IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

WILLIAM ABRAMSON,

Respondent.
_____/

Supreme Court Case
No. SC07-713

The Florida Bar File
No. 2006-51,004(15F)

THE FLORIDA BAR'S INITIAL BRIEF

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PRELIMINARY STATEMENT

The Complainant, The Florida Bar, is seeking review of a Report of Referee recommending a public reprimand and one year probation requiring respondent's attendance at The Florida Bar's Professionalism Workshop and Ethics School.

Complainant will be referred to as The Florida Bar, or as The Bar. William Abramson, Respondent, will be referred to as Respondent throughout this brief.

References to the Report of Referee shall be by the symbol RR followed by the appropriate page number.

References to specific pleadings will be made by title. Reference to the transcript of the final hearing is by symbol TR, followed by the volume, followed by the appropriate page number. (e.g., TR III, 289).

References to Bar exhibits shall be by the symbol TFB Ex. followed by the appropriate exhibit number (e.g., TFB Ex. 10).

An appendix is filed with this brief. The appendix contains excerpts from TFB Ex. 1, which is the transcript of trial proceedings conducted on December 19, 2005, wherein respondent represented Lauren Hindle in Case Number 05-031417CF in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County.

STATEMENT OF THE CASE AND FACTS

On April 18, 2007, The Florida Bar filed a complaint against respondent charging him with the commission of several violations of the Rules Regulating The Florida Bar in connection with his disruptive and disrespectful conduct in a court room. The final hearing was held on February 27, 28, March 18, 19, and 20, 2008. The Honorable Thomas M. Lynch entered his Report of Referee on April 28, 2008, wherein respondent was found guilty of all the rule violations charged.

The instant bar disciplinary proceeding emanated from respondent's representation of Lauren Hindle in a criminal jury trial in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County Florida, Case Number 05-013417CF, the Honorable Richard I. Wennet presiding. Hindle was charged with felony Driving While License Revoked and also having an unregistered motor vehicle. Respondent had filed a demand for speedy trial and the case was set for trial on December 19, 2005. On that date, Judge Wennet arrived for the trial approximately sixteen minutes late after he had previously gone to the hospital that morning on a family related matter. Respondent believed the case could be disposed of quickly, either by a Motion for Discharge or a change of plea, and wanted Judge Wennet to entertain his motions before the proceedings began. The jury panel was already seated for jury selection and Judge Wennet, who places importance on being prompt and

timely, went right into the jury selection and did not want to interrupt that process by having a side bar or a conversation with the attorneys outside the presence of the jury. Almost immediately after Judge Wennet introduced himself and began speaking to the jury, respondent interrupted him and asked to approach. Judge Wennet asked respondent to be seated, and respondent continued to ask to approach. Judge Wennet refused to allow respondent to approach and informed respondent that he would hear all of his motions after the *voir dire* was completed. The respondent failed to obey the judge and continued to interrupt the proceedings. (RR 3).

A certified copy of the transcript of the proceeding was entered into evidence as TFB Ex 1. (TT I, 12). Excerpts from TFB Ex. 1 that relate to respondent's misconduct in context are set forth in the Appendix submitted with this brief.

Judge Wennet and the Assistant State Attorney in the Hindle case, Dan Funk, both testified at the final hearing. Judge Wennet testified that since this was a speedy trial case, he wanted to have the jury seated and ready to proceed. (TT I, 22). The judge also believed it important for him to first address the jury panel to make them feel a valuable part of the system and give them their instructions, without interruption. (TT I, 22-23). Judge Wennet testified that respondent's conduct was exceedingly and constantly disruptive, disrespectful, and rude, and that respondent continuously mocked him during the course of the trial. (TT I, 25). He also testified

that respondent refused to sit down and remain quiet, and continued to argue with the court. (TT I, 28, 33). Assistant State Attorney Funk testified that respondent was visibly upset and insistent in his tone, not following Judge Wennet's instructions, and causing the judge to become extremely frustrated by respondent's conduct and actions. (RR 3). At TT IV, 432, lines 5-13, Funk testified:

> Well, Mr. Abramson was visibly upset. He was standing up, whereas we'd normally be sitting down when the jury comes in. He was upset that Judge Wennett wasn't hearing something that he wanted to have him hear. He was walking in the middle of the courtroom and very insistent in his tone he be heard about the issues, either be it the motion or wanting to discuss some sort of resolution to the case.

