN CALIFORNIA, DID TWO OTHER ONES LOCALLY AND THAT IS THREE, AND THEN GOES BACK INTO THAT WAY OF LIFE AGAIN.

>> CORRECT.

>> AND THE REFEREE IS SAYING, WHOA THIS IS LIKE THREE STRIKES, EVEN AFTER YOU HAVE BEEN ARRESTED AND YOU HAVE GIVEN THE OPPORTUNITY FOR THE REFEREE TO SAY, I CAN'T SAY TO THE PUBLIC THAT THIS PERSON IS ONE THAT I CAN SAY TO YOU SHOULD BE ABLE TO REPRESENT YOU.

SO, THAT IS WHERE--

I UNDERSTAND, ALL OF US RECOGNIZE THE STRUGGLE THAT MANY PEOPLE HAVE AND OVERCOME.

WE KNOW PERSONAL STORIES, BUT THIS ONE JUST SEEMS TO CONTINUE, AS I THINK HAS BEEN POINTED OUT, AND THERE IS NOT IN HERE--

CERTAINLY WHEN YOU ARE LOCKED UP IN PRISON I WOULD ASSUME THAT YOU ARE GOING TO STOP TAKING DRUGS, SO THAT IS NOT TO MY MIND A COMMON-SENSE ANSWER.

THIS GUY CAN WALK ON WATER.

>> JUSTICE LEWIS, LET ME PUT IT THIS WAY.

I UNDERSTAND WHAT YOU ARE SAYING, BUT THE TYPICAL

SITUATION WITH ADDICTION IS

MR. IRISH.

HE IS NOT DIFFERENT THAN A
MULTITUDE OF LAWYERS WHO SUFFER
FROM ADDICTION.

THEIR RELAPSE RATE IS VERY HIGH.

>> WE UNDERSTAND THAT.

WE SEE THAT ALL THE TIME.

>> I AM NOT ASKING THIS COURT TO
REINSTATE MR. IRISH.

THERE ARE PLENTY OF PROTECTIONS
THAT CAN BE PUT INTO PLACE, SUCH
AS THIS COURT WELL KNOWS, EVEN
IF YOU DON'T APPROVE OF THE
REPORT, HE HAS TO GO FOR A
REINSTATEMENT PROCESS, WHICH IS
UP TO THE REFEREE TO DETERMINE
WHETHER HE IS CLEAN AND SOBER
AND CAPABLE OF PRACTICING, SO
YOU HAVE THAT SAFEGUARD IN THAT
PROCESS.

IT IS NOT AS IF YOU ARE JUST
GIVING HIM THE GO-AHEAD TO
PRACTICE.

>> WELL, YES IT IS.

IT IS EITHER YOU ARE DISBARRED
OR IN A STATUS OF SUSPENSION.
THAT IS NO DIFFERENT THAN
DISBARMENT.

YOU STILL HAVE TO DO THE SAME
THINGS, PROVE ADMISSION TO THE
BAR.

>> THE DISTINCTION HERE, AND I
BROUGHT IT TO JUDGE QUINCE'S
ATTENTION FIVE YEARS AGO, THE
DISTINCTION IS THAT YOU HAVE TO
GO TO THE BOARD OF BAR EXAMINERS
WHICH IS A HORRENDOUS
EXPERIENCE, AND IN TODAY'S
WORLD IS VERY UNREALISTIC THAT
SOMEBODY IS GOING TO RUN THAT
GAMBIT.

>> WHY SHOULDN'T HE HAVE TO DO THAT?

THIS WAS A HORRENDOUS ACTIVITY, DAMAGING SIX CLIENTS IN JUST THIS CASE AND WE DO KNOW THAT HE HAS ANOTHER CASE OUT THERE WHERE CLIENTS WERE DAMAGED, SO WHY IN THE WORLD SHOULDN'T HE HAVE TO GO BACK THROUGH THOSE HURDLES AND DEMONSTRATE TO ALL OF US THAT HE HAS THE REQUISITE CHARACTER THAT MEMBERS OF THIS BAR SHOULD HAVE?

>> OKAY, THE REASON IS AS FOLLOWS.

HE WAS LIKE 27 OR 28 WHEN THIS STARTED.

