

FILED

OCT 13 2010

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *A. Smith*

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

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IN THE MATTER OF A MEMBER)	No. 10-4004
OF THE STATE BAR OF ARIZONA)	
)	
ROBERT E. GOLDMAN,)	
Bar No. 021795)	DISCIPLINARY COMMISSION
)	REPORT
RESPONDENT.)	
)	

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on October 9, 2010, pursuant to Rules 53(i) and 58, Ariz.R.Sup.Ct., for its consideration of whether to impose the reciprocal discipline of admonition (informal reprimand in Arizona) and completion of the Florida Bar’s Ethics School and Professional Workshop upon Respondent as imposed by the Grievance Committee of the Supreme Court of Florida on December 17, 2009 for violating Rule 4-3.4(b). On August 11, 2010, the Commission filed an Order informing Respondent that he had 30 days to file claim of exception.

On September 10, 2010, Respondent filed an exception. Respondent asserts that pursuant to Rule 53(i)(3)(C) and (D), reciprocal discipline should not be imposed because his conduct, had it occurred in Arizona, did not violate Rule 3.4(b), Ariz.R.Sup.Ct., since the Arizona rule prohibits an “inducement to a witness **that is prohibited by law**”. Respondent further asserts that the imposition of reciprocal discipline would result in grave injustice and that his conduct warrants no discipline in Arizona.

On September 10, 2010, the State Bar filed its Response. The State Bar asserts that Respondent has not proven by a preponderance of the evidence or as a matter of law that

1 either exception to the imposition of the same or similar discipline applies in this case
2 pursuant to Rule 53(i)(3). The State Bar further asserts that Respondent's conduct in
3 Florida violated the Rules of the Arizona Supreme Court and Rules 53(a) and 53(i) were
4 adopted to encourage Arizona lawyers to comply with the rules of professional conduct in
5 all jurisdictions. In addition, the State Bar advises that *Standard 6.24* is applicable as there
6 is no evidence that Respondent's conduct caused any actual or potential interference with a
7 legal proceeding. Bar counsel further advised he was unable to locate any Arizona case
8 addressing a lawyer offering an inducement to a witness for truthful information (or what
9 the lawyer believed to be truthful information). The State Bar requests that reciprocal
10 discipline be imposed.

11 **Decision**

12 Upon consideration, the nine members of the Disciplinary Commission
13 unanimously recommend imposing reciprocal discipline of informal reprimand and
14 completion of the State Bar of Florida's Ethics School and Professional Workshop. The
15 Disciplinary Commission further incorporates by reference the Grievance Committee of
16 the Supreme Court of Florida's Report of Minor Misconduct.¹

17
18 RESPECTFULLY SUBMITTED this 13 day of October, 2010.

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21 
22 Pamela M. Katzenberg, Chair
Disciplinary Commission

23 Original filed with the Disciplinary Clerk
this 13th day of October, 2010.

24 Copy of the foregoing mailed
25 this 14 day of October, 2010, to:

26 ¹ A copy of the Report is attached as Exhibit A.

Robert E. Goldman
Respondent
1 One East Broward Blvd., Suite 700
2 Fort Lauderdale, FL 33301-0001

3 James D. Lee
4 Senior Bar Counsel
5 State Bar of Arizona
6 4201 North 24th Street, Suite 200
7 Phoenix, AZ 85016-6288

8 by: Loretta Diaz

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EXHIBIT

A

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

v.

TFB File No. 2009-50,510(17D)

ROBERT GOLDMAN,

Respondent.

REPORT OF MINOR MISCONDUCT

I. Grievance Committee Recommendation: Pursuant to R. Regulating Fla. Bar 3-7.4(m) and respondent's tender of an admission of minor misconduct, the grievance committee recommends that respondent receive an admonishment for minor misconduct. Administration of the admonishment shall be by service of this Report. The grievance committee further recommends that respondent be required to attend The Florida Bar's Ethics School as well as its Professionalism Workshop.

