

>> ALL RISE.

HEAR YE HEAR YE HEAR YE..THE SUPREME COURT OF FLORIDA IS NOW IN SESSION.

ALL WHO HAVE CAUSE TO PLEA, DRAW NEAR. GIVE ATTENTION. YOU SHALL BE HEARD. GOD SAVE THESE UNITED STATES,

THE GREAT STATE OF FLORIDA, AND THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE FLORIDA SUPREME COURT. PLEASE BE SEATED

>> GOOD MORNING AND WELCOME TO THE FLORIDA SUPREME COURT.

OUR FIRST CASE IS FLORIDA BAR VERSUS MALIK LEIGH CASE NUMBER 2023-0518.

>> IF IT PLEASE THE COURT. I AM MARK MASON AND I REPRESENT THE FLORIDA BAR THIS DISCIPLINARY PROCEEDING AGAINST THE RESPONDENT MALIK LEIGH.

THE BAR FILED A SIX COUNT COMPLAINT REGARDING 24 RULE VIOLATIONS INVOLVING A THREE YEAR PATTERN OF ONGOING MISCONDUCT.

THIS OCCURRED IN EMPLOYMENT DISCRIMINATION CASES FILED IN FEDERAL COURT IN THE SOUTHERN DISTRICT AND ALSO OCCURRED IN CIRCUIT COURT LITIGATION INVOLVING THE LIVING CONDITIONS OF AN APARTMENT COMPLEX AND ATTEMPTED CLASS ACTION.

BEFORE THE DISCIPLINARY PROCEEDINGS, MR. LEIGH'S MISCONDUCT HAD BEEN A SUBJECT OF A PROTECTIVE ORDER NOT MERELY BECAUSE HE DISPARAGED DEFENDANT SCHOOL OFFICIALS AND SOCIAL MEDIA CALLING THEM LIARS AND CORRUPT AND SAYING THAT ONE WOULD BE JAILED AND ONE WAS A RACIST HE THEN THREE DAYS BEFORE A SCHEDULED DEPOSITION POSTED ON INSTAGRAM AFTER THIS UPCOMING ROUND OF DEPOSITIONS HE WOULD LOVE TO START A SHOOTING CAMPAIGN.

MR. LEIGH'S MISCONDUCT NOT ONLY LEAD TO THAT PROTECTIVE ORDER THAT LED DEPOSITIONS TO BE HELD AT A SECURED LOCATION WITH ARMED OFFICERS PRESENT BUT RESULTED IN A TWO YEAR SUSPENSION ORDER IN FEDERAL COURT.

ALSO REFUSING TO OWN UP TO THE OBJECTIVELY THREATENING CONTENT OF HIS POST.

THIS CONDUCT ALSO RESULTED IN FOUR SANCTION ORDERS IMPOSING MONETARY SANCTIONS WHICH HE HAD NOT PAID AT THE TIME OF THE TRIAL IN THIS DISCIPLINARY PROCEEDING AND RESULTED IN A GAG ORDER, THREE CONTEMPT ORDERS NOT ONLY FOR HIS REPEATED VIOLATIONS OF THE GAG ORDER BUT ALSO FOR FAILING TO TAKE CLE'S TO ADDRESS THE ONGOING CIVILITY AND PROFESSIONALISM PROBLEMS HE WAS EXHIBITING AND THEN THERE WAS ALSO

>> I WANT TO ASK YOU A QUESTION.

IT SEEMS LIKE THE ACTIONS THAT OCCURRED IN ONE INSTANCE OF THE CIVIL CASE HAPPENED IN SEPTEMBER 2016, 2017 AND THEN THE SECOND CASE IT HAPPENED BETWEEN 2018 AND 2020.

WE ARE IN 2024.

WHY DID IT TAKE THIS LONG TO REACH THE SUPREME COURT OR ANYPLACE ELSE?

>> PART OF IT WAS THE SCOPE OF THE MISCONDUCT.

CERTAINLY AS HE COMMITTED MORE AND MORE VIOLATIONS IT ADDED TO THE INVESTIGATION AND THE TIME IT TOOK TO COMPLETE THAT AND WHAT ADDED ONTO IT FURTHER WAS THAT HIS CO COUNSEL EXCUSE ME, HIS LAW PARTNER WAS CO COUNSEL ON THESE CASES AND SHE WAS BEING INVESTIGATED REGARDING HER ROLE IF ANY IN THE MISCONDUCT ISSUE.

>> COUNCIL, I'M SORRY TO CUT YOU OFF.

THE FIRST REFERRAL TO THE FLORIDA BAR HAPPENED IN 2017 BY THE FEDERAL COURT AND YOU ARE TELLING ME FROM 2017 UNTIL 2023 IT TOOK THAT LONG FOR THE FLORIDA BAR TO GET THROUGH AT LEAST THE INITIAL CONDUCT THAT GENERATED THE REFERRAL?

WHY DID IT TAKE SO LONG?

I'M STRUGGLING TO FIGURE IT OUT.

>> YES, YOUR HONOR, I UNDERSTAND THIS CASE COULD HAVE BEEN HANDLED MORE PROMPTLY AND BUT WHAT HAPPENED IS THE BAR STARTED INVESTIGATING THESE THINGS AND DECIDED TO FILE ONE FORMAL COMPLAINT.

IN RETROSPECT WITH HOW LONG IT TOOK SHOULD THEY HAVE BEEN PROSECUTED ON EARLIER CASES?

PROBABLY, YES.

