THE COURT WILL NOW PROCEED TO
THE NEXT MATTER ON OUR DOCKET
TODAY.
>> EVEN IF THAT SHIP HAS SAILED,
IT WAS A SPECIFIC PURPOSE, TO
GET A REPORT FROM A REFEREE
BASED ON FACTUAL FINDINGS BASED
ON AN EVIDENTIARY AREA, THE BAR
STOPPED JUDICIAL REVERIE IN HER
TRACKS, WASN'T ABLE TO FINISH
HER OWN WRITTEN RULING FROM THE
ORIGINAL REFEREE, FOUR
SINGLESPACED PAGES WERE NOT
FINDINGS OF FACT, SHE EXPLAINED
THIS IS BECAUSE THE FLORIDA BAR
PULLED IT THAT WAY BUT
NEVERTHELESS REMANDED BACK FROM
NEW PROCEEDINGS AND YOU PRESUMED
YOU ARE GOING TO BACK TO THE
ORIGINAL REFEREE BUT THAT IS NOT
WHAT HAPPENED.
THE ORIGINAL REFEREE TOOK
RETIREMENT STATUS, RETIREMENT
STATUS DOES NOT, DOES NOT
DISQUALIFY A REFEREE.
THE ORIGINAL REFEREE WAS
REPLACED AND THE SUCCESSFUL
REFEREE APPOINTED HERSELF NOT
BECAUSE THE COURT ASKED HER TO
BUT ORIGINAL PARTY ASKED HER TO
END CHALLENGED BECAUSE THERE WAS
NOT AN APPROPRIATE APPOINTMENT
AND THE BAR DID IT AGAIN.
THEY GAVE THE WRONG LAW FOR THE
SUCCESSIVE REFEREE, TO BIFURCATE
THE PROCEEDINGS AND IN THE FIRST
PART TO DETERMINE WHETHER MY
CLIENT VIOLATED RULES BY THE
FLORIDA BAR BUT URGED THE
REFEREE NOT, NOT TO HOLD AN
EVIDENTIARY HEARING.
AT THAT NOT EVIDENTIARY AREA
HEARING ONE OF THE THINGS I
ARGUED IS UNDER THESE PROCEDURES
SHE DOESN'T HAVE THE ABILITY TO
DISAGREE WITH THE FACT-FINDING
OF THE ORIGINAL REFEREE.
IT IS CLEAR THE JUDGE DIDN'T
HEAR THE TESTIMONY, DOESN'T HAVE
THE RIGHT TO DISAGREE WITH THE

DEMEANOR OF THE WITNESSES, THAT
IS WHAT I POINTED OUT.
AFTER THE ORAL ARGUMENT -
>> TO CLARIFY, AM I CORRECT THAT
YOUR CLIENT AGREED THE SECOND
HEARING OFFICER DETERMINE THE
MATTER BASED ON THE TRANSCRIPTS
PROVIDED WITHOUT AN EVIDENTIARY
EVERY HEARING?
>> MY CLIENT WASN'T PRESENT, I
BELIEVE I LET THE JUDGE
ADJUDICATE, IN THE BRIEF THERE
IS A DISCUSSION ABOUT
STIPULATING TO IT BUT EVEN IF I
STIPULATED TO IT I ONLY
STIPULATED IF WE WERE GOING TO -
>> I HAVE THE QUOTE AS IF YOU
LOOK AT THE TRANSCRIPT OF SWORN
TESTIMONY AND FEEL YOU CAN
EVALUATE THE DEMEANOR OF THE
WITNESSES AND THINGS OF THAT
NATURE WE ARE OKAY WITH THAT
TOO.
IS THAT AN ACCURATE REFLECTION
OF YOUR STATEMENT?
>> THAT IS.
>> BUT LATER OBJECT?
>> I DID.
FOUR TIMES.
FIRST, THIS WAS THE ORAL
ARGUMENT THAT SHOULD HAVE BEEN
AN EVIDENTIARY HEARING ON PAGE
49.