Funk testified respondent's behavior started almost immediately after Judge Wennet took the bench and that respondent did not obey Judge Wennet's instructions to him. (TT IV, p. 432, line 14 to p. 433, line 15.) At TT IV, 433, lines 4-15, Funk testified:

> No. I would say through that part of the trial through the remainder of the morning Mr. Abramson didn't respond to the request of the judge. He was requested to sit down very succinctly and refused to sit down, and then started talking back to the judge about having the motion heard, or approaching the bench, or having some issue heard about resolving the case. And through repeated requests in order to sit down, he, you know, if he did sit down he was immediately almost standing up again.

At TT IV, p. 433, line 21, to p. 434, line 5, Funk described respondent's speaking volume as:

> Loud. I've heard the taped statement. There's -- or not the taped statement, I'm sorry, but the tape recording of the hearing. There's points in time where he's standing closer or further away from the microphone, but loud. I mean when I was sitting out in the hallway here today it sounded like -- I know he was speaking loud enough that, you know, his voice is raised and he's insistent, but I mean in the area of beyond the speaking voice, very raised tone and loud.

The referee's report notes Mr. Funk's further description of respondent's conduct as beyond belief and unlike anything he had seen before. (RR 3).

The referee found the evidence showed that because of respondent's conduct, the jury was focused on respondent instead of the court and that respondent's conduct was interrupting the proceedings. He also found the respondent was discourteous and not respectful to Judge Wennet in the presence of the jury. (RR 4).

Respondent's misconduct continued when it became his turn to question the prospective jurors. Respondent was disrespectful to Judge Wennet and disparaged his qualifications to the jury. The referee found that respondent indicated to the jurors or in the presence of the jurors that the judge was the one that was completely disrespectful, lacking respect, and lacking professionalism, and that the judge violated the procedures and violated the rules. Respondent inquired of the prospective jurors as to whether or not the jurors felt what the judge did was appropriate. The referee found

the evidence demonstrated that the jurors viewed respondent's conduct as disrespectful to the judge. (RR 4).

As previously indicated, the appendix provides many of respondent's statements in context within the transcript excerpts. Some of the statements by respondent that occurred in the presence of the jury during his *voir dire* of the jury panel were quoted in the report of referee as follows (at RR 5):

> Trial Transcript (TFB Ex. 1), at page 55, lines 9 to 13:
>
> MR ABRAMSON: Okay, so for all you know, the judge was the one that was completely disrespectful, lacking in respect, lacking in professionalism, and it was not me; you don't know that because you were not here earlier, correct?
>
> Trial Transcript (TFB Ex. 1), at page 65, lines 12 to 15:
>
> MR. ABRAMSON: Okay. So, if, in fact, I'm doing what I think is legally right and the Judge is preventing me from doing my job, it is actually the judge that is unprofessional, not me, right?
>
> Trial Transcript (TFB Ex. 1), at page 140, lines 14 to 17:
>
> MR. ABRAMSON: This Judge said no. He violated the procedures; he violated the rules; he was disrespectful and he was unprofessional, not me. And that's the answer to your question, Mr. Lewis.

The following occurred outside the presence of the jury:

> Trial Transcript (TFB Ex. 1), at page 169, lines 20-25:
>
> MR. ABRAMSON: … No matter what I did wrong, Judge, no matter what I did, it is one hundred percent disrespectful of the Court – now the

> jury thinks it's me, but, actually, Judge, it was a hundred percent you, and it's completely your fault that this case denigrated itself to the point that it got …"

Ultimately that day, Ms. Hindle discharged respondent as her attorney, the trial did not go forward, and the jury panel was dismissed. Judge Wennet initiated a contempt proceeding against respondent but did not proceed on it, deciding to refer the matter to The Florida Bar instead. (RR 4).

The referee found that respondent's conduct was deliberate and knowing and as a result, the proceedings were disrupted. The referee also found that, without question, the respondent impugned the qualifications and the integrity of Judge Wennet; sought to impermissibly influence the jurors; and engaged in conduct that was prejudicial to the administration of justice. (RR 5-6).