BUT WE DID A COMPREHENSIVE SIX COUNT COMPLAINT IN 2023 FOR CONDUCT THAT SPANNED FROM 2017 TO 2020.

I UNDERSTAND IF YOU TAKE THE EARLIER MISCONDUCT YOU HAVE SIX YEARS BETWEEN THAT AND THE BAR'S COMPLAINT BUT THIS WAS ONGOING FOR THREE YEARS AND IT DID INVOLVE AN EXTENSIVE INVESTIGATION AND A 60 PLUS PAGE FORMAL COMPLAINT AND 1600 PAGES OF AN APPENDIX ATTACHED JUST TO THE FORMAL COMPLAINT ALONE I'M NOT EVEN TALKING ABOUT TRIAL EXHIBITS YET.

>> ONCE THE BAR FILED THE COMPLAINT THE PROCESS TOOK WHAT? APPROXIMATELY SEVEN MONTHS?

>> SIX TO SEVEN MONTHS IT TOOK FROM FORMAL COMPLAINT TO THE CONCLUSION OF THE SIX DAY TRIAL.

>> OKAY HAVE BEEN A MEMBER OF THE BAR BEGINNING WITH THE FIRST CASE IN 2016 AND 2017 CASE FOR ONLY FIVE YEARS CORRECT?

>> CORRECT.

2011.

>> WHEN THE SECOND CASE OCCURRED YOU HAD BEEN A MEMBER FOR WHAT SEVEN YEARS AT THAT TIME?

SO ALL OF THIS BEHAVIOR AND ALL OF THESE ISSUES THAT WERE RAISED IN THIS CASE HAPPENED DURING HIS EARLY YEARS?

I THINK HE'S LIKE 49 YEARS OLD.

>> THAT'S CORRECT.

>> ADMITTED IN 2011.

>> AT THE TIME OF TRIAL THE COURT A REFEREE SAYS HE'S 49 YEARS OLD BUT AS FAR AS INEXPERIENCE GOES YOU KNOW EVEN IF YOU WOULD CONSIDER THAT A MITIGATING FACTOR THAT'S ALL IT IS. IT DOES NOT EXCUSE THE MISCONDUCT AND THE NATURE OF THE VIOLATIONS THAT WE ARE TALKING ABOUT HERE WERE INTENTIONAL VIOLATION OF COURT ORDERS.

>> THE INEXPERIENCE MIGHT RELATE TO MAKING MISSTEPS GOING DOWN THE WRONG PATH BUT WHEN YOU ARE TOLD YOU ARE GOING DOWN THE WRONG PATH AND YOU KEEP GOING AND KEEP GOING AND KEEP GOING THAT IS NOT JUST INEXPERIENCE THAT IS AN CORDIAL BULL CONDUCT.

AM I WRONG ABOUT THAT THAT'S BASICALLY THE BAR'S POSITION ISN'T IT?

>> THAT IS THE BAR'S POSITION YES YOUR HONOR.

AND, REALLY, WE SOUGHT REVIEW FOR THREE REASONS.

OBVIOUSLY, THIS SANCTION IS THE PRIMARY ONE BUT WITHIN THAT THERE ARE TWO ISSUES IN.

THE REFEREE'S FINDINGS ARE NOT GUILTY BUT IT HAD TO DO WITH THE PRETRIAL STIPULATION FILED BY THE COUNCIL AND SHE INPUTTED AN ELECTRONIC SIGNATURE ON IT AND THERE WAS SOME CONFUSION AS TO WHICH VERSION WAS THE CORRECT ONE BUT RATHER THAN CALL HER UP ABOUT IT HE DOES A PUBLIC FILING THAT ACCUSES HER OF CRIMINAL FORGERY THEN FOLLOWS IT UP BY CONTACTING LAW ENFORCEMENT AGENCIES TO SEE CRIMINAL CHARGES AGAINST HER.

THE REFEREE FOUND HER NOT GUILTY ON THE TWO RULE VIOLATIONS SAYING IT WAS AN ISOLATED INSTANCE OF MISCONDUCT.

>> AND THAT IS THE WAY YOU READ THE REPORT?

THE REPORT IS KIND OF INCOHERENT ON THAT.

I MEAN IT SAYS THAT ON THE TOP PART BUT THEN WHEN IT GOES TO THE SANCTIONS IT TALKS ABOUT HAVING FOUND VIOLATIONS ON ALL THE CHARGES SO WHAT ARE WE TO MAKE OF THAT?

>> YOUR HONOR, I AGREE THE LARGEST ISSUE WITH THE REPORT OF REFEREE IS THAT IT GLOSSES OVER THE UNDERLYING MISCONDUCT.

YOU COULD READ THE REPORT OF REFEREES COUNTS ONE AND COUNT THREE THROUGH SIX AND YOU WOULD HAVE ALMOST NO IDEA WHAT THE MISCONDUCT INVOLVED.

COUNT TWO CONTAINS THE MOST AMOUNT OF FACTS AND IT IS STILL JUST TALKING ABOUT THE DIFFERENT VERSIONS OF A PRETRIAL STIPULATION GOING BACK AND FORTH BUT IT DOES NOT EVEN MENTION THE FACT THAT HE WAS CONTACTING LAW ENFORCEMENT AGENCIES.

>> ARE WE SUPPOSED TO BE THE ONES MAKING THE FINDINGS THEN?

IT IS HARD TO READ THE REPORT.

AS REALLY HAVING MADE FINDINGS.

ARE WE SUPPOSED TO BE DOING THAT NOW?