I TELL THE SUCCESSFUL REFEREE,
QUOTE, WITH ALL RESPECT TO THE
BAR YOU CANNOT DISAGREE WITH THE
RIVER REACT THESE PROCEEDINGS.
I SAID IT AGAIN, PAGE 55 -
>> SEEMS THERE ARE TWO ISSUES.
TO RELY ON THE TRANSCRIPTS AND
THAT IS WHAT I WAS ASKING ABOUT.
WAS THERE A TIME YOU OBJECTED
AND SAY I OBJECT TO THIS
PROCEDURE'S RELIANCE ON
TRANSCRIPTS, YOU NEED TO SEE THE
WITNESSES IN PERSON?
>> WITH THOSE TWO OBJECTIONS AT
THAT HEARING, LATER - ON PAGE
199 I OBJECTED AGAIN.
THE MOTION AFFORDS THE HONORABLE

COURT'S ORDER FILED ON NOVEMBER
30 SECOND 2019 AND I PRESERVE
THE ARGUMENT AS IT APPEARS IN
THE BRIEFS.
THEY WENT TOO FAR,
MISINTERPRETED MY STIPULATION --
I DIDN'T WAIVE ANY RIGHTS.
>> IF YOU OBJECTED TO THE
REFEREE TO THE PROCEDURE BEING
USED I WOULD LIKE TO HEAR
BECAUSE I DIDN'T SEE ANYTHING IN
THE TRANSCRIPT THAT WOULD BE AN
OBJECTION TO RELY ON THE
TRANSCRIPTS.
HAVING LIVE TESTIMONY.
>> WE HAD TO UNDERSTAND THAT I
DID NOT OBJECT TO THAT.
OF THE JUDGE IS GOING TO HAVE A
FALSE LABEL WHERE PAGES OF FACTS
WERE NOT FINDINGS OF FACT.
IF SHE WAS GOING TO DO THE
MINISTERIAL TASK I HAVE NO
OBJECTION WAS WHERE DID OBJECT
ON THE MINISTERIAL TASK AND
VIOLATE THE CLEAR LAW THAT
APPLIES TO SUCCESSFUL JUDGES AND
REINTERPRET THE DEMEANOR AND
CREDIBILITY OF WITNESSES THAT
SHE NEVER HEARD, WE HAVE A
BIFURCATION OF RESPONSIBILITIES,
IT IS THIS HONORABLE COURT, THE
JUDGE OF I TRUST TODAY WHO
SIMPLY LOOK AT THE RECORD AND
DECIDE WHAT IT MEANS BUT WE HAVE
ONE PURPOSE AND ONE PRECIPICE
ALONE FOR INVOLVING THE REFEREE
AND THAT IS TO HOLD AN
EVIDENTIARY AREA HEARING.
WHEN THIS COURT ENTERS IT IS NOT
A SUGGESTION.
THIS IS NOT THE SUPREME
SUGGESTION TRIBUNAL OF FLORIDA,
THIS IS THE SUPREME COURT OF
FLORIDA, URINATED WITH AN ORDER
SAYING TO HOLD AN EVIDENTIARY
HEARING.
I CAN'T STIPULATE AWAY YOUR
ORDERS OR WAIVE YOUR ORDERS.
WHEN YOU ORDER A MEMBER OF THE
BAR OR TRIBUNAL TO DO SOMETHING

IT MUST BE DONE BECAUSE THIS IS
A COURT, NOT AN ADVISORY PANEL.
>> SORRY TO INTERRUPT.
DOESN'T IT COME DOWN TO THE
PROSECUTION AGREEMENT OR THE
EMISSIONS YOUR CLIENT HAD?
WHAT, WHAT, WHAT, BEYOND THAT,
IS RELEVANT?
>> UNDERSTAND WITH A STATEMENT
OF FACT FAR AND THEY WERE NOT
FACTUAL STIPULATION FROM THIS
CASE, THIS IS SOMETHING MY
CLIENT TALKED TO AN INVESTIGATOR
ABOUT.