A YOUNG MAN WITH A STELLAR REPUTATION AND A STELLAR SCHOLASTIC ACCOMPLISHMENT. HE HAD A FUTURE THAT WAS AS BRIGHT AS ROSEN HAD, AND WE TAKE IT AWAY AT THIS AGE, ARE WE REALLY DOING THE RIGHT THING FOR THIS MAN AT THIS STAGE OF HIS LIFE?

>> EXCUSE ME.

I AM NOT SURE THAT THE CHARACTERIZATION IS THAT WE TOOK ANYTHING AWAY.

CHOICES ARE MADE AND DECISIONS ARE MADE BY PEOPLE AND THERE ARE CONSEQUENCES.

>> I AM SORRY JUSTICE LEWIS.

I DISAGREE WITH YOU THAT THERE ARE NO CHOICES.

ONCE YOU GO DOWN THAT ROAD, AND HE STARTED ON THAT ROAD WHEN HE WAS INNOCENT AND LEGAL.

IT WASN'T LIKE HE WENT OUT AND STARTED GETTING COCAINE OFF THE STREET AND BEING A DRUG ADDICT.

HE STARTED WITH SOMETHING.
HE HAD NO AWARENESS IT COULD
LEAD TO WHERE IT WENT.
ONCE THE ADDICTION SNAPPED INTO
IT, THAT WAS THE END AND THE
CHOICES HE MADE WERE NOT HIS.
IT WAS THE DRUGS SPEAKING AND HE
WAS WRAPPED UP IN IT LIKE EVERY
OTHER ADDICT AND ALCOHOLIC, AND
THAT IS THE PROBLEM.

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

WE THANK YOU VERY MUCH.

>> THANK YOU.

>> GOOD MORNING.

MAY IT PLEASE THE COURT.

RANDI LAZARUS ON BEHALF OF THE
FLORIDA BAR.

>> PLEASE KEEP YOUR VOICE UP AND
SPEAK INTO THE MIC.

>> RANDI LAZARUS ON BEHALF OF
THE FLORIDA BAR.

>> WHERE DOES THE BAR SEE THE
LINE IN THE DRUG FELONY
CONVICTION WHERE THE PRESUMPTION
IS DISBARMENT IS OVERCOME AND
WHERE IT IS NOT, AND OBVIOUSLY
THE FACTS OF THIS CASE IS JUST
THAT THE EXTREME OF AND CAN'T BE
OVERCOME, WHERE DOES IT LIE AND
WHAT GUIDELINES DO YOU SUGGEST
WE FOLLOW?

>> YOUR HONOR, THIS COURT HAS
SPOKEN TO THE ISSUE OF THE FACT
THAT DISBARMENT IS PRESUMED TO
BE A PENALTY AND A FELONY
CONVICTION CASE.

DISBARMENT IS PRESUMED TO BE THE
FELONY, PER SE DISBARMENT IS
PRESUMED TO BE THE SANCTION AND
ABANDONMENT CASE, DISBARMENT IS
PRESUMED TO BE THE SANCTION IN

AN APPROPRIATION CASE.

WHAT WE HAVE IN THIS CASE IS A COMBINATION.

YOU HAVE THE SIX FELONY CONVICTIONS.

YOU HAVE ABANDONMENT OF SIX CLIENTS.

YOU HAVE \$2900 OF LEGAL FEES PAID IN COMBINATION WITH EGREGIOUS MISCONDUCT AND IN ORDER FOR THIS COURT TO MAKE AN EXCEPTION, SO TO SPEAK, YOU WOULD HAVE TO HAVE EXTENSIVE MITIGATION, AND THE REFEREE HERE WAS VERY CONCERNED ABOUT WHAT WAS PRESENTED TO HIM.

>> BUT, WELL, TO GET TO THIS LINE OF WHERE IT SHOULD BE, DO WE LOOK AT WHETHER OR NOT CLIENTS ARE HARMED?

WE KNOW THAT IN THIS CASE WE HAVE SIX CLIENTS THAT WERE HARMED, BUT THEN WE LOOK AT OTHER CASES, WHERE THERE WAS SUSPENSION AND CLIENTS WERE HARMED.