OR WHAT?

>> YES.

I WOULD NOT ORDER FOR REMAND THIS CASE BECAUSE WE SUBMITTED THE COURT ORDERS THAT FIRMLY ESTABLISH THE MISCONDUCT.

ALL THE CONDUCT IN MY BRIEF I KNOW JUST THE STATEMENT OF FACTS IN MY BRIEF ALONE WAS 48 PAGES BUT IT'S ALL DERIVE FROM COURT ORDERS THAT ARE FINAL THAT EITHER WERE NOT APPEALED OR APPEALED UNSUCCESSFULLY.

ALL OF THE FINDINGS THAT ARE PERTINENT TO DETERMINING THE APPROPRIATE SANCTION ARE WITHIN THOSE ORDERS THAT I REFERENCE IN MY OPENING.

WITH REGARD TO ACCOUNT NUMBER TWO IS CERTAINLY WAS NOT AN ISOLATED INCIDENCE OF UNPROFESSIONALISM.

IT IS WHAT HE DID.

THIS IS THE CAMPAIGN TO TRY TO GET HER ARRESTED TO TRY TO PAINTER AND SOME CRIMINAL AND THAT VIOLATED THE TWO RULES OF ISSUE WHICH WAS 8.4 A, AND HAVING TO DO WITH CONDUCT PREJUDICIAL TO THE JUSTICE WHICH WAS HUMILIATING AND DISPARAGING FOR THE OTHER TURNING AND IN COUNT THREE THROUGH SIX MOSTLY FOCUSED ON THE CIRCUIT COURT LITIGATION THE ATTEMPTED CLASS ACTION THERE IS ALMOST NO FINDINGS WHATSOEVER AND THE REPORT OF REFEREE IT JUST REFERENCES THE BARS FORMAL COMPLAINT CHARGE AND ON THAT ISSUE WITH THE REFEREE DID WAS SHE TEMPTED TO RECOMMEND DIVERSION ON THOSE COUNTS BUT THE PROBLEM WITH THAT IS THE RULE GOVERNING DIVERSIONS AFTER THE SUBMISSION OF EVIDENCE SAYS YOU CAN ONLY DO IT WHEN THERE IS MINOR MISCONDUCT.

THIS MISCONDUCT WAS NOT MINOR.

EVEN THE REFEREE FOR ALL THE OMISSION THAT MAY BE WITHIN THE REPORT OF REFEREE SHE IS RECOMMENDING A REHABILITATIVE SUSPENSION. SHE RECOGNIZED THAT THE CONDUCT IS NOT MINOR AT ALL.

DIVERSION IS NOT APPROPRIATE AND YOU CANNOT SEPARATE THE COUNTS AND ISOLATE YOUR REVIEW TO SAY THIS EVEN IF HIS OTHER MISCONDUCT WAS NOT.

>> WHAT IS THE BARS RECOMMENDATION?

WHAT ARE YOU ASKING US TO DO?

>> THE BAR IS SEEKING DISBARMENT IN THIS CASE.

THIS IS HIS FIRST DISCIPLINARY PROCEEDING AND I KNOW GENERALLY SPEAKING IT IS UNUSUAL TO GO STRAIGHT FROM NO DISCIPLINE WHATSOEVER JUST STRAIGHT DISBARMENT BUT THE REASON THE BARS ASKING FOR THAT IS BECAUSE OF A THREE YEAR PATTERN OF INTENTIONALLY VIOLATING COURT ORDERS ESPECIALLY IN THE CLASS ACTION LITIGATION.

>> PLEASE ADDRESS STANDARD 6.2 IN THE CONTEXT OF THIS CASE.

DISBARMENT WHEN THERE IS AN INTENT TO BENEFIT AND SERIOUS HARM IS IT NOT KIND OF AN ASSUMPTION IN THIS CASE WHY IS THAT SO CLEAR

FROM THE RECORD?

>> THE STANDARD 6.2 DEALS WITH SERIOUS INTERFERENCE WITH LEGAL PROCEEDING AND KNOWING VIOLATIONS OF COURT ORDERS AND THOSE WERE FINDINGS BY THE PRESIDING JUDGES AND IN THE COURT ORDERS IN WHICH THEY SANCTIONED MR. LEGG.

HE OFFERS THESE EXCUSES IN AN ATTEMPT TO CONFUSE MATTERS AND RELY ON HIS ABILITY TO TALK HIS WAY OUT OF THINGS BUT HE'S NOT TAKING RESPONSIBILITY.

WE ARE TALKING 2023 COMPLAINT VERSUS 2017 MISCONDUCT AND I DO UNDERSTAND THE DELAY ISSUE BUT AT THE SAME TIME HE HAS HAD ALL THE TIME TO COMPLETE CLE AND ENTER INTO PAYMENT PLANS TO ENTER TO PAY THE SANCTION FEES AND HE DIDN'T UNTIL TRIAL UNTIL HE SAID HE BETTER DO SOMETHING AND HE CAME TO THE SAND THE NEXT DAY AND SAID HE EMAILED OPPOSING COUNSEL AND INQUIRED ABOUT PAYMENT PLANS.

>> THE DISTINCTION OF DISBARMENT WILL BE POTENTIAL HARM TO THE CLIENT.

>> RIGHT.

SO THE ARGUMENT IS THE CLIENTS ENDED UP GETTING THE BENEFIT FROM THE PROCEEDING.

IT TOOK A WHILE AND IT WAS DESPITE THIS BUT CAN YOU ADDRESS THE HARM ASPECT SPECIFICALLY IN TERMS OF DISBARMENT VERSUS SUSPENSION?