>> WEREN'T THEY STATEMENTS MADE
UNDER OATH UNDER PENALTY OF
PERJURY?
>> CORRECT AND THEY WERE
STATEMENTS --
>> LET ME ASK YOU THIS.
ISN'T THE ESSENCE OF YOUR CASE
THAT THOSE STATEMENTS WERE
PERJURY US?
>> NOW, AS THE ORIGINAL REFEREE
FOUND IN STATEMENT OF FACTS,
THEY REFLECT KNOWLEDGE OF THE
TIME THE CLIENT SIGNED THEM OR
PRIOR KNOWLEDGE FIVE YEARS
EARLIER.
MY CLIENT HAD GREATER KNOWLEDGE
FIVE YEARS LATER THAN HE HAD
FIVE YEARS EARLIER, HE KNEW
SOMETHING 5 YEARS EARLIER DOES
NOT HAVE SUBSTANTIAL EVIDENCE,
WE ALL KNOW MANY THINGS WE
DIDN'T KNOW 5 YEARS BEFORE.
>> ASK WHEN YOUR CLIENT'S
DECISION IN 2005-2007 OREGON IN
2014 WHEN THE NONPROSECUTION
AGREEMENT WAS SIGNED?
>> BECAUSE HE DID NOTHING WRONG.
WE REPORT WHEN WE DO SOMETHING
WRONG, WE DON'T SELF-REPORT OF
GOOD DAYS.
THERE WAS NO NEED TO
SELF-REPORT.
WHEN THESE THINGS WERE KNOWN,
THAT WASN'T THE PROSECUTOR'S
PURPOSE.
HE WAS TRYING TO DETERMINE WHAT

HAPPENED, WASN'T INVESTIGATING
MISTER PHOENIX.
MISTER PHOENIX WAS NEVER CALLED.
CHARGES WERE NEVER FILED AGAINST
MISTER PHOENIX.
THE STATEMENT OF FACTS, MIXED
DATES OF WHAT HE KNEW AND WHEN
HE KNEW IT AT AS WE LEARNED IN
THE EVIDENCE YEAR HEARING
REFLECTS HIS KNOWLEDGE AT THE
TIME HE SIGNED THE DOCUMENT, NOT
AN EARLIER DATE, THAT IS WHY THE
EVIDENTIARY HEARING IN THIS CASE
FOLLOW THE LAW OF 3.7-6, YOU
HAVE TO HAVE A REFEREE'S REPORT
BASED ON FINDINGS OF FACT AND
EVIDENTIARY HEARING.
YOUR EMAIL DID LAST TIME EVEN
THOUGH WITH ALL DUE RESPECT IT
WAS ALL THEIR FAULT, IT WAS
INVITED.
THERE WERE MACHINATIONS BUT YOU
ALLOWED IT TO HAPPEN YOU NEED
THAT REPORT.
ALSO -- WITH SUBSTANTIAL
EVIDENCE --
>> YOU ARE IN YOUR REBUTTAL
TIME.
YOU CAN KEEP GOING BUT YOU NEED
TO GO INTO REBUTTAL.
>> IN CONCLUSION I WILL USE THE
LAST FEW SECONDS TO STATE THE
REFEREE'S REPORT RELIES ON
EXHIBIT 8 WHICH WAS REJECTED
WHICH OMITTED THE PAGE, THE
FLORIDA BAR PULLED OUT THE PAGES
OF DISCLOSURES AND THEN SAID
LOOK AT WHAT IS LEFT, THERE ARE
INADEQUATE DISCLOSURES.
AT THE EVIDENTIARY AREA HEARING,
THE FULL DISCLOSURES, WHERE IS
THAT IN THE REFEREE'S REPORT
ONLY ON EXHIBIT A, NEVER
MENTIONED EXHIBIT D, PLEASE DO
NOT CONVICT MY CLIENTS BASED ON
FALSIFIED EVIDENCE.
