>> Chief Justice Carlos Muniz: THIS IS THE FLORIDA BAR V. LARRY ELLIOT KLAYMAN CASE NO.SC2023-1219.
>> Robert M. Klein,Respondent: IT IS INDEED IF I MAY JUSTICE COURIEL THE START OF SOMETHING YOU SAID EARLIER TODAY DUE PROCESS REQUIRES PROCESS.
THAT IS THE VAST MAJORITY OF WHAT I'M HERE TO ARGUE. IS THAT THE MANNER IN WHICH THIS CASE HAS PROCEEDED HAS DENIED DUE PROCESS AT EVERY TURN STARTING WITH THE DISTRICT OF COLUMBIA.
AND THAT THIS MATTER SHOULD NEVER HAVE BEEN BROUGHT . WE ALSO ARGUED IT IS TIME-BARRED.
WITHOUT GETTING INTO THE CHRONOLOGY IN GREAT DETAIL WHICH WE SET FORTH IN THE BRIEF.
THERE IS NO QUESTION ABOUT THE FACT THAT THE ACTIONS THAT ARE THE SUBJECT OF THESE COMPLAINTS THAT WERE BROUGHT BY THE DISTRICT OF COLUMBIA INVOLVE MATTERS THAT RANGED IN TIME FROM 2006 -2010 SOME 15 YEARS AGO.
THERE WAS ALSO NO QUESTION ABOUT THE FACT THAT THE 2010 COMPLAINT THE COMPLAINT WAS SERVED IN THREE DIFFERENT JURISDICTIONS INCLUDING FLORIDA. PENNSYLVANIA AND THE DISTRICT OF COLUMBIA.
THE BAR GOES INTO GREAT DETAIL TRYING ARGUE TO THAT AS TO THE REFEREE NOTED IN HIS EARLY IN THE HEARING TRANSCRIPT THAT WE HAVE NO CONCLUSIVE PROOF THAT FLORIDA ACTUALLY RECEIVED THE COMPLAINT BUT WE HAVE ENOUGH TO RECORD A CERTIFIED FLORIDA BAR COMPLAINT FORM THAT FLAT OUT SAYS IN ADDITION TO MAKING THE COMPLAINTS FROM.
[LISTING NAMES] I ALSO FILED COMPLAINTS IN PENNSYLVANIA AND THE DISTRICT OF COLUMBIA.
>> Justice: AS AN ASIDE COUNSELOR CAN YOU ADDRESS THE STATEMENT ON PAGE 72 OF YOUR AMENDED INITIAL BRIEF THAT THERE IS AN ABSENCE OF PRIOR DISCIPLINE WHEN IN FACT THE REFEREE'S REPORT ACKNOWLEDGES THAT THERE WAS IN FACT A PRIOR PUBLIC REPRIMAND IS THAT AN OVERSIGHT?
>> Robert M. Klein,Respondent: YES IT WAS I HEARD ABOUT IT EARLIER IT WAS QUITE A LONG TIME AGO?
FRANKLY THAT SHOULD'VE BEEN CORRECTED.
WE WOULD'VE FILED AN AMENDMENT BECAUSE THERE WAS IN FACT A VERY MINOR PRIOR DISCIPLINARY MATTER INVOLVING A VERY LIMITED SUM OF MONEY AND THAT THE COURT BASED ON SAID THERE WAS NOTHING SIGNIFICANT ABOUT IT AND I'M GOING TO SAY A PUBLIC REPRIMAND AND THAT PORT OF TAMPA YES THERE WAS.
>> Justice: ON THE ISSUE OF THE COMPLAINT BEING SENT TO FLORIDA THOUGH IF WE THINK THE STATUTE OF LIMITATIONS TRIGGER FOR ORDER PURPOSES HERE THAT THE RELEVANT DATE WOULD BE WHEN THE DC DISCIPLINE HAPPENED THEN THIS PROCEEDING WOULD HAVE BEEN WITHIN THAT.
WHAT IS THE RELEVANCE I KNOW THAT YOU DISPUTE OR YOU CONTEST WHETHER THAT IS THE RELEVANT ARGUMENT IF WE THINK THAT IS THE RELEVANT ARGUMENT,

WHAT OTHER ELEMENTS WOULD BE WHETHER THERE WAS A COMPLAINT SENT TO FLORIDA OR NOT WHAT OTHER RELEVANCE WOULD THAT HAPPEN.
>> Robert M. Klein,Respondent: WHEN YOU HAVE SOMEBODY WHO'S BEEN SUBJECT TO YEARS OF THIS PLAN.
IN ANOTHER JURISDICTION, THEN FLORIDA IS ADVISED ABOUT THAT THE ORDERS THAT WERE ENTERED IN DISTRICT OF COLUMBIA AND DOES NOTHING FOR THREE YEARS, TO ME THE IDEA THAT YOU GOING TO ALLOW TIME IS PASSING MEMORIES ARE FADING.
DOCUMENTS ARE DISAPPEARING. THE IDEA THAT YOU CAN COME IN AND THEN SAY WE WILL START INVESTIGATING WE WILL START PROSECUTING AT THIS POINT IN TIME WHEN YOU HAVE A FULL-BLOWN RECORD LAID OUT FOR YOU SUGGESTED THAT HAS TO MEAN SOMETHING.
>> Chief Justice Carlos Muniz: YOU ARE SAYING LATCHES AS TO THE THREE YEAR GAP.
>> Robert M. Klein,Respondent: YES BECAUSE OF THE TIME THAT WAS INVOLVED OBVIOUSLY WE HAVE A SIX-YEAR PROBLEM IF YOU GO BACK TO 2010 THERE'S NO QUESTION ABOUT A LIMITATION ISSUE.
BUT THE IDEA OF LATCHES IS THAT YOU HAVE TO MOVE EXPEDITIOUSLY AND YOU CANNOT JUST SIT ON YOUR RIGHTS. WHEN THE CLOCK IS TICKING AND FLORIDA KNOWS WITHOUT QUESTION THAT THERE HAS BEEN AN EXTRAORDINARY PERIOD OF TIME FROM 2010 IN THE FIRST SATAKE COMPLAINT WAS FILED AND THE OTHER THREE TRANSGRESSIONS THAT WERE INVOLVED IN MR KLAYMAN'S REPRESENTATION ADVERSE TO HIS FORMER EMPLOYER ONE WOULD THINK THAT YOU WOULD WANT TO JUMP ON THOSE ACTIONS BECAUSE IF YOU LOOK AT AS A MATTER FACT THERE WERE SOME REALLY INTERESTING LANGUAGE I WOULD LIKE A QUOTE FOR THE COURT.