>> IN COUNT FOR ONE OF THE SANCTION ORDERS OF MONETARY FEES WAS MADE PAYABLE BY MR. LEIGH AND HIS CLIENTS FIRST OFF.

THAT WAS BECAUSE HE FILED A FRIVOLOUS MOTION FOR DEFAULT THAT HAD APSLEY NO BASIS IN FACT OR LAW AND LED TO A COMPLETELY UNNECESSARY HEARING AND THESE ARE BY HIS OWN WORDS EXTREMELY POOR PEOPLE WHO COULD NOT AFFORD TO BE PAYING SANCTION FEES FOR HIS MISCONDUCT FOR HIS INABILITY TO UNDERSTAND FUNDAMENTAL LEGAL PRINCIPLES.

THERE IS THAT.

THERE'S ALSO THE FACT THAT HE IS TALKING ABOUT HEALTH CONCERNS THAT ARE JUSTIFIED IMMEDIATE ACTION.

BUT THE CLASS ACTION CASE LANGUISHED FOR TWO YEARS AND NEVER GOT PAST FILING A COMPLAINT THAT COULD HAVE A MOTION TO DISMISS.

IT DID NO BENEFIT TO HIS CLIENTS TO STRUGGLE TO FILE A COMPLAINT WITHOUT CALLING SOMEONE A SLUMLORD WHICH HE WAS REPEATEDLY TOLD TO DO.

ONE OF THE CASES I RELIED UPON FOR DISBARMENT WAS SPRINGER AND THAT INVOLVED A SIX COUNT COMPLAINT AND INVOLVED 28 RULE VIOLATIONS VERSUS 24 HERE AND INVOLVED A BAR COMPLAINT FILED IN 2002 REGARDING CONDUCT THAT WAS FROM 97 TO 2000.

BUT THERE WAS A PATTERN THERE.

A LACK OF DILIGENCE.

AND THEN A DISHONESTY IN TRYING TO COVER UP THE INCOMPETENCE WHEN CLIENTS ASK FOR STATUS UPDATES AND WHAT THIS COURT SAID IS THE

ONLY APPROPRIATE SANCTION FOR THIS TYPE OF CONDUCT IS DISBARMENT. AND FOR THAT REASON I ASK FOR DISBARMENT I WILL SAVE THE REST OF MY TIME FOR REBUTTAL.

>> IF IT MAY PLEASE THE COURT. THE CASE HAS ALWAYS BEEN ABOUT THE DEGREE OF DISCIPLINE TO BE IMPOSED EVEN AT THE TIME OF THE FINAL HEARING. MR. LEIGH APPEARED AT THE HEARING WITH TEN RULE VIOLATIONS FOUND ONE COUNT WAS FOUND AS NOT RECEIVING SO THREE OF THE RULES IN COUNT TWO WERE FOUND IN OTHER COUNTS. HE WENT TO THE HEARING APOLOGETIC AND WAS ABLE FOR THE FIRST TIME TO TELL A STORY BECAUSE THIS COURT IS ASKING WHAT WAS HE THINKING IN GETTING INVOLVED IN THESE TWO LITIGATIONS BECAUSE THAT'S EXACTLY THE FIRST THING I ASKED WHEN I GOT INVOLVED. HIS PERSONALITY TRAITS WERE BASED ON THAT HE WAS A MILITARY BRAT MOVING AROUND.

HIS FATHER WAS ABSENT IN THE AIR FORCE ENDURING EMOTIONAL AND PHYSICAL ABUSE BY HIS MOTHER LEAVING THE HOME AND FAMILY AT THE AGE OF 13. HAD DEVASTATING CAR ACCIDENT THAT DERAILED HIS PLANS TO BE AN ATHLETE IN EUROPE REHABILITATION LOSS OF READING SKILLS AS A RESULT OF THE ACCIDENT.

CIRCUMSTANCES OF THE MURDER OF HIS GIRLFRIEND BASED ON RELIGION. THE DEATH OF THE MOTHER OF HIS YOUNG CHILD, HE IS A FATHER. AND TWO HEART ATTACKS ALL ENDURED BEFORE HE WAS 30. THE QUESTION I ALWAYS HAD I POSSED TO THE HIGH COURT WHAT DO WE DO WITH INDIVIDUALS LIKE MR. LEIGH WHO COME WITH BAGGAGE THAT WILL REFLECT.

>> I HAD A SIMILAR QUESTION.

WHAT IS THE OBLIGATION TO PROTECT THE PUBLIC.

WHY IF THERE IS THIS CONTINUED PATTERN NEGATIVELY AFFECTING CLIENTS SHOULD WE TAKE THAT INTO ACCOUNT MORE SO THAN THE IMPACT TO THE PUBLIC?

>> THAT'S A GREAT QUESTION BECAUSE THESE TWO CASES WERE PRO BONO THE SECOND CASE NO ONE WANTED TO TOUCH IT IN FACT THERE'S EVIDENCE AND TESTIMONY FROM THE COMMUNITY ORGANIZERS WHO ARE THE ONES THAT APPROACHED MR. LEIGH BECAUSE OF THE CONDITIONS OF THAT LOCATION.

THESE WERE PRO BONO.

NOT EXCUSING BUT THAT IS THE FACT IN THE CASE.

HE JUMPED IN AND HIS INTENT WAS TO GET RUNNING, GET THE CASE RUNNING THEN MOVE OUT.