EVIDENTIARY HEARING AND THE
VALUE OF IT IS PROVEN BY THE
FACT WHEN YOU LOOK AT THE FIRST
HALF OF THE REPORT, WHERE MY

CLIENT HAD NOT BEEN PART OF AN EVIDENTIARY HEARING HE SOUNDS LIKE THE DEVIL INCARNATE, THE NEXT PART WE HEAR THIS QUOTE, HE IS A, QUOTE, HIGHLY COMPETENT ATTORNEY WHO TAKES NO SHORTCUTS, DEALS IN THE CONFINES OF THE LAW AND HOLD HIMSELF TO THE HIGHEST ETHICAL STANDARDS, THAT IS THE CONCLUSION OF THE EVIDENTIARY HEARING, THAT IS WHY WE SHOULD FOLLOW THE RULES AND GRANTS MY CLIENT THE EVIDENTIARY HEARING THE LAW REQUIRES, I WILL RESERVE THE REST OF MY TIME.
>> COUNSELOR?
>> MY NAME IS CHRIS ALTENBEND REPRESENTING THE FLORIDA BAR.
I WOULD LIKE TO RESPOND TO MISTER PHOENIX'S ARGUMENTS.
WE HAVE ACROSS REVIEW ON SANCTION WHICH I WOULD LIKE TO TALK ABOUT, SAVE A FEW MINUTES FOR REBUTTAL.
JUDGE GOLDMAN WAS SUPPOSED TO GIVE UP A PENSION ORDER TO STAY ON THE CASE, JUDGE GOLDMAN SERVED AS COUNTY COURT JUDGE FOR 30 YEARS IN SARASOTA, RETIRED IN JANUARY OF 1989, WE KNOW THE IRS TAKING THE PENSION WHEN SHE WORKS IN THE FIRST OF THE YEAR.
HE CAN'T MAINTAIN THAT SHE IS SUPPOSED TO STAY.
HE IS ARGUING THE CHIEF JUDGE DEPRIVED HIM OF DUE PROCESS BY NOT TAKING IN EVIDENCE.
AT THE VERY FIRST CASE MANAGEMENT CONFERENCE SHE BRINGS UP WHAT SHOULD WE DO AND HE SAYS BASICALLY THAT YOU CAN CONTINUE TO REVIEW THE EVIDENCE.
I CAME INTO THIS CASE, SMART THROUGH 3000 PAGES, DAYLONG SANCTION HEARING WITH 18 WITNESSES IN THE PRESENTATION BY MISTER PHOENIX.
ADMITTEDLY YOU CAN'T GET THE SAME FEEL FOR CREDIBILITY THAT

YOU WOULD THAT YOU WERE IF THERE
IN PERSON.
I SUBMIT TO YOU THAT WHEN WE
REVIEW THIS EVIDENCE IN THAT
FASHION YOU CONNECTICUT THEY
COME TO THE CONCLUSION THE
DECLARATION UNDER OATH IS AN
IMPORTANT DOCUMENT, HE TRIED TO
EXPLAIN THIS AWAY BY REVISIONIST
HISTORY HE HAS COME TO BELIEVE
HIMSELF.
HER FINDINGS, THE FIRST TRIAL
JUDGE DIDN'T UNDERSTAND AND
SUDDENLY SHE IS ENTHUSIASTIC
ABOUT IT AND EXPLAINS TO HER YOU
CAN'T MAKE FINDINGS ON GUILT,
NOT JUST RECOMMENDATIONS BUT
FINDING SO THERE WERE NO
FINDINGS SO SHE HAD TO MAKE
FINDINGS AND DID AN ADEQUATE
JOB.
>> COULD YOU GO AHEAD AND
ADDRESS THE ISSUE OF THE TIMING?
>> STATUTE OF LIMITATIONS?
>> THE ARGUMENT THE COUNCIL MADE
THAT WAS NOT ACKNOWLEDGMENT OF
WHAT YOU DO AT THE TIME.
