>> COURT WILL NOW TAKE UP THE CASE OF THE FLORIDA BAR VERSUS JONATHAN STEPHEN SCHWARTZ. COUNSEL FOR THE BAR IS READY.
>> MY NAME IS CHRIS ALTENBERND, I'M REPRESENTING THE FLORIDA BAR.
I WOULD LIKE TO SAVE A FEW MINUTES FOR REBUTTAL.
THE FINAL REVIEW CONSIDERING SANCTION TO IMPOSE CASE NUMBER 171391, RUNNING CURRENT WITH A 10 DAY SUSPENSION IN CASE NUMBER 19983.
THE ISSUE IS WHETHER RECOMMENDATION OF THE SEVENTH, 90 DAY SUSPENSION, THE SEVENTH DISCIPLINARY PROCEEDING IS REASONABLE UNDER THE STANDARDS OF CASE LAW OR WHETHER A LONGER REHABILITATION SHOULD BE IMPOSED.
THE OUTCOME OF THIS CASE PROBABLY DEPENDS ON THE BAR OR JONATHAN STEPHEN SCHWARTZ CORRECTLY READ THIS COURT'S LAST -- IN OBTAINING A RECOMMENDATION ON A SEVENTH, 90 DAY SUSPENSION FROM A REFEREE, JONATHAN STEPHEN SCHWARTZ'S LAWYER EXPLAINS WHY ARE WE HERE?
WE ARE HERE BECAUSE THE SUPREME COURT DETERMINED THAT THE LAW DOES NOT ALLOW DESPITE NO INTENTION TO DECEIVE, DESPITE HAVING TRIED TO APPLY THE LAW, JONATHAN STEPHEN SCHWARTZ VIOLATED THE LAW BY USING A LINEUP HE CREATED.
THEN HE WENT ON TO SAY HIS CLIENT DIDN'T KNOW HE WAS DOING WRONG AT THE TIME AND THE SUPREME COURT ACKNOWLEDGES THAT AND HE DID NOT DO IT FOR ANY AND PURPLE -- IMPROPER PURPOSE, HE DID IT BECAUSE THE LOSSES YOU CAN'T AND THE DEFENSE CAN'T CONFRONT A WITNESS IN THE DEPOSITION, THE DEFENSE CREATED LINEUP IN AN EFFORT WITH THESE IMPLICATIONS.
JONATHAN STEPHEN SCHWARTZ TOWARD THE REFEREE IS WHAT WAS INTENDED

IN THE LAST DECISION, 90 DAYS
NON-REHABILITATIVE SUSPENSION
LIKE THE ONE HE RECEIVED WITH
THE DOCUMENTS HIS CLIENT HAD NOT
SIGNED, THAT MIGHT BE
SUFFICIENT.
I DON'T READ THE OPINION TO SAY
THAT.
CONCERNING INTEND I ADMIT THE
COURT IN THE LAST OPINION DID
NOT GO THROUGH EACH AND EVERY
FINDING IN THE EARLIER REPORT
ACCEPTING THOSE SEPARATELY.
THIS COURT MADE CLEAR JONATHAN
STEPHEN SCHWARTZ WAS WRONG IN
HIS ARGUMENT ABOUT VIOLATING THE
RULES.
THE COURT EXPLAINED THE PROPER
ISSUE OF DISCIPLINARY PROCEEDING
IS INTENT TO COMMIT A DELIBERATE
AND KNOWING ACT THAT VIOLATES
THE RULES.
HERE, JONATHAN STEPHEN SCHWARTZ
CLEARLY COMMITTED ACTS THAT WERE
NOT JUST KNOWING OR INTENTIONAL.
THIS WAS A COMPLEX PREMEDITATED
PLAN TO CAUSE THE VICTIM OF AN
ARMED ROBBERY TO MISIDENTIFY THE
PERPETRATOR SHE PREVIOUSLY
IDENTIFIED.
HE HAD HIS ASSOCIATE SPENT A
CONSIDERABLE TIME REMOVING THE
PHOTOGRAPH OF HIS CLIENT THAT
THE VICTIM CIRCLED AND SIGNED
INTO INSERT SOMEONE ELSE'S
PHOTOGRAPH, KEEPING HIS CLIENT'S
HAIR STILL IN THE PICTURE.
HE DID THIS BECAUSE HE WANTED
HER TO RELY TO HER DETRIMENT ON
THE MISREPRESENTATION THAT WAS
CONTAINED IN THAT.
THAT IS FRAUD.