HE WAS NOT COMPETENT AND THE WATER WAS ABOVE HIS HEAD.

WE KNOW ALL THAT.

BUT HE WENT IN WITH A GOOD HEART.

AND ABSOLUTELY WAS - THE ATTORNEYS- THE OPPOSING ATTORNEYS ON BOTH CASES RAN CIRCLES AROUND HIM.

AND THAT DID AFFECT EMOTIONALLY HOW HE RESPONDED TO THIS COMBINATION OF HIS TRAITS AND WHAT WAS HAPPENING. THE FRUSTRATION.

AGAIN NOT AN EXCUSE.

>> COUNSEL TALK TO ME ABOUT WHY SPRINGER IS NOT APPLICABLE TO THIS CASE.

>> SPRINGER IS NOT APPLICABLE BECAUSE OF SEVERAL REASONS JUSTICE AND THAT HAS TO DO WITH THE FACT THAT THAT CASE IS ABOUT ABOVE ALL DISHONESTY AND CAN BE DISTINGUISHED BECAUSE IT ALSO DEALS WITH LACK OF DILIGENCE AND COMMUNICATION.

SO YOU ARE AFFECTING CLIENTS DIRECTLY AND YOU ARE IN FACT IN THAT CASE I CAN TELL YOU HOW OUTRAGEOUS THE FACTS IN THIS CASE WERE.

HE FALSIFIED 24 CERTIFICATES OF TITLE.

THIS IS MASSIVE.

MASSIVE MISCONDUCT OF THIS MAN.

>> THE BAR'S POSITION IS THAT CASE IS DIRECTLY APPLICABLE BECAUSE, YOU KNOW, APART FROM THE NUMEROSITY OF THE COMPLAINTS AND ALLEGATIONS AGAINST THAT PARTICULAR PERSON THERE WAS A SIMILAR CIRCUMSTANCE HERE IN THE REFEREE DID SPECIFICALLY FIND IT, DID SHE NOT, THAT HE ENGAGED IN SOME LEVEL OF DISHONESTY WHEN HE HAD YOU KNOW, INTERVENE AND ASK QUESTIONS TO A REPRESENTATIVE PERSON WITHOUT OPPOSING COUNSEL THERE.

HE WAS ALSO SANCTIONED AND HIS CLIENTS HAD THEY WERE FOUND LIABLE FOR THE PAYMENT OF THE SANCTION ORDERS.

SO WHY ARE THOSE THINGS AND NOT THE SAME?

>> THEY ARE NOT THE SAME BECAUSE THE IMPERFECT REPRESENTATION OF MR. LEIGH IN THAT SECOND CASE, THE STONY BROOK CASE, WAS A MIXTURE OF NOT ONLY INCOMPETENCE BUT AN OVERZEALOUS EFFORT TO HELP THESE INDIVIDUALS BECAUSE OF THEIR HISTORY AND BECAUSE OF THE HISTORY OF THE ISSUES THAT HAD ALREADY BEEN DISCUSSED BEFORE WITH HEALTH ET CETERA.

HE DIDN'T HAVE A SELFISH MOTIVE ON THOSE.

ON LIKE THIS CASE WHERE THERE IS AN ATTORNEY PRACTICING ON THE PRIVATE SIDE AND TRYING TO MAKE MONEY ON THIS CASE.

IT WAS NOT THE CASE HERE.

SO HE IS THE ONE.

MR. LEIGH IS THE ONE THAT DISCLOSED THE DOCUMENT.

IT WAS WRONG AND HE TOOK RESPONSIBILITY FOR IT AND THAT IS THAT BUT THE LEVEL OF DISHONESTY ON THE SPRINGER CASE AND THE DILIGENCE IS JUST ANOTHER LEVEL.

I THINK THAT THE IMPORTANT PART OF THIS CASE TODAY BEFORE THIS COURT IS FOR THE COURT TO DECIDE WHETHER OR NOT STANDARDS APPLIED TO THIS CASE ON THE LEVEL OF DISBARMENT OR ON THE LEVEL OF SUSPENSION.

I WANT TO ADDRESS THE THREE STANDARDS BECAUSE I KNOW STAFF HAD A QUESTION ON IT.

THIS IS WHERE WE DIFFER FROM THE BAR.

WE BELIEVE THIS IS A SUSPENSION CASE.

WHETHER OR NOT IT IS A 91 DAY SUSPENSION OR ONE YEAR OR THREE YEARS WE BELIEVE THAT REHABILITATION IN THIS CASE IS MERITED BASED ON THE BACKGROUND OF THIS RESPONDENT AND THE TYPE OF CASES HE TOOK WITHOUT THE COMPETENCE BUT PRO SE WITH A GOOD HEART.

I THINK THESE THINGS ARE IMPORTANT.

>> COUNSEL, IF WE WERE IN A POSTURE WHERE WE WERE CONSIDERING YOUR CLIENTS ADMISSION TO THE AND IF HE HAD JUST TAKEN THE BAR EXAM AND THIS WAS THE RECORD BEFORE US DO YOU THINK WE SHOULD ADMIT HIM TO THE BAR WHERE HE IS POSTING THINGS LIKE HE IS POSTING ONLINE. THINGS I CANNOT REPEAT ON THE RECORD HERE.

IT SEEMS TO ME LIKE HE WOULD HAVE A VERY UPHILL CLIMB.

I GUESS FINE I MEAN LET'S SAY WE WERE MOVED TO SUSPEND YOUR CLIENT RATHER THAN DISBAR HIM I CANNOT IMAGINE HIM BEING ADMITTED OR READMITTED TO THE FLORIDA BAR WITH A RECORD LIKE THIS.