I THINK IT WAS IN RANDOLPH.
WHERE THE COURT IS TALKING ABOUT ASPIRATIONAL GOALS AND HOW THE BAR HAS AMENDED THE RULES AND WHAT THE BAR IS TALKING ABOUT IS PROMPT PROSECUTION OF THESE BAR COMPLAINTS BECAUSE OBVIOUSLY IF A LAWYER IS DOING SOMETHING THAT IS DETRIMENTAL TO THE PUBLIC AT LARGE HE NEEDS TO BE DISCIPLINED.
BUT THE FLIPSIDE OF THAT THE COURT NOTES IN RANDOLPH THE LAWYER IS ENTITLED NOT TO HAVE TO SIT AND WAIT TO HEAR WHAT IT IS THAT THEY ARE GOING TO DO AND WHAT HE SAYS WAS ACCORDING.
[LISTING NAMES] WAS WORKING ON THE AMENDMENTS TO THE BAR ACCORDINGLY WITH THE POWERS OF THE DISCIPLINARY RULE THOSE WHO TRESPASS UPON OUR ETHICS CAN EXPECT TO BE CALLED ON ACCOUNT IMMEDIATELY THERE WILL BE NO MORE 2.5 YEAR DELAYS. THE FINAL DISCIPLINARY ACTION WILL BE COMPLETE WITHIN APPROXIMATELY SIX MONTHS.
>> Justice: IS THERE A CASE WHERE WE APPLIED LATCHES WHERE WE APPLIED THE DOCTRINE OF LATCHES IN AT THIS POINT?
>> Robert M. Klein,Respondent: NOT TO MY KNOWLEDGE.
>> Justice: WHAT WOULD BE DIFFERENT FROM PRECEDENT THAT TAKES INTO

ACCOUNT THE PASSAGE OF TIME AND MITIGATION OR IN THE WEIGHT OF THE EVIDENCE IS ASSIGNED WHEN WE HAVE A RULE IN ESTABLISHING THE STATUTE OF LIMITATIONS WHAT WOULD BE THE JUSTIFICATION FOR THIS COURT TO SET A NEW COURSE AND APPLY LATCHES?
>> Attorney: BECAUSE I THINK THE IDEA OF LATCHES IS YOU CANNOT ALWAYS PIGEONHOLE SOMETHING DIRECTLY INTO A STATUTE. IT IS MORE OF AN EQUITABLE DOCTRINE AND IT'S THE OTHER THE SOMETHING IF YOU LOOK AT THE ENTIRE SITUATION IS NOT FAIR OR REASONABLE THAT IS A LARGE PART OF WHAT'S GOING ON HERE YOU HAVE PEOPLE WRITING AND SAYING IN A COUPLE CASES PRESENTED WITH THE COURT HAS THROWN OUT DISCIPLINARY ACTION THIS COURT HAS THROWN OUT DISCIPLINARY ACTION FOR FAILURE TO PROPERLY PROSECUTE IN THOSE CASES YOU USUALLY TALK ABOUT MATTERS THAT ARE PRINCIPALLY EQUITABLE.
WAS THIS FAIR?
WAS THIS PROCESS FAIR?
IN THIS CASE MR KLAYMAN WAS ALLOWED TO DISCOVERY.
IN THE DC ACTION HE WAS NOT ALLOWED TO TAKE ANY DEPOSITIONS.
THERE IS ACTUAL TESTIMONY IN THE RECORD FROM ONE OF THE LURES WITHOUT THE PROCEEDINGS THAT THEY WERE BRINGING IN DOCUMENTS FOR MS. SATAKE THAT THEY'VE NEVER SEEN BECAUSE THEY HAVE NEVER BEEN ALLOWED TO TAKE HER DEPOSITION AND THEY WERE NEVER ALLOWED TO PAPER DISCOVERY AT ALL BY THE WAY THAT WAS NOT A COURT DECISION THAT WAS A DECISION BY THE DC BAR. NOT TO ALLOW ANY OPPORTUNITY IN WHAT PROCESS IN WHAT PLANET ARE YOU REQUIRED TO GO AND CONFRONT SOMEBODY WHO WAS ACCUSING YOU OF MISCONDUCT AND NOT KNOW WHAT THEY'RE GOING TO SAY AND NOT HAVE THE DOCUMENTS THAT THEY WILL PRESENT FOR CONSIDERATION BY THE PANEL. THAT IS WHAT HAPPENED HERE. IN DC. THAT PERMEATES THIS ENTIRE PROCEEDING. BY THE WAY HE WAS DENIED THE OPPORTUNITY AT EVERY STEP OF THIS PROCEEDING TO TAKE ANY KIND OF DISCOVERY WHATSOEVER.
>> Justice: I'M SORRY TO INTERRUPT I JUST WANT TO GIVE YOU A CHANCE TO ADDRESS JUST SOMETHING I'M KIND OF STRUGGLING WITH WITH THIS CASE WHICH IS IT SEEMS LIKE THERE IS SOME ATTRACTIVENESS TO THE IDEA THAT REGARDLESS OF WHAT HAPPENED HERE IT WAS A LONG TIME AGO THERE WAS DISCIPLINE IN DC. ADDING TWO MORE YEARS TO IT MIGHT BE OVERKILL.
ON THE OTHER HAND IT SEEMS LIKE THERE IS NO ACCEPTANCE OF RESPONSE ABILITY EVEN AS TO THE THINGS THAT REALLY ARE NOT CONTESTED WITH THE CONFLICT OF INTEREST STUFF.
A LOT OF YOUR ARGUMENTS ARE JUST TRYING TO RELITIGATE WHAT HAPPENED IN DC WHICH KIND OF GOES AGAINST THE IDEA OF JUST SAYING LOOK, BE REASONABLE HERE.
IT SEEMS LIKE IF WE WERE INCLINED TO ESSENTIALLY JUST TREAT THIS MORE AS A MATTER OF "WHAT IS FAIR" IT SEEMS LIKE YOUR ARGUMENTS ARE KIND OF CROSSCUTTING.

THERE IS NOTHING THE MORE YOU TRY TO RELITIGATE DC AND THE MORE YOU DON'T ACKNOWLEDGE ANY KIND OF WRONGDOING OR ANYTHING THAT SORT OF LESS ATTRACTIVE YOUR FAIRNESS ARGUMENT I UNDERSTAND YOU ARE IN A TOUGH POSITION. CAN YOU JUST KIND OF HOW SHOULD WE DO ABOUT THAT.