HE DIDN'T EXPECT THAT THE
WITNESS WOULD HAVE FACIAL
RECOGNITION SKILLS AS SHE DID
AND SHE BLOCKED THAT AND
DISCOVERED IT AFTER THE FACT.
HE CLAIMS BEFORE THIS COURT THAT
HE DID NOT CONCEAL THIS FROM HER
IN THE DEPOSITION, THAT HE FULLY
CAUTIONED THAT THIS WAS HIS OWN
LINEUP PHOTOGRAPH.
I WOULD ASK YOU TO READ PAGES 25
TO 30 AND DECIDE FOR YOURSELVES

IF THAT IS TRUE OR NOT.
IT APPEARS TO ME HE DID NOT DISPLAY THAT TO THE VICTIM OR DISCLOSE IT TO THE DISTRICT ATTORNEY.
AS TO MOTIVE, I THINK MOTIVE AND INTENT SOMEWHAT IN HIS EVIDENCE, THE LAST OPINION MADE CLEAR MOTIVATION IS NOT USUALLY RELEVANT TO THE COMMISSION OF THE VIOLATION BUT IS ALMOST CERTAINLY ALWAYS RELEVANT IN A SECOND HEARING.
THE SECOND REFEREE DID NOT FIND ONE WAY OR THE OTHER THAT JONATHAN STEPHEN SCHWARTZ HAD A SELFISH OR DECEPTIVE MOTIVE.
PART OF WHAT MOTIVATES JONATHAN STEPHEN SCHWARTZ SEEMS NOBLE, TO PROVIDE THE BEST DEFENSE TO HIS CLIENT.
THIS IS A CONSTITUTIONAL IDEAL ALL CRIMINAL DEFENSE LAWYERS ASCRIBED TO BUT A LAWYER WHO STRIVE TO THE BEST DEFENSE THAT CAN BE PRESENTED WITH -- WITHIN THE LAW, IS NOT A NOBLE CONSTITUTIONAL IDEA TO DECIDE THE ENDS JUSTIFY THE MEANS.
THAT IS AN ABANDONMENT OF THE RULE OF LAW.
THE BAR SUBMITS WINNING AT ALL COSTS WITHOUT REGARD TO THE RULE OF LAW IS DISHONEST AND IT IS SELFISH IN THAT IT PUTS A PERSONAL DESIRE TO WIN OVER PROPER ADMINISTRATION OF JUSTICE AND THE RIGHTS OF THE VICTIM, VIOLENT FELONY.
AS TO THE STANDARDS I WON'T GO THROUGH ALL FOUR STANDARDS WE HAVE DISCUSSED IN OUR BRIEFING BUT I WOULD MAKE TWO COMMENTS ABOUT THEM.
THE STANDARDS ARE GENERAL STANDARDS OF APPLICATION.
WHEN IT COMES TO A SUSPENSION, THEY DON'T HELP THIS COURT DECIDE WHETHER IT IS NON-REHABILITATIVE OR REHABILITATIVE AND THEY DON'T HELP 10 DAYS OR THREE YEARS AND SO TO LOOK AT ADDITIONAL FACTORS TO DECIDE WHERE ON THE SPECTRUM

A PARTICULAR CASE LAW IS.
I HAVE ARGUED THE DISBARMENT PROVISION IN 5.1, AND 8.1 NOT BECAUSE THE BAR IS SEEKING DISBARMENT IN THIS CASE BUT I WOULD SUBMIT WHEN THERE IS MORE THAN ONE STANDARD THAT CLEARLY APPLIES TO THE CASE AND HERE THERE ARE 3 OR 4 AND WHEN ONE OF THE OPTIONS WOULD BE DISBARMENT, THAT SHOULD BE A GOOD INDICATOR, WHEN TALKING IN THE RANGE OF REHABILITATIVE SANCTION OF SUSPENSION AND THAT SUSPENSION OUT TO APPROACH THE FREE HEARING BECAUSE DISBARMENT IS THE ONLY THING ABOVE THE 3-YEAR SUSPENSION.
AS TO STANDARD 8.1 IT SAYS DISBARMENT IS APPROPRIATE, THE SAME OR SIMILAR MISCONDUCT, INTENTIONALLY ENGAGING IN SIMILAR ACTS OF MISCONDUCT.
THESE ACTS ARE NOT IDENTICAL TO WHAT HAPPENED IN 2012.
IT HELPS TO INFORM THE CLIENT.
EACH IN ALL SERIOUS MISREPRESENTATION OF THE EVIDENCE AND EFFORT TO WEAN IT.