HELP ME UNDERSTAND WHY.

AM I SEEING THIS WRONG?

IS THIS SOMEONE WHO YOU THINK REPRESENTS THE KIND OF PERSON YOU WOULD WANT TO REPRESENT YOUR FAMILY IN A DISPUTE?

WHY SHOULD WE ADMIT HIM TO THE BAR?

>> HE JUST HAPPENS TO HAVE THESE KIND OF CASES AND THEY HAVE HERE BEFORE THE BAR THREE TO FOUR TIMES A BUNDT DUSTER TO FOUR TIMES A MONTH HE WAS MISSING.

AND THE BEAUTIES OF THE RULES OF THE FEB IS THAT YOU GET TO SHOW REHABILITATION BECAUSE THE COURT.

THIS COURT HAS PLENTY OF CASE LAW THAT SAYS PEOPLE CAN CHANGE AND CAN EVOLVE AND CAN LEARN AND CAN CONTRIBUTE BECAUSE BY MAKING MISTAKES YOU LEARN EMPATHY TOWARD OTHERS AS WELL.

I WOULD GLADLY AND PROUDLY REPRESENT SOMEBODY THAT SHOWED ME THAT HE OR SHE GETS IT.

>> WHERE IS THE EVIDENCE IN THE RECORD THAT HE GETS IT?

>> HE TESTIFIED END OF THE REMORSE IS THERE AND THE COURT ACKNOWLEDGES IT.

HE DID NOT GO AND FIGHT ALL THESE RULE VIOLATIONS.

HE EXPLAINED THE CIRCUMSTANCES OF THE CASES.

WE DID NOT GO INTO THE INVESTIGATIVE HEARING AND PULL QUOTES IT JUST HAPPENED THAT COUNT TO MENTION BY BECAUSE COUNT TO WE WERE ABLE TO SHOW FOR THE FIRST TIME AFTER YEARS AND YEARS OF MR. LEIGH BEING RAILROADED BY STORIES THAT WERE NOT CORRECT WE WERE ABLE TO SET THE RECORD STRAIGHT BECAUSE THE OPPOSING COUNSEL IN THAT CASE RECEIVED AN EMAIL AT 5:53 P.M. WITH A SIGNED STIPULATION AND THAT



COUNSEL DID NOT OPEN IT.

THE SECRETARY DID NOT OPEN IT AND THEY FILED SOMETHING ELSE.  
BUT MR. LEIGH BECAUSE OF HIS INCOMPETENCE HAD LOST GROUND BEFORE  
THE COURT AND DO SO INSTEAD OF THE OPPOSING COUNSEL THE NEXT DAY  
SAYING DO YOU KNOW WHAT?

YOU ARE RIGHT.

WE DIDN'T EVEN OPEN YOUR EMAIL.

THAT'S WHAT HAPPENED.

I GOT TO INQUIRE INTO THAT FROM THE SECRETARY AND FROM THE  
OPPOSING COUNSEL BECAUSE IT WAS SO

>> I WANT TO ASK YOU A QUESTION.

UNFAMILIAR WITH STONY BROOK IT'S BEEN A SOURCE OF TROUBLE I WAS A  
PROSECUTOR THERE.

POOR PEOPLE LIVE THERE AND ARE VICTIMIZED BY OTHER THERE IS  
DEVELOPMENT NEEDED SO SOMEONE CAN COME IN AND DO WHAT YOUR CLIENT  
DID AND HELP AND OFFER THEIR PROFESSION TO HELP OUT.

I UNDERSTAND THAT ASPECT AND ANYONE UNDERSTANDS SOMEONE WANTING  
HELP OUT A NEEDY AREA.

I SAT AS A CIRCUIT JUDGE IN PALM BEACH COUNTY AND IF I FILED FOR  
THOSE WHO DIDN'T FOLLOW MY ORDERS ARE TO BE TESTIFYING FOR THE BAR  
EVERY DAY.

SOME LAWYERS JUST DON'T.

BUT THE QUESTION HERE SEEMS TO ME WE TALK ABOUT THE PENALTY THAT  
HE'S GOING TO GET HERE AND IT HIS INABILITY TO FOLLOW COURT  
ORDERS BLATANTLY AFTER BEING TOLD AND WARNED TO FOLLOW THE ORDERS  
OVER AND OVER AGAIN IS NOT YOUR TYPICAL CASE WHERE I ORDER SOMEONE  
TO PROVIDE BETTER ANSWERS TO INTERROGATORIES AND WITHIN TEN DAYS  
AND THE PERSON DOESN'T DO IT AND THEN I HAVE TO DECIDE WHAT TO DO.  
IT IS BEYOND NOT.

THIS IS LIKE SOMETHING WAY OUT THERE.

IS JUSTICE SASSO MENTIONED WE HAVE OBVIOUSLY TRYING TO WORK WITH  
LAWYERS WHO HAVE COME OFF THE RAIL AND GET THEM BACK ON AGAIN SO  
THEY CAN LEAD SUCCESSFUL CAREERS BUT I MEAN WE ALSO HAVE TO  
CONSIDER THESE CLIENTS WHO WALK INTO HIS OFFICE AND SEE THE  
LICENSE WITH A PICTURE OF THE SUPREME COURT ON IT AND THEY HAVE  
EVERY REASON TO ASSUME THAT WE SAY THIS GUY'S OKAY.