>> Robert M. Klein,Respondent: I THINK THE QUOTE FROM THIS COURT MANY YEARS AGO THAT THE PROCESS ITSELF CAN ESSENTIALLY SUPPLANT FORMAL DISCIPLINE. IF IT TAKES TOO LONG.
IF TOO MUCH TIME IS SPENT ON THE PROCESS ITSELF.
THAT IS PART OF WHAT WE ARE ARGUING HERE.
I THINK WHEN YOU DON'T HAVE A PROPER RECORD DEVELOPED I THINK THAT QUESTION REALLY GOES TO SOME OF THE SEPARATE CLAIMS THAT MR KLAYMAN BROUGHT AGAINST HIS FORMER EMPLOYER.
THERE IS JUST THIS ASSUMPTION THAT THERE WAS A CONFLICT. IF YOU GO THROUGH EACH ONE OF THE THREE OF THOSE SEPARATE EVENTS, I DON'T KNOW THERE WAS A CONFLICT AND YOU CANNOT TELL FROM THIS RECORD BECAUSE THE REALITY IS REPRESENTING SOMEBODY AGAINST A FORMER EMPLOYER IS NOT A PER SE CONFLICT UNLESS YOU HAVE SOME EVIDENCE THAT INFORMATION THAT WAS GAINED DURING THE COURSE OF YOUR EMPLOYMENT IS SOMEHOW BEING USED ADVERSE TO THE FORMER EMPLOYER. WE'VE HAD CREWS PLAN CASES WHERE THE CRUISE LINE WHEN AFTER THE FORMER IN-HOUSE COUNSEL WHO HAVE BECOME PLAINTIFFS COUNSEL THEIR REPORTED DECISIONS THING THAT IS NOT A CONFLICT. UNLESS YOU ARE SHOWN THERE IS INFORMATION THAT WAS GAINED THAT IS USED ADVERSE TO THE FORMER EMPLOYER. BUT THAT ASSUMPTION IS ESSENTIALLY MADE IN A DC AND IT HAS BEEN MIMICKED EVER SINCE.
ANOTHER INVOLVED WHETHER OR NOT THE MERE FACT THAT A CONTRACT HAD BEEN DRAFTED BY MR KLAYMAN MEANT HE COULD NOT REPRESENT SOMEONE ADVERSE TO THE JUDICIAL WATCH TO TALK ABOUT THE FACT THAT THEY WERE VIOLATING THE CONTRACT.
THOSE KINDS OF CASES HAVE BEEN IN FLORIDA ALL THE TIME AND LAWYERS ARE NOT NECESSARILY DISQUALIFIED. IF.
>> Justice: YOU ARE SAYING IT HAPPENS ALL THE TIME THAT LAWYERS DRAFT CONTRACTS THEN SUE THE SAME CLIENT OVER THAT CONTRACT.
>> Robert M. Klein,Respondent: I'VE BEEN REPRESENTING LAWYERS FOR OVER 50 YEARS LAWYERS ORIGINALLY SUED FOR GETTING INVOLVED IN A CASE WHERE THEY ARE ADVERSE TO THE FORMER EMPLOYERS SOME OF THEM INVOLVE INTERNAL CONTRACTS SOME OF THEM INVOLVE INTERNAL ORGANIZATION THE QUESTION BECOMES IS THERE ANYTHING INVOLVED IN THE PRIOR EMPLOYMENT THAT IS NECESSARILY GOING TO BE AT ISSUE IN THE NEW CASE. IF THAT IS THE CASE THE LAWYER CANNOT HANDLE THE CASE. THAT IS A CONFLICT. BUT THERE ARE OTHER CASES WHERE A LAWYER MAY BE A MATERIAL WITNESS TO THE CREATION OF A CONTRACT AND THE LAW FIRM THAT WORKED ON THAT WITH HIM PROSECUTE THE CASE BUT THAT LAWYER CANNOT PARTICIPATE AT THE TRIAL BECAUSE HE IS A WITNESS AT TRIAL. THERE ARE CASES ALONG THOSE LINES ALL OVER IT THE STATE.

THEY HAPPEN ALL THE TIME.
THE CONFLICT REALLY BECOMES ARE YOU USING INFORMATION THAT YOU GAINED THAT WOULD NOT HAVE BEEN PUBLIC INFORMATION. SUING SOMEBODY FOR CREATING A HOSTILE WORK ENVIRONMENT WITHIN THREE YEARS AFTER YOU LEFT, IT IS NOT A PER SE CONFLICT.
THERE IS NOT A HINT IN THIS RECORD OF WHAT INFORMATION WOULD HAVE BEEN USED FOR THAT WOULD'VE BEEN ADVERSE TO JUDICIAL WATCHES INTEREST. NOTHING. IT IS JUST NOT THERE.
I CAN GO ON.
>> Justice: YOU ARE WELCOME TO KEEP GOING BUT YOUR REBUTTAL.
>> Robert M. Klein,Respondent: LET ME TAKE ADVANTAGE OF REBUTTAL.
>> Chief Justice Carlos Muniz: OKAY.
>> Attorney: MAY IT PLEASE THE COURT MARK L. MASON, APPEARANCE FOR COMPLAINANT
>> Chief Justice Carlos Muniz: CAN I ASK YOU A QUESTION IS THE TWO YEARS SUSPENSION HERE NECESSARY TO PROTECT THE PUBLIC OR IS THIS MORE ESSENTIALLY JUST A PUNISHMENT.
>> Mark L. Mason,Complainant: THE TWO-YEAR SUSPENSION AS OPPOSED TO THE 18 MONTH WHICH WAS THE RECOMMENDATION THE FINDING
>> Chief Justice Carlos Muniz: 18 MONTHS OR TWO YEARS OR ANYTHING GIVEN THE TIME THAT HAS PASSED ETC. THERE IS ALREADY BEEN DISCIPLINE IN DC WHAT IS THE POINT OF ADDING ON TO THAT?
>> Mark L. Mason,Complainant: THE REFEREE'S HOLDING WAS THERE WAS SUBSTANTIAL AGGRAVATING CIRCUMSTANCES THAT LED TO HIS DECISION TO INCREASE IT TO A TWO-YEAR SUSPENSION.