The referee recommended respondent be found guilty of violating R. Regulating Fla. Bar 4-3.5 (a) [A lawyer shall not seek to influence a judge, juror, prospective juror, or other decision maker except as permitted by law or the rules of court.]; 4-3.5(c) [A lawyer shall not engage in conduct intended to disrupt a tribunal.]; 4-8.2(a) [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or

legal office.]; 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.]. (RR 6).

The referee recommended respondent be publicly reprimanded and, in determining his recommended sanction, considered three aggravating factors. These were respondent's prior discipline; multiple offenses; and substantial experience in the practice of law. The referee also considered absence of dishonest or selfish motive, character or reputation, and remorse as mitigating factors. (RR 8-10).

The referee considered the respondent's two prior disciplinary offenses as a serious aggravating factor. (RR 8; TFB Ex. 6). In both prior offenses, respondent's misconduct arose out of his disrespectful interaction with the tribunal. In Case No. SC00-848, respondent admitted he was rude to the hearing officer when he represented clients in traffic court. He left the hearings early after stating he was electing driving school for each of his clients. He was found guilty of violating Rule 4-1.3 [A lawyer shall act with reasonable diligence and promptness in representing a

client.] and given a public reprimand. The second disciplinary proceeding against respondent, Case No. SC01-2813, arose after respondent was the subject of an en banc order entered by the Circuit Court for the Fifteenth Judicial Circuit. The order provided in part (as quoted at page 2 of the SC01-2813 Report of Referee as a Findings of Fact):

> By previous order of this court, attorney William Abramson was directed to show good cause why he should not be sanctioned for his repeated failure to follow applicable appellate rules and for having made numerous misrepresentations to the court. At his request, Abramson was given an extension until August 17, 2000 to file his response. To date, Abramson
> has filed neither his response nor any further request for an extension.[1] Given Abramson's previous history of dilatory filings and rule violations, this latest act of defiance appears to be both deliberate and inexcusable. His unwillingness or inability to adhere to the appellate rules coupled with his penchant for misrepresentation have severely taxed the judicial resources of this court to the point where sanctions are warranted.

The full text of the en banc order, signed by eight judges from the Fifteenth Judicial Circuit was admitted into evidence. (TFB Ex. 7). In the SC01-2813 Report of Referee, the referee found that respondent's misconduct occurred in three separate appeals handled by respondent. (TFB Ex. 6). Respondent was found guilty of violating Rule 4-3.4(c) [A lawyer shall not knowingly disobey an obligation under the

[1] The referee's report in SC01-2813 recognized that the order erroneously stated that respondent failed to request an extension, and in any event, was represented by

rules of the tribunal except for an open refusal based on an assertion that no valid obligation

exists.] and 4-1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client.]. Respondent was sanctioned with a public reprimand and placed on probation for one year.

In the instant case, the referee recommended respondent be publicly reprimanded and given a one-year probation requiring respondent's attendance at The Florida Bar's Professionalism Workshop and Ethics School. The referee's report was considered by the bar's Board of Governors at the meeting which ended on May 30, 2008. The Board determined to petition for review of the referee's disciplinary sanction and seek a 91-day suspension requiring respondent to attend The Florida Bar's Professionalism Workshop.

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counsel. This did not alter the other provisions of the order.

SUMMARY OF ARGUMENT

The recommendation by the referee in this case for a public reprimand with probation does not have a reasonable basis in existing case law or The Florida Standards for Imposing Lawyer Sanctions, nor does it serve the purposes of attorney discipline. Moreover, existing case law dictates that an attorney who is disruptive toward the judiciary and challenges the authority of the judge be suspended for a period longer than 90 days. The aggravating factors applied by the referee further support a 91-day suspension. Given the egregiousness of this respondent's misconduct and his prior disciplinary history, the aggravating factors found by the referee, the discipline given in similar cases, and The Florida Standards for Imposing Lawyer Sanctions, the referee in this case committed error in recommending a public reprimand and probation. The appropriate disciplinary sanction is a 91-day suspension with required attendance at The Florida Bar's Professionalism Workshop.

ARGUMENT

I. A 91-DAY REHABILITATIVE SUSPENSION IS THE APPROPRIATE SANCTION FOR AN ATTORNEY WHO REPEATEDLY ENGAGES IN DISRESPECTFUL CONDUCT TOWARD THE JUDICIARY.