>> IF YOU READ THE EXHIBIT 69
FROM JUDGE KING'S COURTHOUSE
WHICH IS WHAT THE EXHIBIT IS,
DECLARATION OF MISTER PHOENIX
AND THE COVER LETTER FROM THE
DEPARTMENT OF JUSTICE TO MISTER
PHOENIX'S LAWYER, THE STATEMENT
OF FACTS, THERE ARE ANY NUMBER
OF TIMES, NOT SO WELL ARMED,
REFLECTION FIVE YEARS LATER CAME
TO THIS CONCLUSION, PHOENIX WAS
AWARE, WITH REGARD TO THE
BARGAINING OF INVESTMENTS.
PHOENIX ACTIVELY PARTICIPATED IN
NOT DISCLOSING CERTAIN THINGS
INCLUDING INFORMATION ON HOW THE
BUSINESS OPERATED.
HE IS TALKING ABOUT THINGS THAT
HE COULD ONLY HAVE KNOWN AT THE
TIME.
I DISCOVERED IN MY PERSONAL
INVESTIGATION IN 2009.
DOES NOT CONTEXT.

>> CAN I ASK ABOUT THE SANCTION?
I HAVE ONLY BEEN DOING THIS FOR
A YEAR AND A HALF.
I HAVE TO ADMIT I HAVE NEVER
SEEN AS EMPHATIC STATEMENTS, A
FUTURE THREAT TO THE PUBLIC OR
LACK THEREOF IN THIS REPORT
WHERE THE REFEREE SAYS THERE IS
0% LIKELIHOOD THE RESPONDENTS
WILL ENGAGE IN FUTURE MISCONDUCT
AND POSES NO FUTURE RISK TO THE
COMMUNITY DEALS ABSOLUTELY IN
THE CONFINES OF THE LAW ETC.
ETC..
JUST FROM WHAT I HAVE SEEN THIS
IS FAIRLY EXTRAORDINARY LANGUAGE
FROM A REFEREE.
WHY HASN'T WE REFERRED TO THE
REFEREE?
>> I WILL JUMP AHEAD TO THE
CROSS REVIEW BY THE BAR AND THE
SANCTION AND THE ANSWER TO THAT
IS THE HEART OF THIS IS CLEARLY
THERE IS A VIOLATION OF
STANDARDS, HE KNOWINGLY ENGAGED
IN CONDUCT, THAT CAUSES
POTENTIAL INJURY HERE.
THE ISSUE COMES DOWN TO WHETHER
OR NOT THE AGGRAVATE HER, THE
WRONGFUL NATURE OF HIS CONDUCT,
HIS ABSENCE OF REMORSE OUTWEIGHS
AND MITIGATE HER THAT INTERIM
REHABILITATION BECAUSE OF THE
MANY THINGS HE HAS DONE BECAUSE
OF THE LAPSE OF TIME TAKING
PLACE IN THIS CASE.
I WOULD SUBMIT TO YOU HIS LACK
OF REMORSE IS VERY IMPORTANT.
THERE ARE SEVERAL IMPORTANT
FACTS THAT NEED TO COME OUT.
ONE IS AS WE HAVE DISCUSSED WITH
THE DECLARATION UNDER OATH, THE
SUGGESTION THAT I WAS PRESSURED
TO DO THIS THAT CONTAINS LOTS OF
THINGS THAT AREN'T TRUE, MISTER
TANNENBAUM WAS THERE, THEY HAD
PLENTY OF TIME TO LOOK AT THIS,
DECIDED ON THE TENTH OF MARCH
AND DIDN'T SIGN THE UNDER OATH
PART, HAD A WEEK TO LOOK AT THIS

AND THEN COMES INTO THE COURT
AND SAYS I WAS THE HERO OF THE
DAY.
I SHOULD GET DIVERSE AND EVEN
AFTER SENDING IT BACK DOWN HE IS
STILL ARGUING I'M ENTITLED TO
DIE VERSION BECAUSE I DID
NOTHING WRONG.