IT WAS ALREADY MENTIONED EARLIER THE REFUSAL TO ACKNOWLEDGE WRONGDOING. THAT WAS A BIG ONE. THE PATTERN OF MISCONDUCT WE ARE TALKING ABOUT CONFLICT OF INTEREST THAT SPREAD OVER THE THREE JUDICIAL WATCH CASES AND IT ALSO INCLUDED THE 2020 SATAKE SUSPENSION ORDER.
>> Justice: BUT THE CASE FOR PROTECTING THE PUBLIC FROM HARM SEEMS TO ME TO BE SUBSTANTIALLY WEAKENED BY THE DELAY THAT THE BAR SEEMS TO HAVE TAKEN IN THIS MATTER.
IF MR KLAYMAN BECAUSE OF HIS CONDUCT WAS AT SUBSTANTIAL RISK TO THE PUBLIC WHY DID YOU WAIT SO LONG TO ACT?
>> Mark L. Mason,Complainant: WE DIDN'T WAIT SO LONG TO ACT WHAT WE DID WAS WE ACTED ON THE SATAKE SUSPENSION ORDER WHAT HE'S TALKING ABOUT WITH THE THREE YEARS ISSUE WAS THE JUDICIAL WATCH 90 DAY SUSPENSION ORDER. IN THAT CASE IT CAME UP DURING THE SECTION HEARING THAT THERE WAS A QUESTION RAISED ABOUT DID YOU NOTIFY THE FLORIDA BAR OF THIS ORDER? HE ANSWERED YES I DID.
I FILED A PETITION FOR REHEARING AND ASKED THAT YOU WAIT.
DID NOT FOLLOW UP WITH US AGAIN IT FELL TO THE WAYSIDE THEN THE SATAKE SUSPENSION ORDER WE SEE THE LETTERS HE NEVER LET US KNOW ABOUT THE

OUTCOME OF THE PETITION FOR THAT HEARING WAS ADVERSE TO HIM. ON THAT POINT WE MOVED ON BOTH OF THEM TOGETHER BUT WE ONLY SAW THE 18 MONTH SUSPENSION WHEN WE WENT AND TOOK THE CASE TO THE REFEREE RATHER THAN COMBINING THE TWO AND SETTING THEM WHICH WAS SUGGESTED IN THE INITIAL BRIEF. THAT DIDN'T HAPPEN.
>> Justice: MISCONDUCT OCCURRED WHEN?
>> Mark L. Mason,Complainant: THE JUDICIAL WATCH CASES SPANNED FROM 2006-2008. THE SATAKE MATTER WAS MOSTLY IN 2010.
>> Justice: NOW IT IS 2025 15 YEARS AGO WAS HE PRACTICING? I KNOW THERE WAS EVENTUALLY DISCIPLINE IN DC . HOW MANY YEARS PERCY FOCUSING BETWEEN 2010 AND NOW I'M WONDERING IS THERE ANY INDICATION OF ANY WRONGDOING IN THAT TIME?
>> Mark L. Mason,Complainant: THE 2011 PUBLIC REPRIMAND HAPPENED DURING THAT WINDOW.
>> Chief Justice Carlos Muniz: THE ONE HERE IN FLORIDA VISITING JUST THE ONE HERE IN FLORIDA THAT WAS REFERENCED EARLIER.
>> Justice Charles Canady: WHAT DO WE KNOW ABOUT THE CASE?
>> Mark L. Mason,Complainant: IT WAS A PUBLIC REPRIMAND HAVING TO DO WITH HIS FAILURE TO PAY A CLIENT A MEDIATED SETTLEMENT I BELIEVE IT WAS $5000 HE SAID HE CANNOT AFFORD AT THE TIME JUST ENOUGH. IT TOOK INITIATION OF A BARBER SITTING BEFORE EVENTUALLY DID PAY IT.
NOW WHAT WE ARE HERE ON IS SUBSTANTIALLY WORSE CONDUCT I THINK THAT IS PART AND PARCEL OF WHEN YOU LOOK AT IT IN A PUBLIC REPRIMAND.
>> Justice Charles Canady: A MEDIATED SETTLEMENT OF WHAT.
>> Mark L. Mason,Complainant: IT HAD TO DO WITH HIS REPRESENTATION OF A CRIMINAL DEFENDANT WAS HAPPY WITH THE SERVICES IT WAS AGREED HE WOULD REIMBURSE I BELIEVE IT WAS $5000.
>> Justice: WHAT DO WE KNOW ABOUT WHAT HE'S BEEN UP TO SINCE 2010?
YOU MENTIONED THE 2011 ISSUE.
I'M TRYING TO GET A SENSE OF WE ARE TALKING ABOUT ON THE ONE HAND THE DC STUFF IS SERIOUS.
JUST SPEAKING FOR MYSELF I'M NOT REALLY INTERESTED IN RELITIGATING ALL OF THAT. ON THE OTHER HAND WE ARE BEING ASKED TO TACK TWO MORE YEARS ONTO THIS TO REMEDY OR TO ADDRESS CONDUCT THAT HAPPENED 15 YEARS AGO. I'M JUST TRYING TO UNDERSTAND IS THERE ANYTHING ELSE HOW LONG FOR THAT INTERIM TIME HOW LONG WAS HE ABLE STILL TO PRACTICE?
>> Mark L. Mason,Complainant: HE WAS SUBJECT TO AN END AND FIRM SUSPENSION WHILE THE DC SUSPENSION WAS ONGOING I'M NOT AWARE IF HE WAS READMITTED. HE HAS BEEN SUSPENDED IN PENNSYLVANIA IS ON A TEMPORARY LICENSE AS WELL I CANNOT SPEAK TO WHAT LAW HE PRACTICED ONCE HE WAS SUSPENDED.
>> Chief Justice Carlos Muniz: WHEN DID INTERIM SUSPENSION START.
>> Mark L. Mason,Complainant: THAT WOULD'VE BEEN DURING THE SATAKE APPEAL WHICH WOULD HAPPENED I'M NOT EXACTLY SURE THE YEAR.

IT HAPPENED DURING THE TERM OF THE APPEAL OF THE SATAKE SUSPENSION WHICH LED TO THE 2022 ORDER IT WENT THROUGH THIS VERY LONG APPEAL PROCESS WHICH IS PART AND PARCEL OF THE DELAY BECAUSE WE ARE ACTING ON A RECIPROCAL MATTER.
IT IS NOT A BOTHER WE RECEIVE SOMETHING IN 2011 WHICH IS STILL JUST CONJECTURE.