As a general rule, this Court will not second-guess a referee's recommended discipline as long as that discipline is authorized under The Florida Standards for Imposing Lawyer Sanctions and has a reasonable basis in existing case law. The Florida Bar v. Spear, 887 So.2d 1242 (Fla. 2004). While a referee's findings of fact should be upheld unless clearly erroneous, this Court is not bound by the referee's recommendations in determining the appropriate level of discipline. The Florida Bar v. Rue, 643 So.2d 1080 (Fla. 1994). Furthermore, this Court has stated the review of the discipline recommendation does not receive the same deference as the guilt recommendation because this Court has the ultimate authority to determine the appropriate sanction. The Florida Bar v. Grief, 701 So.2d 555 (Fla. 1997); The Florida Bar v. Wilson, 643 So.2d 1063 (Fla. 1994). This Court has further stated a referee's recommended discipline must have a reasonable basis in existing case law or the standards for imposing lawyer sanctions. The Florida Bar v. Sweeney, 730 So.2d 1269 (Fla. 1998); The Florida Bar v. Lecznar, 690 So.2d 1284 (Fla. 1997).

In the instant case, the referee's recommendation of a public reprimand and probation has no reasonable basis in existing case law, nor is it authorized by The Florida Standards for Imposing Lawyer Sanctions.

The referee states in his report that he considered The Florida Standards for Imposing Lawyer Sanctions, but does not delineate which of the Standards he found to be applicable. (RR 8). Given the referee's finding that respondent's conduct in disrupting the proceeding was deliberate and knowing (RR 5), Standard 6.22 is the correct Standard to be applied, because it provides that suspension is appropriate when a lawyer knowingly violates a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding. Standard 6.23 is not applicable because it provides that a public reprimand is appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.

When considering the discipline delineated in The Florida Standards for Imposing Lawyer Sanctions, any applicable mitigating or aggravating factor must be considered. The referee found three aggravating factors: respondent's prior discipline; multiple offenses; and substantial experience in the practice of law. The referee also

considered three mitigating factors: absence of dishonest or selfish motive, character or reputation, and remorse. (RR 8-10).

The referee considered respondent's two prior disciplinary offenses to be a serious aggravating factor. (RR 8). In both prior offenses, respondent's misconduct arose out of his disrespectful interaction with the tribunal. Respondent was given a public reprimand in each of those matters, yet it is clear that respondent has not been deterred in his misconduct by those previous sanctions. In fact, respondent's misconduct has escalated. This is made clear by the trial transcript and substantiated by Assistant State Attorney Funk's testimony, which described respondent as upset, insistent, disobedient to the judge, and exhibiting behavior beyond belief and unlike anything Funk had seen before. (RR 3).

This Court has held that in assessing discipline, it considers prior misconduct and cumulative misconduct as relevant factors and deals more severely with cumulative misconduct than with isolated misconduct. Additionally, cumulative misconduct of a similar nature should warrant even more severe discipline than might dissimilar conduct. The Florida Bar v. Williams, 753 So.2d 1258 (Fla. 2000); The Florida Bar v. Bern, 425 So.2d 526 (Fla. 1982).

In The Florida Bar v. Morgan, 938 So.2d 496 (Fla. 2006), the attorney was given a 91-day rehabilitative suspension for violating Rules 4-3.5(c) and 4-8.4(d). The

Morgan case is strikingly similar to the instant one in the disrespectful and outrageous manner in which the respondent engaged the tribunal. As in the instant case, Morgan became disrespectful because he could not get the judge to rule in his favor. Also similar to the instant case, Morgan's prior discipline was considered a serious aggravating factor by the referee.

Even, arguendo, if respondent's prior discipline was not similar to his conduct in the instant case, a rehabilitative suspension is appropriate because respondent's conduct was more egregious than what occurred in Morgan. Much of Morgan's misconduct took place outside the presence of the jury. Morgan at p. 497. In the instant case, nearly all of respondent's misconduct occurred in the presence of the jury. Further, respondent was found guilty of the same rule violations as Morgan plus two additional ones; Rule 4-3.5(a) [A lawyer shall not seek to influence a judge, juror, prospective juror …] and 4-8.2(a) [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge …].