EACH IS A CASE WHERE HE DECIDED THE ENDS JUSTIFIED THE MEANS AND EACH IS A CASE WHERE HE INTENTIONALLY DISOBEYED THE RULE AND INTERFERED WITH THE ADMINISTRATION OF JUSTICE.
FOR THE PURPOSES OF SELECTING A SANCTION, THESE ARE SIMILAR ACTS OF MISCONDUCT.
THE AGGRAVATING FACTORS, I DON'T THINK I NEED TO GO THROUGH THEM COMPLETELY WITH YOU.
I WOULD COMMENT THERE IS A PATTERN OF MISCONDUCT HERE, A PATTERN OF DECEIT AND MISREPRESENTATION, FOUR PRIOR PROCEEDINGS AND 900 VIOLATIONS.
HE TRIED TO OFFSET THIS PATTERN WITH THE LITIGATOR OF REHABILITATION BECAUSE HE WANTED TO SEE IT BY A COLUMNIST.
FROM HIS OWN TESTIMONY AND THE EXPLANATIONS HE PROVIDED, EVEN AFTER THERAPY HE THINKS HE ONLY PUSHED THE BOUNDARIES AND DID

NOT CROSS THEM BUT IS
OVERZEALOUS IN REPRESENTATION OF
HIS CLIENTS AND HE ONLY PLANS --
NOT TO DO THIS SPECIFIC CONDUCT.
HE STILL DOESN'T UNDERSTAND THE
FULL OF LAW IS HIS PRIME
DIRECTIVE AND HE CAN'T JUSTIFY
THE MEANS, THE END GOAL OF
TRYING TO WIN.
THAT IS WHAT HE DOESN'T
UNDERSTAND AND THIS IS A
SEASONED CRIMINAL ATTORNEY, NOT
A GREEN -- HE ONLY RECENTLY
COMPLETED A 90 DAY SUSPENSION
FOR OTHER DECEPTIVE ACTS.
THIS IS A CHRONIC PROBLEM THAT
IS NOT A ONE OFF MISJUDGMENT.
I WOULD LIKE TO COMMENT TOO THAT
WHEN IT COMES TO MITIGATING AND
AGGRAVATING FACTORS THE
REFEREE'S JOB IS TO HELP YOU BY
FINDING THE FACTS OF THOSE
FACTORS BUT THE FAR MORE
DIFFICULT TASK HERE IS TRYING TO
DECIDE HOW TO APPLY THEM, HOW TO
BALANCE THE LITIGATORS AND
AGGREGATORS AND ONE OF THE
REASONS I THINK ULTIMATE
DISTINCTION ON SANCTIONS STAYS
WITH THIS COURT IS THE REFEREE
FIRST OF ALL RARELY DISCUSSES
HOW TO DO THAT AND SECONDLY THEY
ARE DOING IT IN THE ONE CASE
ONLY, THE UNAVOIDABLE PROBLEM
AND NOT UNPLEASANT TASK OF
TRYING TO BALANCE THESE THINGS
IN EACH CASE THAT COMES THROUGH
AND THAT IS A MIXED QUESTION YOU
DON'T HAVE TO DEFER TO THE
REFEREE.
CASE LAW IN SANCTIONS FROM MY
LIMITED EXPERIENCE THE LAST 3
AND A HALF RARELY HAS A CASE
THAT IS DIRECTLY ON FORM AND
THAT IS PROBABLY A GOOD THING
BECAUSE IT SHOWS WE DON'T HAVE A
LOT OF CASES ANNUALLY FROM WHICH
YOU CAN MAKE THESE DECISIONS BUT
I WOULD SUBMIT THAT YOU USE CASE
LAW MORE LIKELY THAN YOU DO IN
DIVORCE FOR EQUITABLE
DISTRIBUTION.
IT HELPS YOU CREATE THIS RANGE
IN WHICH YOU CAN OPERATE AND YOU

CAN LOOK AT THE CIRCUMSTANCES OF THE CASE TO FIGURE OUT WHERE ALONG THE RANGE YOU CAN BE.
THE RANGE IS REHABILITATIVE AND IT IS THE LONGER END OF REHABILITATION.
MORE SIMILAR CASES, BECAUSE IT IS ALSO RECENT, THAT WAS A PROSECUTOR WITH NO PRIOR VIOLATIONS, DIDN'T DISCLOSE THE INFORMATION SHE SHOULD HAVE DISCLOSED BUT AFTER SHE HAD THE PROBLEM, TALKED TO A SUPERVISOR AND THEY TRIED TO TAKE STEPS TO DO RESOLVE IT AND MADE A FURTHER MISTAKE SAYING THE DEFENSE ATTORNEY HAD EQUAL ACCESS TO THIS INFORMATION.