ON HIS PART IT WAS AN UNSWORN DOCUMENT IT WAS REFERENCED IT WAS NOT A FLORIDA BAR COMPLAINT FORM IT WAS NOT IT WAS A WASHINGTON DC BAR COMPLAINT FORM.
>> Chief Justice Carlos Muniz: LET'S ASSUME THAT THE BAR ACTED WITHIN A REASONABLE AMOUNT OF TIME IN THE PROCESS.
CAN YOU JUST WHAT IS THE POINT OF TWO MORE YEARS OF SUSPENSION?
>> Mark L. Mason,Complainant: THE POINT OF TWO MORE YEARS HAS TO DO WITH THE AGGRAVATING CIRCUMSTANCES THAT WERE SHOWN TO THE REFEREE.
IT WAS REFUSAL TO ACKNOWLEDGE ANY WRONGDOING WHATSOEVER HE IS STILL FRAMING IT AS THOUGH THIS IS A POLITICAL IDEOLOGY WITCHHUNT AGAINST THEM THERE WAS THE ACCUSATIONS AGAINST THE BAR COUNSEL THAT THE REFEREE REFERENCED IN THE REPORT REFEREE HAVING TO DO WITH OUR COUNSEL TIPPED OFF WITNESSES I WAS TRYING TO SUBPOENA. ABSOLUTELY NO FACTUAL BASIS TO ASSERT THAT. WHATSOEVER.
YET HE SAID IT ANYWAY.
IT WAS JUST THAT KIND OF CONDUCT THROUGHOUT THE HEARING AND THAT THIS NOTION THAT WAS NEVER ENTITLED WITH ANY DISCOVERY HE'S RECEIVED HEARING AND HEARINGS THE SATAKE WAS ALONE IT WAS A SIX-DAY FINAL HEARING THIS NOTION HE WAS NOT ENTITLED TO ANY DISCOVERY HE HAS TO TAKE TWO DEPOSITIONS AND THAT THERE IS A RULE IN DC THAT SAID YOU NEED TO SHOW COMPELLING NEED TO DO IT.
HE SIMPLY DID NOT DO THAT.
THERE IS THIS CONSTANT KIND OF OVERSTATEMENT OF NO DISCOVERY NO DUE PROCESS WHATSOEVER. BUT IT WENT THROUGH A THREE-TIER REVIEW PROCESS IN WASHINGTON DC. WHEN IT COMES TO US WE ARE NOT LOOKING TO RELITIGATE THE CASE I'M NOT GOING TO BANDY ABOUT ON THAT POINT TOO MUCH LONGER. WE TOOK IT AND WE ACTED TIMELY. WELL WITHIN IF YOU SAY 3â “7.16 IN A SIX YEAR RULE IF THAT APPLIES ALL IT WOULD BE TRIGGERED WHEN WE GET NOTICE OF THE SUSPENSION ORDERS. WE ARE WELL WITHIN THAT SECURE TIMEFRAME. WHAT IS HE TALKING ABOUT IS THE SEAT OF THE LONG THEIR ORDER SAID THE DELAY WAS UNFORTUNATE THERE IS NOT REALLY AN EXCUSE FOR IT BUT WE HAVE IN OUR STANDARDS UNREASONABLE DELAY IT IS A MITIGATING FACTOR AT BEST.
I'M NOT SAYING IT DOES NOT APPLY BUT IT WAS NOT ARGUED IN THE INITIAL BRIEF IT WAS THAT FOUND IN THE REPORT OF THE REFEREE. IT CAN APPLY BUT ULTIMATELY WHEN YOU LOOK AT ALL OF THESE AGGRAVATING FACTORS THE SELFISH MOTIVE THAT HE HAD WITH PURSUING THESE COMPLAINTS IN DC AND DRAWING UP ALL THIS MEDIA ATTENTION AND ALL THAT. AND YOU COMBINE IT WITH HIS MULTIPLE

OFFENSES AND THIS PATTERN THAT IS WHAT THE REFEREE WAS LOOKING OUT TO SAY, THIS IS WHERE THE REHABILITATIVE SUSPENSION IN THIS CASE A TWO YEAR SUSPENSION BASED ON AN 18 MONTH SUSPENSION ORDER MISCONDUCT DURING THE PROCEEDING AND HIS PRIORS THEY DID A 90 DAY SUSPENSION AND THE PUBLIC REPRIMAND.
>> Justice Charles Canady: CAN I ASK A QUESTION I'M SORRY IF YOU ALREADY SAID THIS WANT TO CLARIFY WHAT IS MR KLAYMAN'S CURRENT STATUS WITH THE FLORIDA BAR.
>> Mark L. Mason,Complainant: IHS CURRENT STATUS IF HE IS LICENSED.
>> Justice Charles Canady: THERE IS NO SUSPENSION.
>> Mark L. Mason,Complainant: THERE HAS NEVER BEEN ANY ACTION ON HIS LICENSE BUT THE FLORIDA BAR OTHER THAN A PUBLIC FORMAT IN 2011 NO CURRENT ACTION ON HIS LICENSE IS NOT RECEIVED ANY PENALTY FOR IT AT THIS TIME.
AT THIS POINT THIS IS WHAT THE PURPOSE OF RECIPROCAL DISCIPLINE IS FOR WE DON'T RELITIGATE ACCEPT THE FINDINGS OF GUILT MUST SEEK AND ESTABLISH HIS BURDEN.
HIS BURDEN IS GRAVE INJUSTICE.
A PAUCITY OF PROOF A COMPLETE WANT OF DUE PROCESS THAT IS WHAT THE CASE LAW SAYS HE IS NOT ESTABLISH THAT WHAT HE ESTABLISHED HE RAISED DUE PROCESS ARGUMENTS IN DC AND THEY FAILED.
IT WENT THROUGH 183 PAGE ORDER AND FIRST REVIEW THEN ANOTHER ORDER SAYING THAT ORDER RECOMMENDING A 33 MONTH SUSPENSION WAS TOO MUCH.