THEY HAVE NO WAY OF KNOWING ABOUT BACKGROUNDS AND THINGS LIKE  
THAT.

WE DO HAVE THE AND EVERYONE ELSE TO MAKE SURE THAT THE LAWYER THAT  
THEY ARE HIRING IS SOMEONE WHO WILL NOT BEHAVE LIKE THIS.

I SEE FROM MITIGATOR HERE THAT HE DID NOT DO THIS FOR HIS OWN  
BENEFIT.

AND THE RESULT OF PERHAPS INCOMPETENCE.

I MEAN CLASS ACTION LAWSUITS ARE NOT EASY AND IT REQUIRES A

CERTAIN DEGREE OF SPECIALTY TO REALLY KNOW HOW TO DO THEM CORRECTLY AND HE JUST HAD THIS INABILITY TO FOLLOW COURT ORDERS FOR WHATEVER REASON.

WHY SHOULD THIS NOT - WE ARE TALKING ABOUT THE DEGREE OF PENALTY. WHY SHOULD HE NOT BE DISBARRED?

>> JUSTICE, THERE IS EVIDENCE ON THE RECORD THAT CLIENTS TESTIFY TO HIS PROFESSIONALISM IN THEIR CASE AND THERE IS NO EVIDENCE WHATSOEVER THAT IN THE AREAS THAT HE PRACTICES WHICH IS FAMILY LAW AND DEPENDENCY THERE ARE NO ISSUES.

THESE TWO PARTICULAR LITIGATIONS REALLY RATTLED THIS INDIVIDUAL AND I THINK THAT BECAUSE OF THE NATURE OF HIS PERSONALITY HE JUST DID NOT HANDLE THEM PROPERLY.

I WANT TO ADDRESS WHETHER OR NOT THIS IS A DISBARMENT OR SUSPENSION AND I WILL ADDRESS THIS WITH THE STANDARDS.

THE ONE ON INCOMPETENCE SAYS DISBARMENT IS RECOMMENDED WHEN THEY CAN CONDUCT DEMONSTRATES A LAWYER DOES NOT UNDERSTAND.

WE KNOW THAT HE PRACTICES.

HE HAS BEEN PRACTICING FOR MANY YEARS IN THE PARTICULAR AREAS THAT HE IS QUALIFIED IN AND THERE ARE NO ISSUES.

THE PIECE OF IT DOES NOT UNDERSTAND IN THESE TWO AND HIS PASSIONS GOT OUT OF HAND AND HE HAS ACKNOWLEDGED THAT.

SO SUSPENSION IS APPROPRIATE WHEN A LAWYER ENGAGES IN AN AREA OF PRACTICE WHERE THERE IS INCOMPETENCE AND THERE'S INJURY OR POTENTIAL DANGER IN THE SECOND ONE . I'M RUNNING OUT OF TIME.

7.1 REQUIRES ATTEMPT TO OBTAIN A BENEFIT AND THE LAST ONE DEALS WITH WHETHER OR NOT HE OBTAINED A BENEFIT AND THAT IS ABUSE OF A LEGAL PROCESS.

THESE ARE THE DISBARMENT.

THAT'S NOT WHAT WE HAVE HERE.

NONE OF THOSE REQUIREMENTS UNDER THESE THREE PARTICULAR STANDARDS APPLY IN THIS CASE.

THIS IS CLEARLY A SUSPENSION CASE.

>> YOU CAN TAKE A MINUTE TO FINISH UP.

>> THANK YOU.

THAT'S WHAT I'M SAYING.

IF YOU LOOK AT THE DISBARMENT REQUIREMENTS IT REQUIRES MORE AND WE DON'T HAVE MORE HERE BECAUSE WE DON'T HAVE HIM TRYING TO GET ANY BENEFIT IN.

OR PRO BONO CASES OR INTENT TO OBTAIN A BENEFIT UNDER 71.1.

SO, IN CONCLUSION THE STANDARD TELLS US THAT THIS COURT IS TO REVIEW AND CONSIDER FOUR QUESTIONS.

ONE DUTY VIOLATED.

LAWYER'S MENTAL STATE.

I GO BACK TO HIS BACKGROUND.

WHERE DOES THAT FIT IN THIS CASE?

HOW DOES THAT BACKGROUND THEN HELP OTHERS IN THE FUTURE WITH A PASSION WITH HIS BIG HEART BECAUSE HE IS.

YOU CAN SEE WHERE HE FELT HE WAS IN THE RIGHT.

INCORRECT AND PERHAPS INCOMPETENTLY BUT YOU CANNOT TAKE THAT AWAY.

WHERE DOES THAT FIT IN THESE FOUR QUESTIONS.

AND THEN OF COURSE ACTUAL INJURY COST BY THE LAWYER AS AN AGGRAVATING AND MITIGATING.

AND THEN THE COMMENT TELLS US YOU WANT TO CONSIDER THIS IS IMPORTANT FOR THE OBJECTIVE WHICH THE REFEREE CLEARLY CONSIDERED.

OBJECTIONS DIV OF FAIRNESS TO SOCIETY TO PROTECT IT BUT NOT TO DENY THE PUBLIC SERVICES OF THE QUALIFIED LAWYER.

THE EVIDENCE IS OUTSIDE THESE TWO CASES WHERE HE WAS OVER HIS HEAD

HE IS QUALIFIED AND WE HAD TESTIMONY FROM CLIENTS AND THERE IS NO

THERE WAS ANY MISCONDUCT IN FAMILY LAW OR DEPENDENCY.