IF YOU TAKE, FOR EXAMPLE, MR. HOCHMAN.

MR. HOCHMAN GOT A LENGTHY SUSPENSION BUT NOT DISBARMENT, AND YET HE HARMED CLIENTS, SO THAT IS WHAT WE ARE LOOKING FOR.

WHERE DO YOU DRAW THE LINE?

WHAT KIND OF FACTORS DO YOU TAKE INTO CONSIDERATION WHEN YOU SAY THIS CASE IS A DISBARMENT AND THIS CASE IS A SUSPENSION?

>> I THINK WHAT THIS COURT HAS DONE VERY SUCCESSFULLY IS LOOKED AT EVERY CASE AND JUDGED EACH PARTICULAR CASE.

FOR INSTANCE THE DELPINO CASE,

WHICH I AM VERY FAMILIAR WITH--
IN THAT CASE THERE WERE TWO
FELONY CONVICTIONS AND THERE WAS
EXCESSIVE MITIGATION PRESENTED
IN THIS COURT OVERTURNED THE
REFEREE'S RECOMMENDATION OF A
DISBARMENT BUT THERE WAS NO
CLIENT ON THERE.

SO THAT WAS DIFFERENT AND YOU
HAVE THE ROSEN CASE THAT
MR. MARX MENTIONED.

IN ROSEN YOU HAD FELONY
CONVICTIONS BUT YOU HAD, AGAIN,
NO CLIENT HARM.

>> WAS ROSEN THE CASE WHERE THE
LAWYER ACTUALLY RECOGNIZED THAT
HE WAS HAVING A PROBLEM AND
VOLUNTARILY GOT INTO REHAB AND
STARTED TAKING CARE OF THE
ISSUE?

>> YES, YOUR HONOR AND HERE IN
MR. IRISH'S SITUATION YOU HAVE
THE OPPOSITE.

YOU HAVE AN ADMITTEDLY DOWNWARD
SPIRAL JUST LIKE YOU HAD IN
VALENTINE -- MILLER AND IN THAT
CASE THERE WAS NO FELONY
CONVICTIONS AND THAT WAS
MISAPPROPRIATION.

THIS COURT RECOGNIZED IN
VALENTINE-MILLER, THAT IS-- THE
LAWYER RECOGNIZED SHE HAD A
DOWNWARD SPIRAL OR THIS COURT
RECOGNIZED THERE WAS A DOWNWARD
SPIRAL AND THE COURT DISBARRED
HER BECAUSE SHE SHOULD HAVE
RECOGNIZED THAT.

SOMETHING THAT IS VERY
INTERESTING, AND IF YOU TAKE A
LOOK AT THE TRANSCRIPT IN THE
FINAL HEARING IN THIS CASE,
MR. IRISH WAS ABLE TO GET

HIMSELF TOGETHER LONG ENOUGH TO BE ABLE TO GET THESE CLIENTS. HE WAS OTHERWISE DRUG-IMPAIRED OR OTHERWISE UNDER THE INFLUENCE OF GHB AND COCAINE, BUT, AS YOU NOTE ON PAGE 103 ON THE TRANSCRIPT, HE WAS ABLE TO BE ABLE TO BE PRESENTABLE ENOUGH FOR THE SIX CLIENTS TO HIRE HIM, TO GIVE HIM THEIR MONEY, TO ENTRUST THEIR PARTICULAR CASE, TWO OF WHICH HAD SERIOUS REPERCUSSIONS.

ONE HAD A JUDGMENT AGAINST THEM. ONE HAD THEIR BANK ACCOUNT GARNISHED, SO WHAT YOU HAVE IS A COMBINATION HERE THAT WAS PRESENTED TO THIS FELONY CONVICTIONS, THE FACT THAT YOU HAVE A YOUNG LAWYER WHO IS DOING DRUGS WHILE HE IS IN LAW SCHOOL. YOU THEN HAVE HIM AND THE PRIVATE SECTOR ONLY BEING A MEMBER OF THE BAR FOR TWO YEARS AND HE IS ON THE INTERNET IMPORTING ILLEGAL DRUGS FROM EUROPE.

>> SO, HE BECOMES A MEMBER OF THE BAR IN 2003, YES.