>> Chief Justice Carlos Muniz: I'M SORRY TO INTERRUPT YOU. THE LOGIC IT SEEMS LIKE SORT OF THE LOGIC OF THE RECIPROCAL DISCIPLINE THE REASON WE DON'T RELITIGATE ALL OF THAT IS JUST THE IDEA YOU HAVE A PROBLEM IN ANOTHER STATE YOU GO THROUGH THE PROCESS IT RESULTS IN SOME KIND OF DISCIPLINE IN A PERFECT WORLD IF SOMEONE ELSE WITH DUE PROCESS IS ALREADY DECIDING THIS PERSON SHOULD NOT BE PRACTICING AND OFFERING THE SERVICES TO THE PUBLIC FOR TWO YEARS YOU WANT TO PROTECT PEOPLE IN FLORIDA FOR THE SAME TWO YEARS. I THINK THE PROBLEM HERE IS THE STACKING OF THE TIME ESPECIALLY IN THE CONTEXT WHERE THE WRONGDOING IS FROM 15 YEARS AGO BASICALLY.
CAN YOU ADDRESS THAT?
>> Mark L. Mason,Complainant: I THINK A LOT OF THAT HAS TO DO WITH THE WAY THESE CASES GET LITIGATED AND DRAGGED OUT FRANKLY A RECIPROCAL DISCIPLINE SHOULD BE A QUICK MATTER IN WHICH THERE WAS OVERLAP.
>> Chief Justice Carlos Muniz: YOU AGREE IN THEORY IF YOU ARE LOOKING AT IT FROM A COMMON SENSE PERSPECTIVE IF DC THOUGHT THE PUBLIC NEEDED TO BE PROTECTED FROM DISPERSANT FOR COUPLE OF YEARS YOU WOULD GIVE FLORIDIANS THE SAME PROTECTION THEN EVERYBODY PRESENT AND HOPEFULLY THE PERSON ASKED THE WAY THEY SHOULD GOING FORWARD ISN'T THAT THE WAY IDEALLY IT SHOULD WORK?
>> Mark L. Mason,Complainant: CORRECT, IN DC WITH A SET IN THE SATAKE SUSPENSION ORDER IS HE NEEDED TO DEMONSTRATE HIS BUSINESS BEFORE BEING

REINSTATED TO THE PRACTICE OF LAW I THINK THAT IS VERY FAIR TO ASK FOR IN THIS CASE THE REFEREE THOUGHT IT WARRANTED A TWO YEAR. THE BAR REQUESTED 18 MONTHS SAME AS SUSPENSION ORDER AND THINK THAT WAS FAIR BASED UPON THE PATTERN OF MISCONDUCT.
THAT HE IS DONE HERE.
WE DID NOT ADD ON THE EXTRA 90 DAYS FROM THE JUDICIAL WATCH SUSPENSION ORDER HE FOUND WE RECOGNIZE THAT ONE IS A BIT OLDER.
WE WEREN'T GOING TO PUSH ON THAT BUT WHEN HE ACTED AS HE DID IN THE PROCEEDING AND RESULTED IN A VERY DELAYED PROCEEDING IT RESULTED IN A LOT OF ACCUSATIONS THROWN OUT ABOUT WHAT OUR COUNSEL DID WITH TIPPING OFF WITNESSES THE CASE WILL TAKE LONGER.
TO COMPLAIN THAT NOW IT IS 2025 BECAUSE HE TOOK SEVEN YEARS TO APPEAL JUST THAT JUDICIAL WATCH SUSPENSION ORDER THERE IS A SPECIFICATION TO THE CHARGES IN 2013 ON THAT ONE THAT IS HOW LONG IT TOOK BEFORE THE 2020 SUSPENSION ORDER HE DID A THREE-TIER REVIEW PROCESS EVERY SINGLE TIME WHERE HE GOT OPINIONS ALL THE WAY UP TO THE DISTRICT OF COLUMBIA COURT OF APPEALS AND THEY ULTIMATELY CONCLUDED THAT WAS ALWAYS GOING TO TAKE A SUBSTANTIAL AMOUNT OF TIME HE IS NOT ATTRIBUTABLE TO ALL THE DELAY ON THAT SAME BETTER UNDERSTAND DC TOOK A WHILE TO BRING THE CASE.
LONGER THAN THEY SHOULD HAVE. BUT WITHOUT PREJUDICE BY IT.
HE IS TALKING ABOUT LOST DOCUMENTS MEMORY IS FADED THEY REJECTED THOSE ARGUMENTS HIS RECOLLECTION WAS FUN MS. SATAKE RECOLLECTION WAS FINE THAT WAS THE FINDING HE DID NOT IDENTIFY A SINGLE DOCUMENT HE NEEDED OR THEY LOST. WHY WOULD HE GET RID OF THEM?
SHE MADE THE COMPLAINT IN 2010 AND A SUPPLEMENTAL IN 2011 HE WAS ON NOTICE OF THOSE COMPLAINTS WHY DID HE DELETE RECORDS THAT HE SAID HE DELETED?
IT IS NOT MAKE SENSE HE WOULD DO THAT BECAUSE WE NEVER TOLD THE CASE WAS CLOSED OUT.
ALL OF THESE NOTIONS THAT THESE DUE PROCESS ARGUMENTS RESULTED IN A PAUCITY PROOF OR WANT OF DUE PROCESS OR GRAVE INJUSTICE THESE ARE JUST TYPICAL ARGUMENTS THAT.
>> Justice Charles Canady: WHAT DO YOU SAY IN RESPONSE TO COUNSEL'S ARGUMENT THAT HE WAS DENIED DISCOVERY CAN YOU ADDRESS THAT.
>> Mark L. Mason,Complainant: I WOULD LIKE TO BE SPECIFIC ABOUT THAT BECAUSE THE DISCOVERY HE REQUESTED WAS TO DEPOSE TWO WITNESSES ONE WAS MS. SATAKE AND ONE WAS HER PSYCHIATRIST DR. [LISTING NAMES] WITH MS. SATAKE WITH THE RULE BEING IN COLUMBIA YOU NEED TO DEMOCRAT A COMPELLING NEED SHE WAS COMING FROM CALIFORNIA TO DC THE WAY THEY DO IT IN DC AT THE AD HOC COMMITTEE THEY PUT HER ON THE DAY HER TESTIMONY AND THEN HE DID SUBSTANTIAL CROSS-EXAMINATION. WHAT I MEAN BY SUBSTANTIAL SHE TESTIFIED FOR THREE OF THE SIX DAYS OF THAT FINAL HEARING.
HE WAS NOT LIMITED TO WHAT SHE SAID AND CROSS-EXAMINATION HE IS

EXPLORING OTHER AVENUES THROUGHOUT THAT ENTIRE PROCEEDING.
>> Justice Charles Canady: YOU ARE SAYING HE BASICALLY GOT THE DISCOVERY IN THE PROCEEDING.