THAT WAS FALSE.
JONATHAN STEPHEN SCHWARTZ IS A DEFENSE ATTORNEY BUT I DON'T THINK THESE PROFESSIONAL OBLIGATIONS FALL -- IT FALLS ON BOTH SIDES.
>> SORRY TO INTERRUPT, A QUICK QUESTION.
IS THE MOTIVE YOU SHOULD THE REASON THE BAR ISN'T SEEKING DISBARMENT?
>> THAT IS A GOOD QUESTION.
WE HAVE TWO CASES PENDING RIGHT NOW IT HAPPENED ASKED THEM TO BE COMBINED FOR A SINGLE SANCTION.
LAST TIME WAS NON-REHABILITATIVE SANCTION SO JUMPING FROM A NON-REHABILITATIVE, BEYOND THE 3-YEAR SUSPENSION, TO DISBARMENT, STILL DOWN IN THIS CASE.
I DON'T BELIEVE THE BAR HAS DIFFICULTY HERE.
THE LAST OPINION IS UNCLEAR TO ME ON THAT BUT IT SEEMS TO BE HIS MOTIVE WAS TO HAVE HER IDENTIFY THE PERSON INSIDE HER CIRCLE AND HOWEVER YOU CHARACTERIZE THAT --
>> I DON'T THINK WE COULD HAVE FOUND THERE WAS A VIOLATION OF THE RULE WITHOUT FINDING THERE WAS AN INTENT TO DECEIVE.
THE WAY I UNDERSTAND THE OPINION, TO THE EXTENT THAT PART OF THE MOTIVE WAS ZEALOUS

ADVOCACY FOR HIS CLIENT, THAT
THAT IS SOMETHING THAT MAYBE
COULD BE LOOKED AT IN TERMS OF
MITIGATION OR WHATEVER.
IF WE DIDN'T THINK THAT IT WAS
INTENTIONALLY MISLEADING CONDUCT
I DON'T SEE HOW WE COULD HAVE
FOUND IT WAS A VIOLATION OF THE
FULL IN THE FIRST PLACE.
>> CORRECT.
YOU ARE RIGHT.
COMING BACK TO THE HEARING TO
GET TO THE MOTIVE AND THE MOTIVE
IS FOR YOU TO DECIDE FROM THIS
EVIDENCE BUT SEEMS TO ME THIS
ISN'T A SIMPLE HONEST MISTAKE.
HE READ THE LAW AND IT DID NOT
SUPPORT HIM.
I WOULD LIKE TO SAVE THE REST OF
MY TIME FOR REBUTTAL.
THANK YOU.
>> COUNSEL FOR THE RESPONDENT.
>> GOOD MORNING, CHIEF JUSTICE
AND JUSTICES.
MY NAME IS NEDECIT KUEHNE, I
REPRESENT JONATHAN STEPHEN
SCHWARTZ, A 35 YOUR LAWYER
PRACTICING A MOST EXCLUSIVELY
CRIMINAL DEFENSE, PROVIDING
CRIMINAL DEFENSE REPRESENTATION
TO CLIENTS MOST OF WHOM ARE ABLE
TO RAISE FUNDS TO SUPPORT THEIR
DEFENSE.
HE HAS DONE THIS DECENTLY AND
WITH ZEALOUSNESS FOR 35 YEARS
AND IN THIS PARTICULAR MATTER
BEFORE THIS COURT HE HAS
RECOGNIZED IN HIS EXTENSIVE
TESTIMONY TO THE REFEREE SUBJECT
TO FULL EXAMINATION BY THE
FLORIDA BAR THAT HE ABSOLUTELY
UNDERSTANDS WHAT HE DID WRONG
AND ACKNOWLEDGED THAT HE DID
WRONG, HE CREATED, NOT WITH
EXTENSIVE PLANNING, THE
TESTIMONY REFLECTS, HE CREATED
HIS OWN VERSION OF A LINEUP IN
AN EFFORT TO TEST THE
VERIFIABILITY OF THE WITNESSES,
POLICE PHOTO LINEUP THAT HAD
CERTAIN CONSTITUTIONAL
IMPLICATIONS.
>> YOU SAY IT IS NOT WITH
EXISTENT PLANNING BUT THIS IS

NOT JUST POP INTO HIS MIND WHEN
HE WAS SITTING THERE.
HE FABRICATED THIS DOCUMENT IN
ADVANCE.