THERE IS NOTHING HE WAS USING ILLEGAL DRUGS INCLUDING COCAINE?

>> I BELIEVE THAT COCAINE-- HE ADMITTED TO USING THE GHB WHILE HE WAS IN LAW SCHOOL.

>> WAS IT ILLEGAL WHEN HE WAS IN LAW SCHOOL?

>> OH YES.

THE GHB SUBSTANCE BECAME ILLEGAL IN THE MID-1990S AND HE STARTED IN THE YEAR 2000.

>> AGAIN, JUST TRYING TO GET THE PICTURE.

HE BECAME ADDICTED TO IT WHILE IT WAS STILL LEGAL?

>> HE DID NOT BECOME ADDICTED TO IT WHILE HE WAS-- IT WAS STILL LEGAL.

HIS ADDICTION CAME WHEN ACTUALLY AFTER HE GRADUATED FROM LAW SCHOOL.

>> WHEN HE BEGAN TO PRACTICE, WAS HE A PRACTITIONER?

>> AT THE BEGINNING HE WAS WITH TWO LAW FIRMS AND ULTIMATELY HE WAS SHARING SOME SPACE AND HAD A PRIVATE PRACTICE AND THAT WAS A PERIOD OF TIME IN WHICH HE TOOK ON THE SIX CLIENTS AND THE \$2900.

>> JUST BECAUSE WE ARE ONLY LOOKING AT WHAT IS GOING TO BE THE SIGNS AND THE NEXT TIME SOMETHING COMES AROUND, THE SITUATION WAS WHEN HE WAS WITH LAW FIRMS, WE KNOW WHETHER HE WAS PERFORMING APPROPRIATELY AS A LAWYER UNDER THE SUPERVISION OF THE LAW FIRM?

>> THERE IS NO EVIDENCE THAT HE WAS PERFORMING POORLY.

MR. IRISH TESTIFIED THAT HE LEFT ONE LAW FIRM BECAUSE OF A MONEY SITUATION AND THE OTHER LAW FIRM BECAUSE THE LAW FIRM DISBANDED AND THEN HE WENT OUT ON HIS OWN.

>> WHEN HE WENT OUT ON HIS OWN IS WHEN THIS ALL WENT SOUTH? DID HE EVER SUCCESSFULLY REPRESENT CLIENTS DURING THIS PERIOD OF TIME?

>> IT WOULD APPEAR THAT HE HAD. THEY WERE AS FAR AS I KNOW DURING THE FIRST TWO YEARS THERE WEREN'T ANY BAR COMPLAINTS.

>> 2005 TO 2007?

>> IT APPEARS-- TWO OF THE CLIENTS, SOME OF THE CLIENTS WERE BETWEEN 2006 IN 2007, SO WE HAVE NO EVIDENCE THERE WERE ANY PROBLEMS GOING ON THEN, BUT HE DID ADMIT THAT HE WAS DOING BIZ ILLEGAL SUBSTANCES WHILE IN LAW SCHOOL AND WELL AS A PRACTICING LAWYER AND COCAINE AND IT WASN'T JUST THAT.

IT WAS THE POSSESSION OF THE CONTROLLED SUBSTANCES WITHOUT A PRESCRIPTION AND ALSO SOME ILLEGAL COCAINE.

>> HIS ADMISSION THAT HE WAS DOING DRUGS-- THAT WAS HIM BEING-- WE COULD SAY THAT WAS HIM BEING FORTHRIGHT ABOUT JUST HAVING BEEN, TAKING OVER HIS LIFE.

OTHERWISE THERE WOULD HAVE BEEN NO, OTHER THAN HIS SELF-REPORT THAT HE WAS DOING DRUGS IN LAW SCHOOL.

I MEAN, WE SHOULDN'T HOLD THAT PARTICULAR STATEMENT AGAINST HIM IF HE IS NOW COMING CLEAN ABOUT HIS WHOLE HISTORY.

>> NO, WE SHOULDN'T.

HOWEVER WE SHOULD TAKE INTO CONSIDERATION SOMETHING THE REFEREE POINTED OUT, WHICH WAS HERE WAS MR. IRISH, WHO WAS IN LAW SCHOOL WHEN HE WAS LEARNING ABOUT THE LAW, AND AT THE SAME TIME VIOLATING THE LAW.