II. Summary of the Minor Misconduct: At all times relevant to this matter, respondent represented James Poon. Mr. Poon was engaged in a dispute with another individual: Alexander Benisti. In 2008, respondent entered into an agreement with Lucian Benisti, who was Alexander's brother. Mr. Benisti agreed to reveal certain information regarding his brother, Alexander Benisti. Because he was in economic distress, Lucian Benisti asked to be paid for his trouble. Respondent paid Lucian Benisti the sum requested, and admitted that he intended to use the information obtained to advance his client's case.

By the conduct set forth above, respondent violated R. Regulating Fla. Bar 4-3.4(b) [A lawyer shall not fabricate evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness, except a lawyer may pay a witness reasonable expenses incurred by the witness in attending or testifying at proceedings; a reasonable, noncontingent fee for professional services of an expert witness, and reasonable compensation to reimburse a witness for the loss of compensation incurred by reason of preparing for, attending or testifying at proceedings.].

APB
1/21/10
JAN 27 2010
X 2/11/10

III. Summary of Additional Charges: The additional charges, if any, which will be dismissed if this report is accepted are summarized as follows: The grievance committee considered possible violation of R. Regulating Fla. Bar 4-3.1; 4-3.3(a)(4); 4-8.4(a); 4-8.4(c); and 4-8.4(d) and unanimously found no probable cause to believe that there had been any violation of these rules.

IV. Recitation of Facts and/or Comment on Mitigating, Aggravating or Evidentiary Matters: In arriving at its recommendation, the committee considered the aggravating and mitigating circumstances recognized by the Florida Standards for Imposing Lawyer sanctions.

V. Admonishment: Mr. Goldman, your actions have discredited the legal profession of the State of Florida. Such conduct cannot be tolerated by your fellow lawyers and should not be tolerated by you. Pride in your profession demands that you not violate the Rules of Professional Conduct again. If you do, your present misconduct will be considered in future disciplinary proceedings.

VI. Fees: The respondent shall pay the fees in this matter which are:

Professionalism Workshop Fee and Ethics School Fee: \$1,000.00

VII. Costs: The costs of these proceedings are assessed against respondent as follows:

Administrative Costs:	\$1,250.00
Court Reporter Appearance and Transcript	\$ 622.50
Investigative Costs	\$ 10.51
Copy Costs	\$ 25.65
TOTAL	<u>\$1,908.66</u>

Costs shall be due The Florida Bar within 30 days from acceptance of this Report of Minor Misconduct. If this cost judgment is not satisfied within 30 days of the final judgment, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6 (unless otherwise deferred by the Board of Governors of The Florida Bar).

VIII. Committee Vote: A duly authorized committee, in accordance with Rule 3-7.3(g), voted in favor of the recommendation stated in item I above. This vote does not include the vote of the lawyer investigating member, who by rule is not

allowed to vote. In accordance with Rule 3-7.4(g), the committee reports the number of committee members voting for, or against, this report as follows:

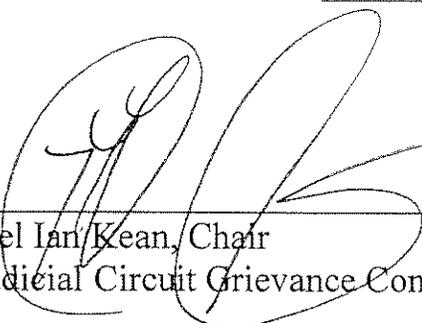
In favor of the report	8
Against the report	0
Recused	0

Dated this 17th day of December, 2009.



Michael Ian Kean, Chair
17th Judicial Circuit Grievance Committee D

I HEREBY CERTIFY, that the original of the Report of Minor Misconduct regarding The Florida Bar File No. 2009-50,510(17D) was sent to Lorraine Christine Hoffmann, Bar Counsel, Lake View Plaza II, 1300 Concord Terrace, Suite 1300, Sunrise, Florida 33323 by regular U.S. mail, this 17th day of December, 2009.



Michael Ian Kean, Chair
17th Judicial Circuit Grievance Committee D

cc: Kenneth Lawrence Martin, Director of Lawyer Regulation