ISN'T THAT CORRECT?
>> ABSOLUTELY AND HE HAS MADE
CLEAR THAT HE DID THAT, HE DID
THAT IN PREPARATION FOR THE
DEPOSITION TO CREATE HIS OWN
VERSION OF A LINEUP AND HE DID
NOT USE THE COLOR SCHEME THAT IN
ANY WAY RESEMBLED THE COLOR
SCHEME THAT THE POLICE UTILIZED
BUT HIS EFFORT WAS TO TEST, HE
THOUGHT, WOULD BE HELPFUL ON A
LEGITIMATE MISIDENTIFICATION
CASE AND HE ACKNOWLEDGED IT WAS
THE WRONG THING TO DO AND HIS
PRESENTATION TO THE VICTIM IN
THE PRESENCE OF AN AWARE,
EXPERIENCED PROSECUTOR, INCLUDED
A DISTRIBUTION OF THE DOCUMENTS,
AND ALTHOUGH OFF THE RECORD WHEN
THE PROSECUTOR RAISED AN
OBJECTION THE TESTIMONY WAS
CLEAR, HE FULLY EXPLAINS TO THE
PROSECUTOR WHAT HE HAD DONE, HOW
HE HAD DONE IT AND HIS PURPOSE
IN TESTING THE VERIFIABILITY OF
THE AFFIDAVIT, OF THE LINEUP.
HE DID NOT HIDE IT AND WHEN THE
PROSECUTOR SAID I AM OBJECTING
UNDER THE LAW HE MOVED ON TO
ANOTHER ITEM.
>> SORRY TO INTERRUPT.
CAN I CLARIFY SOMETHING WITH
YOU?
I THINK YOU PERSONALLY HAVE DONE
THE BEST YOU CAN WITH THE
ADVOCACY, YOU HAD A GREAT BRIEF
WITH A TOUGH CASE.
I DON'T THINK THERE'S ANYTHING
NOBLE OR ADMIRABLE ABOUT WHAT
YOUR CLIENT DID BUT I WANT TO
ASK YOU, IF YOU ASSUME THAT WE
FOUND IN THE FIRST CASE THAT IT
WAS INTENTIONALLY MISLEADING,
THEN COULD YOU, I SUSPECT YOU
DISPUTE THAT BUT LET'S ASSUME
THAT IS HOW WE READ THE CASE OR
HOW I READ THE CASE, THEN GIVEN
OUR CASE LAW AND THE FACT THAT
PRIOR DISCIPLINARY HISTORY OF
YOUR CLIENT, COULD YOU GIVE US

THE BEST ARGUMENT FOR HOW YOU COULD JUSTIFY HAVING A NON-REHABILITATIVE DISTENTION UNDER THE CIRCUMSTANCES?
>> TO BE CLEAR, THE ENTIRETY OF THE SANCTIONS PROCEEDING HAS BEEN BASED ON THE RECOGNITION THAT THIS COURT SAID HIS CONDUCT WAS INTENTIONALLY DECEPTIVE.
BUT HE PRESENTED WHAT HE BELIEVED THE COURT ALLOWED HIM TO DO WHICH WE THINK IS ALWAYS APPROPRIATE.
THE MOTIVATION, WHAT WAS GOING ON IN THE PROCESS OF DOING THAT, NOT TO UNDERPLAY THE VERY SERIOUS GRAVITY OF THIS MISCONDUCT AND IN ESSENCE, JONATHAN STEPHEN SCHWARTZ ACCEPTED FULL RESPONSIBILITY FOR HIS MISCONDUCT, DISCLOSED ALL THE RELEVANT FACTS IN REAL-TIME TO THE PROSECUTOR, DID NOT ACT ON ANY OF THE EFFORTS FOR MISIDENTIFICATION.
THAT MATTER WAS STOPPED.
HE REMOVED HIMSELF FROM THE REPRESENTATION OF THAT CLIENT BECAUSE HE KNEW THERE WAS THE POTENTIAL TO NOT BE ABLE TO EFFECTIVELY REPRESENT HIS CLIENT ALL OF WHICH IS UNDISPUTED AND ULTIMATELY THE CLIENT RECEIVED THE BENEFIT OF A TRUE MISIDENTIFICATION CONCERN PURSUED BY THE SUBSTITUTE LAWYER AND RECEIVED WITH REGARD TO JONATHAN STEPHEN SCHWARTZ'S CONDUCT FROM 2015 IN FURTHERANCE OF THE 90 DAY SUSPENSION, JONATHAN STEPHEN SCHWARTZ HAS ENGAGED IN SIGNIFICANT REHABILITATION, HAS CONSISTENTLY REPORTED TO JUDGES AND OTHERS AND JUDGE MILLIEON TESTIFIED HE HAS NOT SHIRKED FROM HIS RECOGNITION THAT HE HAS DONE GONE AND THE TESTIMONY REFLECTS HIS ENTIRE LAW PRACTICE HAS CHANGED AS A RESULT OF THIS CASE, THIS REALITY AND THE 7 YEARS IT HAS BEEN PENDING.