WHEN THE FOCUS OF THEIR BRIEFING
HAS BEEN ON THE SECURITY ISSUE,
AND HAVE TO UNDERSTAND THE BIG
DEAL IS THE PONZI SCHEME, IT IS
NOT A CRIME NECESSARILY.
IT IS A FRAUD AND RULE 9.1.16
REQUIRES YOU IF YOUR CLIENT IS
INVOLVED IN THE EVIDENCE HERE IS
JUDGE GOLDMAN ASKED WHEN DID IT
START TO SMELL IN DENMARK?
AT THE END OF FEBRUARY OR MARCH
OF 2007 I WAS WORKING ON A
MURDER THAT FELL THROUGH AND THE
NUMBERS THAT UP, THAT IS WHEN IT
STARTED TO SMELL.
HE KNEW THESE PEOPLE WERE DOING
A PONZI SCHEME IN THAT TIME.
BUT AND IN THE FIRST PART OF
THIS.
THEN SOME EVIDENCE CAME IN
SHOWING ACTIVITY IN AUGUST, THEN
HE WITHDREW IN AUGUST.
WHAT YOU NEED TO UNDERSTAND IS
THE RESORT'S, THE ENTITY
DESCRIBED IN FEDERAL EXHIBIT 69,
IT IS NOT ANYTHING BUT A
COLLECTION OF 200 CORPORATIONS
WITH 90 BANK ACCOUNTS, A CLASSIC
PONZI SCHEME, THE FEDERAL
PROSECUTOR IS NOT PROSECUTING
THIS LAWYER FOR
UNPROFESSIONALISM.
OR PROSECUTING HIM AT ALL
ABSOLUTELY.
HE WANTS TO CRUISE THE CRIMINAL
ENTERPRISE WITH MISTER SWARTZ
AND MISTER CLARK.
THIS IS LAID OUT TO EXPLAIN
THAT.
>> SEEMS YOU ARE GETTING THE
GRAVITY OF THE WRONGDOING, ALL
OF THAT COULD BE TRUE.

THE RESPONDENT HAD SET I AM
REALLY SORRY, 90 DAYS WOULD HAVE
BEEN OKAY?
I WAS EXPECTING YOU TO TALK
ABOUT THAT RATHER THAN THE
ABSENCE?
>> I WOULD TALK ABOUT BOTH BUT I
WANT YOU TO UNDERSTAND THIS
WASN'T SOMEONE WHO FAILED TO DO
THAT BUT HE WILLINGLY INVOLVED
HIMSELF IN THE PONZI SCHEME.
I WILL GET YOU IN 30 SECONDS TO
ANSWER THAT BUT THE FINAL THING
YOU NEED TO KNOW IS AFTER HE
WITHDREW ACCORDING TO HIM, HE IS
GENERAL COUNSEL AND DON'T KNOW
WHAT CORPORATIONS HE IS DOING
BUT TO PROTECT THEM FROM THE
PONZI SCHEME BEING COMMITTED BY
CLERK AND SWARTZ.
EVEN IF HE CLAIMS HE WITHDREW IN
A NON--- A FASHION IN AUGUST, ON
OCTOBER 20 SECOND 2007 HE SENDS
AN EMAIL THAT INCLUDES SCOTT
CALLAHAN, THE OTHER LAWYER WHO
WAS DISCIPLINED BUT SAYS HE
WOULD PREFER NOT TO SELL IT BUT
LAYS OUT A METHODOLOGY TO DO IT
BUT SAYS THIS MIGHT WORK WITH
THE ILLITERATE GROUP FROM
CALIFORNIA.
HE IS WITHDRAWING FROM COUNSEL
BUT IS TELLING THEM HOW TO SELL
UNITS IN A PONZI SCHEME IN
OCTOBER OF 2007 AND THEN COMES
IN FRONT OF JUDGE BONNER AND --
WAS THE HERO OF THE DAY.