NUMBER TWO.

JUDGMENT.

>> I'M SORRY COUNSEL I'M SORRY TO INTERRUPT YOU.

TEN SECONDS.

>> THANK YOU JUSTICE.

THE LAST ONE IS NOT TO DENY THE PUBLIC OF THE SERVICE, ENCOURAGE REFORMATION OR REHABILITATION.

I THINK THERE IS PLENTY OF SPACE TO REHABILITATE HIM.

LET HIM COME BACK AND TRIED TO REHABILITATE AND COME BACK AND PETITION.

HE HAS A LOT TO OFFER.

HE HAS COME A LONG WAY.

HIS BACKGROUND IS UNIQUE.

THIS IS A UNIQUE CASE.

HE MAY BE AN OUTLIER BUT THIS IS A UNIQUE CASE AND I HOPE THE BOARD RECOGNIZES THAT THERE IS A LOT OF TALENT AND PASSION AND GREAT SERVICE IN THE FUTURE IF GIVEN THE OPPORTUNITY.

>> THANK YOU VERY MUCH.

>> I HEARD QUITE FREQUENTLY THAT THIS IS JUST THE INCIDENCE OF TWO CASES.

THIS IS THE INSTANCE OF THREE YEARS OF MISCONDUCT.

IT CANNOT BE SEPARATED OUT OF TWO INCIDENTS.

THREE YEARS THIS WAS ONGOING AND HE WAS OVERZEALOUS BECAUSE HE HAD A LOT OF PASSION AND EMPATHY.

THIS COURT ADDRESSED IT RECENTLY IN THE FLORIDA BAR VERSUS SCHWARTZ.

OVERZEALOUS IS NOT A PERSONALITY TRAIT YOU GET TO USE AS A CHIP TO CASH IN WHEN YOU'RE FACING DISCIPLINE.

HE HAD A DUTY TO BE COMPETENT AND PROFESSIONAL AND HE DID NOT DO

THAT AND HE DID NOT ATTEMPT TO DO IT IN THE CLASS ACTION LITIGATION AND ANYTHING HE ACCOMPLISHED OUTSIDE OF THE LITIGATION HAD NOTHING TO DO WITH HIS BEHAVIOR IN COURT.

HEARD THE DISTINCTION THAT THIS SPRING DISTINGUISHABLE BECAUSE IT INVOLVED DISHONESTY AND JUSTICE FRANCIS POINTED OUT HE DID DO DISHONEST CONDUCT IN REGARD TO TAKING THE DEPOSITION.

I WOULD NOT FIGHT THE COURT TO REVIEW EXHIBIT 94 SHOWING THE TEXT MESSAGES THAT WENT BETWEEN MR. LEIGH AND THE COURT REPORTER THAT SHOWED HE KNEW VERY WELL HE COULD NOT MEET WITH THIS WITNESS. THIS REPRESENTED PARTY AND SO HE WAS SENDING HER IN THERE WITH A LIST OF QUESTIONS WITH THE DOCUMENTS ILLEGALLY OBTAINED AND THEN I HEARD THEM SAY HE PUBLICLY FILED IT AND SO THAT TOOK CARE OF THAT. HE PUBLICLY FILED THEM AND THE DISQUALIFICATION ORDER ADDRESSING THE CONDUCT THAT HE DID IT WITH THE INTENT TO TRY TO DISQUALIFY HIS OPPOSING COUNSEL.

>> THE COUNCIL ON THE OTHER SIDE CHARACTERIZE THIS AS TO THE EXTENT THAT THERE IS A MACRO PROTECTION OF THE COURT IN TERMS OF GENERAL DETERRENCE BUT IN TERMS OF THIS PARTICULAR LAWYER IS DISBARMENT MORE THE PUNISHMENT OR DO YOU BELIEVE IT IS MORE PERSPECTIVE PROTECTION OF THE PUBLIC IF WE WERE TO BE THE OUTCOME?

>> I THINK IT IS NECESSARY TO PROTECT THE PUBLIC.

>> FROM HIM?

OR FROM THIS SORT OF BEHAVIOR AND GENERAL DETERRENCE?

>> IT IS TO ENSURE HIS REVIEW TILL CERTAINLY BECAUSE HE TOOK NO STEPS THAT HE NEEDED TO TAKE TO SHOW REHABILITATION AT THE TIME OF TRIAL AND FOR THE PUBLIC BECAUSE WE SHOULD NOT BE FACING IN THE FUTURE ANOTHER INSTANCE WHERE HE UNDERTAKES REPRESENTATION AGAINST GETS PASSIONATE AND EMPATHETIC AGAIN AND THEN WHEN THINGS GO SIDWAYS SUDDENLY HE IS BLOWING UP AT PEOPLE AND USING HIS CHILDHOOD TO SAY WELL I'M JUST A PASSIONATE PERSON THAT'S HOW I WAS RAISED.

YOU NOW, IT NEEDS TO PROTECT THE COURT THESE ARE JUST THE COURT ORDERS THAT ADDRESS THIS MISCONDUCT.

IT WILL BE TWICE AS BIG BUT I PRINTED ON BOTH SIDES OF THE PAPER. IT'S A HUGE WASTE OF COURT RESOURCES TO DEAL WITH THIS TYPE OF MISCONDUCT.

SO FOR ALL THOSE REASONS I MOVE TO DISBAR HIM THIS IS BEYOND THE PALE HE CAN TRY TO SHOW HE HAS BEEN REHABILITATED.

>> THANK YOU.