

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Supreme Court Case
No. SC06-1874

v.

NOAH DANIEL LIBERMAN,

Respondent.

The Florida Bar File
No. 2007-70,245(11N)

_____ /

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as Referee for the Supreme Court of Florida to conduct disciplinary proceedings as provided for by Rule 3-7.6(b) of the Rules Regulating The Florida Bar, review of a consent judgment for discipline was undertaken. All of the pleadings, notices, motions, orders, and exhibits are forwarded with this report and the foregoing constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: William Mulligan
The Florida Bar
444 Brickell Avenue
Suite M-100
Miami, FL 33131

For Respondent: Richard Baron
501 NE 1st Avenue
Suite 201
Miami, Florida 33132

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH RESPONDENT IS CHARGED: Based upon the Consent Judgment,

my findings of fact are as follows:

A. On or about March 30, 2006, Respondent plead guilty and was adjudicated guilty to one felony count of Phenethylamine/Ecstasy/Trafficking of 10 Grams or more but less than 200 Grams.

B. Respondent admits that by reason of the foregoing facts, he has violated Rule 3-4.3 (Misconduct and Minor Misconduct) of the Rules of Discipline and Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) of the Rules of Professional Conduct.

III. RECOMMENDATION AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY OF MISCONDUCT JUSTIFYING DISCIPLINARY

MEASURES: The undersigned recommends that Respondent's Consent Judgment be approved by the Supreme Court of Florida as a final resolution of all matters referenced herein. Accordingly, based upon the Consent Judgment, it is recommended that Respondent be found guilty of violating the following disciplinary rules: Rule 3-4.3 (Misconduct and Minor Misconduct) of the Rules of Discipline and Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects

adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) of the Rules of Professional Conduct.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE

APPLIED: The undersigned recommends that Respondent's Consent Judgment be approved by the Supreme Court of Florida. Accordingly, the following disciplinary measure is recommended:

- A. Suspension from the practice of law for a period of three (3) years, nunc pro tunc to June 2, 2006.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD:

Age: 31

Date Admitted to The Florida Bar: October 7, 2002

Prior disciplinary record: In the Florida Bar File No. 2006-71,176(11N), Supreme Court Case No. SC06-977, Respondent was suspended pursuant to Supreme Court Order dated June 2, 2006, as a result of the felony conviction that is the subject of the case at hand.

VI. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE

MANNER IN WHICH COSTS SHOULD BE TAXED: I find that the

following costs were incurred by The Florida Bar in this proceeding:

Administrative fee	
Rule 3-7.6(o)(1)(I)	\$ 1,250.00
Staff Investigator's costs.....	<u>\$ 608.22</u>
TOTAL	\$ 1,858.22

It is recommended that costs in the amount of \$1,858.22 be assessed against Respondent. It is further recommended that execution issue with interest at the prevailing statutory rate to accrue on all costs not paid within 30 days of the entry of the Supreme Court's final order, unless time for payment is extended by the Board of Governors of The Florida Bar.

Dated this ____ day of _____ 2007.

HONORABLE CATHERINE M. POOLER
Referee

Copies furnished to:
Richard Baron, Attorney for the Respondent
William Mulligan, Bar Counsel
Kenneth L. Marvin, Staff Counsel