>> Mark L. Mason,Complainant: GOT THE DISCOVERY IN THEIR PROCEEDING HE WAS ALLOWED TO EXPLORE IF THERE WAS A BREAK BEFORE THEY CONTINUED ON WITH OTHER WITNESSES SO HE COULD PREPARE HIS CASE IN CHIEF AS WELL. WITH REGARD TO THE PSYCHIATRIST HE WAS NOT ALLOWED TO DEPOSE THAT WAS ADDRESSED IN THE SUSPENSION ORDER.
THE TESTIMONY SHE WOULD'VE OFFERED IS INSUBSTANTIAL MOST OF IT WOULD'VE BEEN PRIVILEGED ANYWAY ALTHOUGH HE FALSELY CLAIMED THERE WAS NO DOCTOR-PATIENT PRIVILEGE REGARDING THAT DOCTOR. ON TOP OF THAT HE JUST WANT TO EXPLAIN THAT ANY EMOTIONAL ISSUES WITH MS. SATAKE ALLEGED EMOTIONAL ISSUES WERE NOT HIS FAULT IT WAS COMPLETELY IRRELEVANT TO WHAT THE RULE VIOLATIONS WORK WHICH WAS A CONFLICT OF INTEREST WHICH WAS FRANKLY ESTABLISHED JUST BY HIS EMAILS THAT HE SENT TO HER ALONE. AND NOTHING ELSE.
THERE WAS NOT JUST NO DUE PROCESS WERE NOT ALLOWED TO TAKE TWO DEPOSITIONS THAT WAS IT.
>> Chief Justice Carlos Muniz: IN THE UNUSUAL SITUATION HERE IF HE GOT A 90 DAY SUSPENSION HE WOULD HAVE TO SHOW IF HE WANTED TO BE REINSTATED IN FLORIDA HE WOULD HAVE TO SHOW ESSENTIALLY THAT THE PROBLEMS HAVE BEEN ADDRESSED THE BAR WOULD HAVE A CHANCE TO LOOK AND SEE WHAT HE'S BEEN UP TO SINCE 2010 THEY WOULD BE ABLE TO SEE WHAT THE STATUS OF WHAT'S GOING ON IN DC AND PENNSYLVANIA IS.
WHY ISN'T THAT ENOUGH TO PROTECT THE PUBLIC?
>> Mark L. Mason,Complainant: I THINK IT IS NOT ENOUGH TO PROTECT THE PUBLIC JUST BASED UPON WHAT THE REFEREE FOUND IN TERMS OF THE AGGRAVATING CIRCUMSTANCES.
MAINLY HIS REFUSAL BUT ALSO THE PATTERN AND JUST THIS IS SOMEONE WHO HAS HAD A LOT OF TIME TO REFLECT ON CONDUCT THAT HAPPENED AS EARLY AS 2006-2010 AND HE STILL NOT HAS ACKNOWLEDGED A SINGLE BIT OF WRONGDOING.
>> Chief Justice Carlos Muniz: IT SOUNDS TO ME IS ALMOST MORE PUNITIVE AND PARTLY BASED ON THE BEHAVIOR IN THIS PROCEEDING ITSELF.
>> Mark L. Mason,Complainant: I THINK THE REFEREE HAD A UNIQUE VANTAGE POINT TO GAUGE WHETHER TO SOMEONE WHO SHOULD BE GIVEN THE SHORTEST AMOUNT OF TIME BEFORE PETITIONING FOR REINSTATEMENT OR A SUBSTANTIAL AMOUNT OF YEARS. I THINK THE REFEREE'S REPORT JUSTIFIED WHY HE DID NOT ACCEPT THE 18 MONTH SUSPENSION AND DECIDED TO INCREASE IT TO A TWO-YEAR RECOMMENDATION.
WITH THAT I SEE HIM OVER MY TIME.
>> Chief Justice Carlos Muniz: I THINK I INTERRUPTED SOMEONE.
>> Justice: YOU KNOW WHEN THE BAR GOT NOTICED ABOUT THE 2020 ORDER?
>> Mark L. Mason,Complainant: YES, ACTUALLY IT WAS IN OCTOBER 2022 IT WAS ONE

OF HIS EXHIBITS IF I CAN FIND IT HERE.
>> Justice: OKAY IT WAS OCTOBER 2022 WHEN YOU WERE AWARE OF THE DC DISCIPLINE'S
>> Mark L. Mason,Complainant: CORRECT IN THE LETTER HE NOTIFIED US HE ALSO ASKED US TO STAY THE PROCEEDINGS WHILE HE DID COLLATERAL ATTACKS OF IT I JUST WANT TO ADD THAT INTO EXPLAIN A LOT OF THE DELAY.
>> Justice: WHEN DID THE BAR GET NOTICED IT WAS DONE.
>> OCTOBER 2022 THAT IS WHEN DC HAD CONCLUDED THE SATAKE MATTERS. HE WAS STILL PLANNING ON SUING ANOTHER AVENUES TO ATTACK THE JUDGMENT.
>> Justice: IT WAS ALMOST ABOUT A YEAR AFTER THAT HE FILED A PETITION FOR RECIPROCAL DISCIPLINE.
>> Mark L. Mason,Complainant: OUR COMPLAINT FOR RECIPROCAL WAS IN AUGUST 2023 JUST A LITTLE LESS THAN ONE YEAR.
>> Chief Justice Carlos Muniz: YOU CAN HAVE 30 SECONDS TO FINISH UP IF YOU WANT.
>> Mark L. Mason,Complainant: I WOULD JUST LIKE TO SAY IN CLOSING THAT I BELIEVE THAT THE REFEREE JUSTIFIED IT WITH THE CASE LAW PARTICULARLY THE RUSH CASE WHERE YOU PRIORITIZE A CLIENT'S INTEREST OR EXCEEDS ME ADVERTISING YOUR INTEREST OVER THE CLIENTS TO THE DETRIMENT OF THE CLIENT.
THAT WAS A THREE-YEAR SUSPENSION I'M NOT SUGGESTING HE NEEDS THAT MUCH BUT THERE IS CASE LAW THAT THE REFEREE ADDRESSED SUPPORTING THAT AND FOR THAT REASON WE ASK YOU ACCEPT THE TWO-YEAR SUSPENSION.
>> Chief Justice Carlos Muniz: THANK YOU VERY MUCH.
>> Robert M. Klein,Respondent:
>> Chief Justice Carlos Muniz: HAS YOUR CLAIM BEEN RESTATED EVERY YEAR HAS HE BEEN REINSTATED IN DC OR PENNSYLVANIA?
