Inns of Court-Scenario in Court (Based on rue Facts)

Introduction (Short Version)-My name is Kelly More. I was zealously representing my client when Judge Old School scolded me in front of the jury and I lost my temper. The Florida Bar suspended me for 91 days for my behavior.

Facts: (Fictional Based On True Case):

- I am a criminal defense attorney in Florida. I have been an attorney for 33 years.

- I accepted a felony case involving a 21 year old male defendant accused of assaulting a 21 year old female. Both are college students. My client has assured me that he did not assault the victim. He said he met her at a local lounge the night of the incident and that she approached him, began flirting with him, and invited him back to her dorm room. The victim denies the facts as described by my client.

- The ASA assigned to this case is Rick Slick. I do not like Slick-we have had our differences over the last year.

- Judge Old School has been a judge for over 20 years and runs a very orderly courtroom. He requires his attorneys to stand to address the court and to be properly attired at all times. Judge Old School does not like attorneys to continue to talk once he has ruled. Judge Old School has routinely favored Slick in cross examining witnesses and always sustains his objections but overrules mine.

- During the course of the trial, the victim took the stand. During cross examination, I asked her how she was dressed on the evening in question. The ASA objected to the relevancy of the question and the court sustained the objection. I told Judge Old School that my line of questioning was relevant and asked to approach the bench to explain the relevancy. He told me not to come any further and said he had ruled. I continued to ask to approach and asked him to excuse the jury. He refused. I told him I could not proffer the testimony in front of the jury. At that point, he excused the jury and I moved for a mistrial.

- After the jury was excused the problems began. I told the Judge not to treat me that way in front of a jury. I became enraged and told him I was tired of him treating me this way in a trial. He said he knew I acted this way in other courtrooms. I told him I don't care what you think you have heard, you will treat me with respect in front of juries.

- The Judge asked me to approach and I refused. He said I was out of line and I told him he was out of line

- I wanted to proffer the testimony by asking the witness questions, and he refused to allow it. I then raised my voice and told him he was interfering with my cross examination as usual.

- He threatened me with contempt and I told him to go ahead. He did.

- Judge Old School reported me to The Florida Bar.

- The above-referenced facts are based on the case of *The Florida Bar v. Morgan*, 938 So.2d 496 (Fla. 2006). In *Morgan*, the referee found Morgan violated rules 4-3.5(c) (conduct intended to disrupt tribunal) and 4-8.4(d) (conduct prejudicial to the administration of justice) of the Rules Regulating the Florida Bar. He further found several aggravating factors, including prior disciplinary offenses, a pattern of misconduct, a refusal to acknowledge the wrongful nature of his conduct, and substantial experience in the practice of law. Morgan has been disciplined twice before for similar misconduct.

- In mitigation, the instant referee considered Morgan's character and reputation, noting that Morgan had provided pro bono legal services, had served as a role model for an assistant state attorney, and is perceived by two judges and an attorney as an excellent and passionate advocate. As to discipline, the referee recommended a ninety-one day suspension, which would require Morgan to establish rehabilitation before he could return to the practice of law. Morgan petitioned for review, arguing that the recommended sanction is too severe.