I SUBMIT TO YOU NOT ONLY IS THAT
IMPORTANT FROM THE STANDPOINT OF
REMORSE BECAUSE INTERIM
REHABILITATION MEANS I HAVE BEEN
REHABILITATED AND PART OF BEING
REHABILITATED IS I REGRET WHAT I
DID, I SHOULD HAVE GOTTEN IN AND
STOPPED MISTER CLARK FROM DOING
THIS ACTIVITY BUT I DIDN'T HAVE
THE COURAGE TO DO IT.
INSTEAD, HE COMES IN AND SAYS I
WAS THE HERO.
I SAVE PEOPLE MONEY.

I AM NOT PART OF THE GROUP THAT DID THE $350 BILLION OF DAMAGE, IF YOU WANT TO GIVE HIM TIME TO REFLECT ON HIS REMORSE, TO DETER MODERN LAWYERS, ALL THE WORLD HAS UNDER THE STANDARDS THAT ARE NOW APPLICABLE UNDER THE ROSENBERG CASE, THE MESSAGE IS HE NEEDS 91 DAYS TO A YEAR TO THINK ABOUT WHY HE WAS PART OF THIS PONZI SCHEME, DID THE DAMAGE.
IF HE HAD WITHDRAWN IN FEBRUARY OR MARCH, IT WOULDN'T HAVE PREVENTED ALL THIS DAMAGE BUT THE CORPORATIONS FOR WHOM HE WAS GENERAL COUNSEL WERE NOT TOTALLY DESTROYED AND INVESTORS WOULD HAVE SAVED MONEY.
MISTER CLARK AND HIS GIRLFRIEND, WIFE, CRYSTAL COLEMAN, MISTER SWARTZ WERE NOT HIS CLIENTS.
AND WILL HE STAY ON.
AND WILL PAY HIS BACK SALARY.
I HAVE GREAT RESPECT FOR CHIEF JUDGE BONNER, BUT SHE GAVE BECAUSE OF ALL THE WITNESSES ON THE SANCTION HEARING.
AND INTERIM REHABILITATION, AND MIGHT DETER LAWYERS AND THOSE KINDS OF THINGS.
I WILL SAVE THE REST OF MY TIME FOR REBUTTAL UNLESS YOU HAVE QUESTIONS ON SUBSTANTIVE ISSUES.
>> COUNSEL?
>> MOST IF NOT ALL OF WHAT WE JUST HEARD WAS NOT RAISED BY THE FLORIDA BAR, MOST BUT NOT ALL, ENGAGE IN FACT FINDING.
WITH ORAL ARGUMENT INSTEAD AND WE ARE ASKED TO DO FACT-FINDING INSTEAD.
THE ONE AND ONLY JUDGE ENGAGING IN FACT-FINDING, INDIVIDUAL REFEREE.
>> SAYS THAT IT HAS TO DO WITH THE SANCTION.
WHAT I WAS STRUGGLING WITH, AS WE LOOK AT SOMEONE WHO'S GOTTEN A REHABILITATIVE SUSPENSION,

COMING BACK INTO THE BAR, WITH
THE READMISSION PROCESS.
THE LEVEL OF HONESTY THAT THEY
HAVE TAKEN RESPONSIBILITY FOR
THEIR ACTIONS AND IT DOESN'T
APPEAR TO ME YOUR CLIENT HAS
DONE THAT IN THIS PROCESS WHICH
WOULD INDICATE HE'S NOT
REHABILITATING.
WHY SHOULD WE NOT GIVE GREAT
WEIGHT TO THE FLORIDA BAR'S
ARGUMENT THAT SOMETHING MORE
SHOULD BE WARRANTED WHEN IT
DOESN'T APPEAR YOUR CLIENT IS
FORTHCOMING AS TO WHAT HE KNEW
AT THE TIME?