MUCH FEWER CASES, MULTIPLE LAWYERS ASSISTING IN EVERY

SINGLE CASE SO ALL ISSUES ABOUT
HOW TO PRACTICE LAW
PROFESSIONALLY BUT ZEALOUSLY ARE
EVALUATED WITH A COLLEAGUE AND
ASSOCIATE.
>> SO I WANT TO MAKE SURE I
UNDERSTAND.
THERE IS THE SUBSEQUENT
REHABILITATION WHICH I
UNDERSTAND BUT THEN AS TO THE
CONDUCT ITSELF IS YOUR ARGUMENT
BECAUSE ONCE HE WAS CALLED ON IT
BY THE PROSECUTOR THAT HE
STOPPED?
IS THAT SUPPOSED TO BE IN OUR
MINDS THE CRITICAL FACT?
BECAUSE I DON'T REALLY, GIVEN
THE EXCHANGE THAT TOOK PLACE AND
CALLED HIM OUT ON IT, WHAT OTHER
ALTERNATIVE DID HE HAVE AT THAT
POINT?
>> THIS COURT HAS IDENTIFIED,
THE DONE CASE IS A GREAT
EXAMPLE, WHAT DOES SOMEBODY DO
WITH THE CONTOURS OF THE
LAWYERING STRETCHES THE
ALLOWABLE BOUNDARIES IS WRONG,
DOES THAT PERSON DEAN I, DELAY,
THIS COURT FOUND THAT TYPE OF --
WHAT REFERRED TO AS A COVER-UP,
IS THE INDICATION THAT THE
ENTIRETY OF THE PURPOSE WAS
INVALID AND THE PERSON DID NOT
RECOGNIZE THE ENORMITY, THE
GRAVITY OF THEIR ERROR.
HERE, JONATHAN STEPHEN SCHWARTZ
ABSOLUTELY DID WRONG, BUT WHEN,
AS YOUR HONOR SAID, CALLED ON
IT, IMMEDIATELY STOPPED BUT
DIDN'T JUST STOP, ESSENTIALLY
FULLY DISCLOSED EXACTLY WHAT HAD
HAPPENED, WHAT HE DID AND WHY HE
DID IT.
AND HE THEN MOVED ON AND REMOVED
HIMSELF.
IT IS NOT I AM CAUGHT, THEREFORE
I HAVE GOT TO CHANGE MY STORY,
AS UNFAIRLY TOO OFTEN HAPPENS
WITH LAWYERS WHO GET CAUGHT.
HERE HE WAS CHALLENGED BY AN
ASTUTE LAWYER REPRESENTING THE
INTEREST OF THE VICTIM, THE
WITNESS IN THIS CASE AND HE MADE
CLEAR WHAT HE HAD DONE AND

ABANDONED ANY FURTHER EFFORT TO
PURSUE THAT MISIDENTIFICATION.
AND PASSED THE CASE TO A LAWYER
INDEPENDENT OF ANY OF HIS
INTERACTION WITH THE PROSECUTOR.
THOSE ARE THE KIND OF
REHABILITATIVE STEPS,
RECOGNITION STEPS THAT THIS
COURT SEEMS TO HAVE ACKNOWLEDGED
BUT NOT PRESENT IN THE DUNNE
CASE WITH THE BOX CASE BUT
LAWYERS CONDUCT IS MET WITH
READY RECOGNITION OF IMPROPRIETY
AND DEMONSTRATED BASIS TO DO
BETTER, TO RECTIFY THE
MISCONDUCT, TO LEARN FROM THAT
IN REAL TIME.
>> I AM SURE WE HAVE HAD OTHER
CASES BEFORE US THAT HAVE HAD
PRIOR DISCIPLINARY RECORDS THAT
WERE IS EXTENSIVE OR MORE
EXTENSIVE BUT THIS DOES STAND
OUT.
27 CASES AND OTHER MATTERS
PENDING?
WHAT DO WE DO WITH THAT?
DOESN'T THAT WAY IN A
SIGNIFICANT WAY AGAINST YOUR
CLIENT IN TERMS OF
REHABILITATION AND
UNDERSTANDING?