>> I AGREE, IT IS A TERRIBLE THING.

I AM JUST SAYING THE ONLY WAY WE KNOW ABOUT IT IS BY WHAT MR. IRISH SAID, TRUTHFULLY, THAT

HE WAS DOING THESE DRUGS IN LAW SCHOOL.

>> YES WE DO KNOW THAT.

>> TWO THINGS.

THERE IS A FINDING THAT HE DID NOT COOPERATE WITH THE BAR.

>> THAT FINDING, YOUR HONOR, IS BASED ON FAILURE TO RESPOND TO THE VARIOUS INQUIRIES BY THE BAR, THE LETTERS AND REQUESTS FOR INFORMATION ONCE GRIEVANCES ARE FILED.

>> WAS THAT WHEN HE WAS IN PRISON OR WHAT IS THE EXPLANATION?

>> THAT WAS BEFORE HE WAS IN PRISON, YOUR HONOR.

ACTUALLY, LET ME CORRECT MYSELF BECAUSE I BELIEVE THERE WAS TESTIMONY HE ACTUALLY WAS IN PRISON, BUT THERE WAS NO EVIDENCE TO SHOW HE WASN'T RECEIVING HIS MAIL.

AND I BELIEVE THERE WAS ALSO SOME TESTIMONY THAT HE MAY HAVE BEEN JUST PUTTING HIS HEAD IN THE SAND AND AVOIDING MAIL AT OTHER TIMES.

SO THAT IS WHAT THAT FINDING IS BASED ON, THE FAILURE TO RESPOND TO THE FLORIDA BAR BUT I WOULD ASK THIS COURT TO JUST LOOK AT THE REFEREE'S FINDINGS, THEN DETERMINE WHETHER THEY ARE BASED ON EXISTING CASE LAW, AND THEY DO HAVE A REASONABLE BASIS IN EXISTING CASE LAW AND IN THE SANCTIONS.

THE VALENTINE-MILLER CASE, AS I MENTIONED, WHERE THE COURT DISBARRED VALENTINE-MILLER.

THE REFEREE'S DECISION IS AMPLY

SUPPORTED BY THE SANCTIONS.
HE IS CONCERNED ABOUT THE FACT
THAT THE EXPERT CAME ON AND DID
NOT EVER MEET WITH MR. IRISH IN
JAIL, WHICH WAS ENTIRELY
POSSIBLE FOR HIM TO HAVE A
FACE-TO-FACE MEETING TO PROPERLY
EVALUATE HIM.

HE NEVER MADE ANY REQUESTS FOR
RECORDS FROM THE JAIL TO FIND
OUT ABOUT MR. IRISH'S PROGRESS.

>> WHILE MR. IRISH WAS IN JAIL,
WAS HE GIVEN SOME KIND OF
TREATMENT THEY ARE, OR HOW DO WE
GET TO THE POINT THAT HE HAS
REACHED HIS CLAIM THAT HE HAS
REHABILITATED?

>> ACCORDING TO MR. IRISH, HE
ATTENDED A PROGRAM IN THE JAIL
FOR WHICH HE RECEIVED A
CERTIFICATE THAT HE HAD
COMPLETED THE PROGRAM?
THAT CERTIFICATE WAS DATED ABOUT
FIVE MONTHS BEFORE THE FINAL
HEARING, SO WE DON'T EVEN KNOW
WHETHER HE HAD ATTENDED ANY
OTHER PROGRAM AFTER THAT TIME.
IT WAS A SHORT SUBSTANCE ABUSE
PROGRAM WHICH MR. IRISH
TESTIFIED HE ATTENDED FOR A
PERIOD OF MONTH SO WE KNOW VERY
LITTLE ABOUT IT.

THE EXPERT DID NOT CONTACT
ANYONE AT THE JAIL TO FIND OUT
MORE INFORMATION TO BE ABLE TO
PROVIDE THE REFEREE WITH ANSWERS
TO THOSE TYPES OF QUESTIONS.