>> HE WAS FORTHCOMING, DIDN'T
VIOLATE THE FLORIDA BAR RULES,
THE REVERIE WHO HELD AN
EVIDENTIARY HEARING ON GUILT OR
INNOCENCE FOUND HIM INNOCENT AND
SAID I DIDN'T ACCUSE HIM OF
VIOLATING ANY OF THESE RULES.
A LAWYER SHOULD NOT BE MORE
REMORSEFUL FOR THAT FACT.
IT IS TRUE THERE WAS ONLY AN
EVIDENTIARY HEARING IN THE
SANCTION AND AFTER THAT SHE
FOUND, QUOTE, A 0% LIKELIHOOD HE
WOULD ENGAGE IN FUTURE
MISCONDUCT AND ALSO FOUND HE
POSES NO CURRENT RISK TO THE
COMMUNITY OR HIS CLIENTS AND A
COMPETENT ATTORNEY WHO TAKES NO
SHORTCUTS, DEALS WITH THE
CONFINES OF THE LAW.
>> IF WE DISAGREE WITH YOU ON
WHETHER THERE HAS BEEN A
VIOLATION DO YOU ACKNOWLEDGE THE
LACK EVERY MORE SHOULD BE
RELEVANT TO WHAT THE SANCTION
IS?
>> THERE WAS NO VIOLATION.
THERE CAN BE NO REMORSE FOR
UPHOLDING CONFINES OF THE LAW
HOLDING YOURSELF TO THE HIGHEST
ETHICAL STANDARDS, BEING A
COMPETENT ATTORNEY WHO TAKES NO
SHORTCUTS AND YOU CAN'T HAVE A
REHABILITATIVE SANCTION ON THOSE

FINDINGS, HE IS NO LONGER HIGHLY COMPETENT --
>> YOU HAVE USED UP YOUR TIME. I WILL GIVE YOU AN OPPORTUNITY TO ANSWER THE QUESTION IF YOU WISH TO.
IF NOT, WE WILL GO TO OPPOSING COUNSEL.
>> TO ANSWER THE QUESTION THERE CAN'T BE A LACK OF REMORSE FOR BEING UNETHICAL ATTORNEY SO WE HAVE TO FACTOR THAT IN.
WHAT WE NEED ARE FACTUAL --
>> LET'S GO TO OPPOSING COUNSEL.
>> THANK YOU, YOUR HONOR.
>> A LAWYER DOESN'T HAVE TO HAVE THE COURAGE OF AN INFANTRY MAN ON OMAHA BEACH, SOMETIMES THE LAWYER SIMPLY HAS TO HAVE THE COURAGE, WE HAVE TO DISCLOSE AND RECTIFY THE SECURITIES FRAUD OCCURRING WHEN I WAS GENERAL COUNSEL.
WE HAVE TO IMPLEMENT A PROCEDURE AT ALL FUTURE CLOSINGS IN MY OFFICE TO MAKE SURE THE SALESMAN AND BROKERS HAVE NOT INDUCED THE SALE BY SECURITIES, MISTER CLARK, MISTER SWARTZ, YOU CAN'T USE MY SKILLS AS A LAWYER TO HELP YOU CONTINUE RUNNING A PONZI SCHEME THAT WILL DESTROY THE CORPORATIONS FOR WHICH I AM GENERAL COUNSEL.
MISTER PHOENIX LACKED THAT COURAGE.
DIDN'T LOOK BECAUSE IT WAS BEING PAID IN SALARY OR GAVE THIS ADVICE IN CALIFORNIA.
IF HE HAD COME TO THE SANCTION HEARING AND SAID I REGRET WHAT I DID, YOU'VE DONE A LOT OF GREAT THINGS IN THE COMMUNITY, I WILL HAVE THE COURAGE IN THE FUTURE BUT INSTEAD I DIDN'T DO ANYTHING WRONG.
I WAS THE HERO.
I SUBMIT THAT'S NOT A 90 DAY SUSPENSION.
THAT IS A 91 TO A YEAR.

>> THANK YOU BOTH FOR YOUR ARGUMENTS.