HE HAS BEEN ENTANGLED WITH OUR
DISCIPLINARY SYSTEM MULTIPLE
TIMES OVER THE COURSE OF HIS
CAREER AND I JUST AT SOME POINT,
IT IS NOT WORKING.
SO TELL ME, WE SHOULD JUST PUT
THAT ASIDE WHAT WE SHOULD DO
WITH IT?
>> MISTER CHIEF JUSTICE,
JONATHAN STEPHEN SCHWARTZ DOES
NOT ASK US TO PUT THAT ASIDE.
BUT ASK THE COURT TO SEE THAT AS
THE COURT IS ALLOWED TO DO IN
THE CONTEXT OF THIS CASE AND HIS
CONDUCT IN OTHER CASES BALANCED
AGAINST HIS CAREER.
THIS COURT ALWAYS IN
DISCIPLINARY CASES, THESE ARE
DIFFICULT, THEY ARE AMONG THE
MOST DIFFICULT RESPONSIBILITIES
OF THIS COURT IN OVERSEEING
MEMBERS OF THE FLORIDA BAR, BUT
STILL, THE REFEREE IN EVALUATING

ALL THE FACTS, LISTENING TO THE WITNESSES, HEARING WHAT IS SAID, NOT JUST WHAT IS SAID BUT HOW IT IS SAID, WHAT IT MEANS.
THE REVERIE RECOMMEND A SENTENCE, A PUNISHMENT THAT IS FAIR TO SOCIETY, PROTECTING THE PUBLIC, AND ALLOWING LAWYERS TO UTILIZE THEIR SERVICES FOR THOSE IN NEED, IS THE SANCTION FAIR TO THE RESPONDENT AND DOES THE SANCTION EFFECTIVELY DETER?
THERE IS NO DOUBT FROM THE PUBLICATION OF THIS COURT'S OPINION AND OTHER WITNESSES TESTIFIED ABOUT IT, WITHIN THE CRIMINAL DEFENSE COMMUNITY WHERE JONATHAN STEPHEN SCHWARTZ PRIMARILY PRACTICES, THIS CONDUCT IS WELL-KNOWN AND IS HIGHLY DISCUSSED, ABOUT LAWYERS AND HOW CAREFUL LAWYERS MUST BE IN THEIR OBLIGATION TO DO JUSTICE AND WITH REGARD TO HAVING BEEN BEFORE THE BAR IN OTHER MATTERS IT IS NOT AN ESCALATING PATTERN OF MISCONDUCT.
BUT CONDUCT WHERE JONATHAN STEPHEN SCHWARTZ READILY IDENTIFIED HIS MISCONDUCT AND RESOLVED WITH THE CONSENT AGREEMENT.
THE MOST SERIOUS OF WHICH, THE FLORIDA BAR POINTS OUT IS WHAT THEY CALL THE FALSE AFFIDAVIT.
AND AFFIDAVIT THAT WAS SIGNED BY MISTER SCHWARTZ WITH A CLIENT WHO COULD NOT RETURN TO THE UNITED STATES AND JONATHAN STEPHEN SCHWARTZ MADE NO PRETENSE THAT HE HAD SIGNED IT FOR HIS CLIENT, THE DOCUMENT SHOWS HIS INITIALS.
HE MADE NO PRETENSE THE CLIENT APPEARED BEFORE HIM ON THE NOTARIZATION.
JONATHAN STEPHEN SCHWARTZ EXPLAINED THIS IN THE PROCEEDINGS OF THE FINANCIAL AFFIDAVIT.
>> IF IT IS WRONG, IT IS STILL WRONG.
DOING THE ACT IN FULL VIEW DOESN'T MAKE IT OKAY.

SOMEONE WALKS INTO A STORE IN
FULL VIEW AND WALKED OUT WITH
MERCHANDISE IT IS STILL STEALING
EVEN IF THEY DO IT IN FULL VIEW
OF EVERYONE, IT IS STILL A
PROBLEM.
>> JONATHAN STEPHEN SCHWARTZ IN
THAT MATTER AND IN THIS MATTER
RECOGNIZED THAT.
ALTHOUGH THE LAW HAS CHANGED
FROM THAT TIME, SHOULD NOT HAVE
DONE IT.
HE SHOULD NOT HAVE SUBMITTED, HE
SUBMITTED THE AFFIDAVIT BASED ON
INFORMATION HIS CLIENTS IT WAS
TRUE AND HE ACKNOWLEDGED THAT.