>> Robert M. Klein,Respondent: PENNSYLVANIA HE HAD A CLE REQUIREMENT THAT WAS ALL I DON'T BELIEVE THERE IS ANY SUSPENSION DURING THE PENDENCY OF THE APPEAL.
>> Chief Justice Carlos Muniz: WHAT ABOUT DC.
>> Robert M. Klein,Respondent: AS FAR AS I KNOW DC ITSELF GIVE NOTICE TO BOTH FLORIDA AND TO PENNSYLVANIA ABOUT THE RESULTS IS NOT JUST A MATTER.
>> Chief Justice Carlos Muniz: IS HE STILL SUSPENDED IN DC HAS HE BEEN REINSTATED IN DC.
>> Robert M. Klein,Respondent: AS FAR AS I KNOW HE HAS NOT APPLIED FOR REINSTATEMENT.
>> Chief Justice Carlos Muniz: HE HAS NOT APPLIED?
>> Robert M. Klein,Respondent: THE PROBLEM I'M HEARING WITH THIS IS THAT IF YOU DON'T GET DISCOVERY IN THE FIRST PLACE AND YOU ARE NOT ALLOWED TO TAKE DEPOSITIONS THE IDEA THAT HE MAY HAVE BEEN ABLE TO CROSS-EXAMINE THIS WITNESS CALLED MS. SATAKE IN PARTICULAR DOES VERY LITTLE IN TERMS OF DUE PROCESS.
BECAUSE THE REALITY IS YOU DON'T HAVE AN OPPORTUNITY TO LOOK AT THE DOCUMENTS YOU DON'T HAVE AN OPPORTUNITY TO FIND OUT IF SHE HAS OTHER

DOCUMENTS. EVEN FROM THE DOCUMENTS IN HER SUBMITTED THAT WERE SUBMITTED BY SATAKE IN THIS CASE THEY ARE BACK AND FORTH FOR THE BETTER PART OF EIGHT MONTHS THROUGHOUT 2010 AS TO WHAT IS GOING TO HAPPEN WHETHER OR NOT IT IS GOING TO HAPPEN. HOW IT IS GOING TO HAPPEN.
NO LAWYER IN FLORIDA IS OBLIGATED TO GET A CLIENT'S AUTHORITY TO DO EVERYTHING ANYTHING OTHER THAN THE ULTIMATE GOAL THAT IS THE CLIENTS ASPIRATION.
YOU DON'T TALK TO THE CLIENT ABOUT HOW YOU WILL PROSECUTE EVERY CASE THAT YOU WILL TAKE ON. BUT AT THE SAME TIME YOU CANNOT CROSS-EXAMINE ANYONE ABOUT WHAT THEY BELIEVE THEIR OPINIONS WERE OR WHAT THEY WERE TELLING YOU TO DO WHEN YOU DON'T HAVE ACCESS TO COMMUNICATIONS THAT WERE BEING HAD, FOR EXAMPLE WITH HER UNION REP WHO TESTIFIED UNDER OATH IN THIS CASE ALONG WITH THE YOUNG LAWYER WHO WENT TO THE HEARING ABOUT THE HOSTILITY, THAT WAS DIRECTED TOWARDS HER AND IT TO HIM AT ONE POINT OR ANOTHER. BY JUDICIAL WATCH. IN FACT THE LAWYER WHO TESTIFIED IN THIS CASE TESTIFIED UNDER OATH ABOUT THE MANNER IN WHICH MR. CLAIMANT WAS TREATED BY THE DC BAR DURING THOSE HEARINGS.
I WOULD ASK THE COURT TO TAKE A CLOSE LOOK AT THAT TESTIMONY BECAUSE IT IS VERY CLEAR THAT THINGS IN THIS DAY AND AGE WHEN EVERYBODY TALKS ABOUT WEAPONIZATION IT'S THE FIRST TIME EVER USED THAT WORD IN MY LIFE IF YOU LOOK AT THE WAY THIS PROSECUTION WENT DOWN AT THE DC BAR IT WAS NOTHING ABOUT IT THAT WAS AFFORDED ANY MANNER OF DUE PROCESS. THAT RESONATES THROUGHOUT THIS ENTIRE CASE.
THE CONCEPT OF CONFLICT MORPHED AND HAS MORPHED IN THIS CASE FIRST IT WAS HE WAS DOING THIS FOR HIS OWN PERSONAL GOOD. OR TO ADVANCE HIS OWN REPUTATION. THEN IT WAS BECAUSE HE HAD A ROMANTIC INTEREST IN MS. SATAKE. JUDGE LAMBERTH HIMSELF WHO DENIED THE MOTION THE CONFLICT ISSUES AND IT DENIED THE OPPORTUNITY TO TAKE DEPOSITIONS SAID THAT IT WAS A CLOSE CALL. HE HAS REFERRED LAWYERS ON MULTIPLE OCCASIONS TO THE BAR .
>> Chief Justice Carlos Muniz: I'M SORRY TO INTERRUPT YOU CAN HAVE ONE MINUTE TO INTERRUPT.
>> Robert M. Klein,Respondent: HE FELT IN THIS CASE THERE WAS NO REASON TO BELIEVE AS ELEVENTH CIRCUIT THE DC CIRCUIT NOTED IN ITS OPINION ANY REASON TO BELIEVE THAT MR KLAYMAN COULD NOT AND WOULD NOT PRACTICE ETHICALLY AND COMPETENTLY. IN FACT COMMENDED THE MANNER IN WHICH ALL OF THESE CASES ARE HANDLED. YOU LOOK AT ALL OF THESE PEOPLE WHO TESTIFIED IN THIS CASE THE ONLY ONE OF TESTIFIED ADVERSE TO MR. CLAIMANT WAS MS. SATAKE. AND SHE WAS IMPEACHED REGULARLY AS WAS NOTED BY THE COURT OF APPEAL. ON MULTIPLE ISSUES. WHEN CONFRONTED THAT IS THE WHOLE POINT IS CONFRONTATION WRITTEN TO BE ABLE TO CONFRONT SOMEONE YOU ENTITLED TO RUDIMENTARY DISCOVERY AND AT A MINIMUM A DEPOSITION NOT HAVE TO DO IT COLD -
>> Chief Justice Carlos Muniz: THANK YOU VERY MUCH WE WILL BE IN RECESS FOR 10

MINUTES.
>> Marshal: ALL RISE