Respondent's conduct improperly served to undermine the public's confidence in the integrity and effectiveness of the judicial system and caused great injury or potential injury to the public and the legal system, not to mention the potential injury he caused to his client, who discharged him that day. Florida Standard 7.0 speaks to

violations of other duties owed as a professional. Standard 7.2 provides that suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

The mitigating factors in this case do not support reducing the sanction to a public reprimand. The referee's explanation of his finding of absence of dishonest or selfish motive was that the case involved extreme and highly unusual facts and circumstances. It appears that this statement relates to the referee's remarks at the hearing (TT VIII, 871-872), and reflected in his findings at RR 3-4 as follows:

> I find that both the Judge and respondent became frustrated and that both fueled the fire. Had either Judge Wennet taken a few minutes to hear respondent's Motion for Discharge and/or change of plea, or had respondent acted appropriately after Judge Wennet refused to hear him outside the presence of the jury, the instant disciplinary matter would most likely not be before the court. The conduct and the actions and the voice tones used by both seem to have provoked each other. After the incident, the judge E-mailed copies of the bar complaint to every judge, traffic hearing officer and magistrate in Palm Beach County and the two are now opponents in a contested judicial race. But, what respondent fails to fully realize is that the issue is not Judge Wennet's exercise of his discretion or his tone of voice or conduct, but the conduct and the actions of respondent himself. I do not find fault with Judge Wennet's exercise of his discretion in deciding to set respondent's motions for after the selection process and not wanting to interrupt that process.

The Bar submits that this finding does not support mitigation. The referee appears to assign blame to Judge Wennet for not submitting to respondent's demand to have his motion heard when respondent wanted to have it heard. Yet, the referee found that Judge Wennet acted within his exercise of discretion in not giving in to respondent's demands. (RR 3-4). It is respectfully submitted that what is properly at issue is the respondent's conduct which occurred on December 19, 2005, in refusing to accede to Judge Wennet's proper exercise of his judicial discretion. With respect to the judge's e-mailing copies of the bar complaint, Judge Wennet testified that he believed it was his responsibility to disseminate respondent's conduct to the other members of the judiciary. (TT II, 218). The e-mail was obviously sent after respondent's misconduct occurred, and respondent's decision to run against Judge Wennet in the judicial election occurred even later in time. Neither action had any bearing on respondent's misconduct. It should also be noted that respondent testified that Judge Wennet had treated his clients in a fair manner in trials prior to December 19, 2005. (TT V, 497-503). Respondent has not appeared before Judge Wennet since December 19, 2005. (TT V, 503).

The referee also erred in mitigating respondent's misbehavior by characterizing it as overzealous conduct in the respondent's attempt to do whatever he could to

benefit his clients as evidence of an absence of a selfish or dishonest motive. (RR 8). In Morgan, the Court stated its disfavor with this kind of rationale:

> Like the attorney in *Wasserman*, Morgan admits his conduct was inappropriate, but seems to believe it is his obligation as a zealous advocate to take a judge "to task" if he comes to believe he or his client is being treated unfairly. Morgan at page 500.

The referee also found respondent's good character as mitigation, but noted that the en banc order indicated otherwise. (TFB Ex. 7). It provided in pertinent part:

> Given Abramson's previous history of dilatory filings and rule violations, this latest act of defiance appears to be both deliberate and inexcusable. His unwillingness or inability to adhere to the appellate rules coupled with his penchant for misrepresentation have severely taxed the judicial resources of this court to the point where sanctions are warranted.

Despite the fact that the order was signed by eight judges from the Fifteenth Judicial Circuit, including Judge Wennet, the referee was unclear about how the order reflected the judges' votes. (RR 8). This finding disregards the fact that none of the judges indicated any disagreement with the en banc order when they signed it.

Additional case law supports the imposition of a suspension. In The Florida Bar v. Wasserman, 675 So.2d 103 (Fla. 1996), this Court consolidated 2 complaints against an attorney. In the first complaint, an attorney lost his temper after a ruling from a judge. The attorney stated his "contempt" for the court, banged on the table, displayed his anger, and stated outside of the hearing room that he would advise his

client to disobey the court's ruling. In the second complaint, the attorney received an unfavorable response to a question asked over the telephone and proceeded to use profane language with the judicial assistant. The referee found the attorney guilty in both cases. This Court found respondent's misconduct warranted a 6-month suspension in each of the 2 cases to run consecutively. This Court took into consideration the egregious nature of the attorney's misconduct and his prior discipline before deciding the appropriate discipline. Similar to the instant case, the referee in Wasserman cited the lawyer's pro bono legal services as a mitigating factor.