HE SHOULD NOT HAVE SUBMITTED
ANYTHING THAT SAID NOTARIZATION
BUT IS THAT THE KIND OF
MISCONDUCT, THIS COURT TO SAY A
90 DAY NON-REHABILITATIVE
SUSPENSION CANNOT IN ANY WAY
ASSURE THE PURPOSES OF
DISCIPLINE IN THIS MATTER.
THE REFEREE DID ARE ABLE BEST
TESTED BY LAWYERS FOR THE BAR,
LAWYERS FOR MISTER SCHWARTZ AND
ACHIEVED A RESOLUTION
RECOMMENDED BY THIS COURT THAT
BALANCE ALL OF THE FACTORS
INCLUDING MISTER SCHWARTZ IN OTHER
CASES ADVERTISED FAILING DURING
VERY BUSY TIME OF PRACTICE,
SUBSTITUTE COUNSEL AND MISSED
COURT HEARINGS, ACKNOWLEDGED
WHAT HE DID AND THOSE MATTERS
ARE NOT INDICATIVE THAT MISTER
SCHWARTZ IS INCAPABLE OF
PROFESSIONALLY AND PROPERLY
DEDICATING HIS LICENSE TO
PROFESSIONALLY COMMAND ATTENTION
TO ALL THE GUIDANCE OF THIS
COURT AND PROTECT THE CLIENT AND
CLIENTS.
WE ASK FOR AN AFFIRMATIVE.
>> REBUTTAL ARGUMENT.
>> IN 1937 THE COURT DECLINED TO
INTEGRATE THE BAR.
THE COLLAPSE OF THE JUDICIARY
ENTIRELY IN NAZI GERMANY AND THE
EXPERIENCE OF JUSTICE AND WHEN HE
THIS COURT.
THIS COURT IN 1949 INTEGRATED
THE BAR, MAKING LAWYERS OFFICERS

OF THE COURT.
THE SURVIVAL OF THE WILL OF LAW
AND INDEPENDENCE OF JUDICIARY
NECESSARY TO PRESERVE RULE OF
LAW NEEDED AN ARMY OF LAWYERS
COMMANDED THAT SOCIETY WOULD
NEVER HAVE FAITH IN WILL OF LAW
FULLY COMMITTED TO THIS BASIC
PROPOSITION.
THE TIME THE COURT EXPLAINED THE
ASSAULT ON OUR INSTITUTIONS
WHICH THE BAR IS EXPECTED TO
TAKE THE LEADING ROLE IN
CHALLENGING ALSO REQUIRES THE
IMPACT OF THE FULL POWER OF THE
BAR.
THE BAR PROSECUTES CASES
INVOLVING DECEIT ESPECIALLY THE
ENDS JUSTIFIES THE MEANS.
NOT MERELY BECAUSE THAT IS A
CHARACTER FLAW BUT BECAUSE IT
STRIKES AT THE FOUNDATION OF THE
WILL OF LAW.
JONATHAN STEPHEN SCHWARTZ THINKS
HE'S BEING A ZEALOUS ADVOCATE.
DISCUSSED THE PURPOSES HERE, I
WOULD POINT OUT THEY WERE FIRST
ANNOUNCED IN 1970.
IN 1970 THERE WERE 10,000
LAWYERS.
TODAY THERE ARE 110,000 LAWYERS.
THE BEGINNINGS OF THE PROFESSION
WE COULD NOT ADVERTISE AT ALL
AND RELUCTANTLY ONLY THOUGHT OF
OURSELVES SECONDARILY OF THE
BUSINESS AND TRANSFORMED INTO A
BUSINESS THAT IS MARKETED EVEN
BY TEXT MESSAGES TO STRANGERS.
THE REASONS THIS COURT ANNOUNCED
THE POLICY IS NOT BECAUSE YOU
WERE BULLIES BUT THE HEALTH OF
THAT ENVIRONMENT OF LAWYERS
NEEDS TO DEAL WITH SOCIETIES
CONDITIONS TODAY ESPECIALLY
REGARDING THE ENDS JUSTIFIES THE
MEANS.
I SUBMIT THOSE THREE PURPOSES IN
LIFE TODAY'S CONDITIONS WARRANT
A 3-YEAR SUSPENSION IN THIS
CASE.
THANK YOU.
>> THANK YOU FOR YOUR ARGUMENT
IN THIS CASE TODAY.
THAT IS THE FINAL MATTER IN

TODAY'S DOCKET SO THIS SESSION
OF THE FLORIDA SUPREME COURT IS
CONCLUDED.