>> IT STRIKES ME THAT THIS IDEA,
REALLY FROM THE GET-GO, HE DID
RECEIVE THE BOARD OF BAR
EXAMINERS AND IF THIS WOULD HAVE
BEEN KNOWN, HE WOULD NOT HAVE

BEEN ADMITTED WITHOUT CONDITIONS
SO IT REALLY RUNS COUNTER TO
EVERYTHING WE DO TO ENCOURAGE
LAWYERS TO BE HONEST IN THE
PROCESS, AND I GUESS THIS IS MY
STATEMENT.

I THINK THE FACT THAT HE IS A
YOUNG LAWYER IN THIS WAY, WHERE
HE REALLY DOESN'T HAVE A HISTORY
FOR 10 YEARS OF HAVING BEEN A
GOOD LAWYER-- ALMOST FROM THE
GET-GO HE HAS BROKEN THE LAW AND
HARMED THE CLIENTS.

I AM NOT SYMPATHETIC TO THE FACT
THAT HE IS A YOUNG LAWYER.
IT SEEMS TO ME DISBARMENT IS
APPROPRIATE AND HE WOULD HAVE TO
START OVER TO ESTABLISH ALL THE
THINGS HE WOULD HAVE NEEDED TO
ESTABLISH IF THIS HAD BEEN KNOWN
BACK THEN, SO WITH THAT LITTLE
OBSERVATION, WOULD YOU TELL US
WHETHER WE SHOULD LOOK
DIFFERENTLY AT A LAWYER THAT HAS
HAD A LONG-TERM HISTORY OF BEING
A GOOD LAWYER AND THE FLORIDA
BAR AND HAS HAD EXPERIENCE, OR
IF SOMEONE IS YOUNG, WE WILL
MAKE THAT EXCUSE FOR HIM?
AND HAVE WE EVER DEALT WITH THAT
ISSUE?

>> THAT IS AN INTERESTING
QUESTION BECAUSE, ON THE ONE
HAND, WE CAN LOOK AT THE LAWYER
THAT IS INEXPERIENCED, BUT I
THINK YOU CAN ALSO LOOK AT THE
LAWYER WHO HAS EXPERIENCE IN THE
PRACTICE OF LAW AND IN ESSENCE
MAYBE EVEN HOLD THAT AGAINST
THEM EVEN MORE, BECAUSE THEY
SHOULD KNOW BETTER.
AND THEY SHOULD KNOW HOW

IMPORTANT IT IS TO HAVE GOTTEN TO THAT POINT AND HOW IMPORTANT IT IS TO HAVE THE HONOR AND PRIVILEGE OF BEING ABLE TO PRACTICE LAW IN THE STATE OF FLORIDA, AND THAT WOULD BE A SITUATION DIFFERENT-- NO DIFFERENT FROM THE SITUATION AND THAT LAWYER SHOULD BE DISBARRED AS WELL.

THE COURT HAS DISBARRED LAWYERS WHO ARE MORE EXPERIENCED IN LAW. IN THIS PARTICULAR CASE, THE COURT WILL BE GIVING MR. IRISH A SECOND CHANCE, SO TO SPEAK, IF YOU WERE TO UPHOLD THE REFEREE'S RECOMMENDATION BECAUSE THE REFEREE DID SAY THAT THE DISBARMENT RECOMMENDATION COULD RUN NUNC PRO TUNC.

HE DOES HAVE AN OPPORTUNITY TO PETITION FOR READMISSION TO THE BOARD OF BAR EXAMINERS, IMPROVE HIMSELF.

HE CAN PROVE HE HAS BEEN REHABILITATED AND THIS COURT WILL ACCOMPLISH EVERYTHING THAT IT SAID IT WOULD IN VALENTINE-MILLER, AND, ON THAT, I THANK THE COURT AND, IF THERE AREN'T ANY OTHER QUESTIONS, I WOULD RELY ON THE REMAINDER OF THE BRIEF PREPARED BY THE FLORIDA BAR.

>> THANK YOU.

WE THANK YOU FOR YOUR ARGUMENTS HERE TODAY.

THE COURT WILL NOW TAKE ITS MORNING RECESS FOR 10 MINUTES.

>> PLEASE RISE.

>> THE SUPREME COURT IS NOW IN RECESS.