In The Florida Bar v. Price, 632 So. 2d 69 (Fla. 1994), this Court upheld a 91-day suspension for an attorney who engaged in conduct intended to disrupt a tribunal and failed to act with reasonable diligence in representing a client. That attorney appeared in court under the influence of alcohol and became hostile, abrasive, and belligerent to the court, his clients, and other attorneys. The referee in that case considered the attorney's prior discipline in recommending the attorney be publicly reprimanded and suspended for 91 days or thereafter until completion of a substance abuse program.

The respondent, like the attorneys in Morgan, Wasserman and Price, presented a direct challenge to the authority of the presiding judge. The similar nature to respondent's misconduct in those cases provides a guideline to the appropriate

discipline for this respondent. A 91-day rehabilitative suspension with required attendance at The Florida Bar's Professionalism Workshop should be imposed in the instant case, taking into account the severity of this respondent's conduct, and factoring in his previous discipline.

Morgan had 2 instances of prior discipline and was given a 91-day suspension; Wasserman had 4 prior instances of discipline and was given 2 concurrent six month suspensions. There is no mention in the Wasserman opinion that his incidents of prior discipline were similar in nature to the misconduct for which he was then being disciplined.

In the instant case, respondent has been disciplined on 2 prior occasions for similar misconduct because each time it involved his interaction with the tribunal. In both instances, this respondent was sanctioned with a public reprimand, which did not serve to curtail respondent's misbehavior. Instead, his misconduct has significantly escalated.

The judicial system provides appropriate methods of redress for a respondent when he disagrees with a ruling by the court. However, respondent did not challenge these rulings in an appropriate manner. Instead, he engaged in angry, disrespectful, and obstreperous behavior, and in so doing, he directly challenged the legitimate authority of the judge in the courtroom, which at its very core, is a challenge to the

judicial system itself. As Justice Wells states in his concurring opinion in Morgan at page 501:

> What is absolutely not available to a lawyer, either out of frustration or as a trial tactic, are in-court acts which demonstrate or give the appearance of a lawyer's disrespect for the judge in a case. Integral to our system of justice is respect for court judgments. The system can only function when all involved at the end of a case are committed to abiding by what has been finally judged. This requires that in a particular case that the judge who makes that judgment be treated with respect.
>
> It is a Florida lawyer's oath-sworn duty to respect and protect the courts. It is likewise a lawyer's duty to make the court system work for the people of this state, who each one depend upon it in so many ways.
>
> The conduct of Mr. Morgan was an anathema to a properly functioning court system. The lesson of this decision is that the Court will not allow lawyers who engage in this conduct to do it in Florida courts without facing substantial discipline.

In this instance, the injury caused by respondent's behavior to the legal system, the profession, and ultimately the public is apparent when an attorney acts with such disrespect and defiance, especially when done in the presence of a jury. The appropriate disciplinary sanction is a 91 day suspension with required attendance at The Florida Bar's Professionalism Workshop.

CONCLUSION

This Court should disapprove the referee's recommended disciplinary sanction of a public reprimand with probation and, instead, suspend respondent for 91 days with required attendance at The Florida Bar's Professionalism Workshop, and payment of the Bar's costs because the discipline is consistent with existing case law and The Florida Standards for Imposing Lawyer Sanctions while adhering to the purposes of attorney discipline.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Brief regarding Supreme Court Case No. SC07-713, The Florida Bar File No. 2006-51,004(15F) has been mailed by regular U.S. mail to William Abramson, Respondent, 324 Datura Street, Suite 100, West Palm Beach, FL 33401-5415, on this _____ day of _____, 2008.

_____

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CERTIFICATE OF TYPE, SIZE AND STYLE AND ANTI-VIRUS SCAN

Undersigned counsel does hereby certify that the Initial Brief is submitted in 14 point proportionately spaced Times New Roman font, and that the brief has been filed by e-mail in accord with the Court's order of October 1, 2004. Undersigned counsel does hereby further certify that the electronically filed version of this brief has been scanned and found to be free of viruses, by Norton AntiVirus for Windows.

_____

Michael David Soifer, Bar Counsel