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Dear Sirs:

Although I could comment upon the procedure (SR17-935), I will limit my response to the section below that reflects publishing advisory opinions.

Finally, we amend subdivision (e) (Opinions) to allow the Dispute Resolution Center greater latitude in publishing advisory opinions of the Mediator Ethics Advisory Committee.

This document along with attachments will describe why I am opposed to the current proposed changes in the rules. First, I should explain that I was a county court mediator and based upon reports by the Florida Board of Bar Examiners, the New York Board of Bar Examiners and the Kentucky Board, I was denied a license to practice law.

Although there were no complaints against me during the 8+ years that I was a mediator, the Mediation board, based upon my self-reporting, decided to bring charges against me. What followed was a trial where Judge Rodney Smith acted in three capacities. He wrote the opinion as a member of the "Jury."; He objected and terminated my opening statement and basic arguments (he acted like a prosecutor and he acted as a judge ruling on issues before the forum.)

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Based upon my experiences and knowledge – I would oppose the posting of any determinations by the disciplinary board without also allowing posting a response to the board's findings.

In my hearing the board used determinations by other agencies that failed to follow higher authorities and used procedures that ignored due process and law.

It appears that judge Rodney Smith is not aware of the ADA (he refused to allow assistance when it was requested.)

In determining that I could not use information to question past decisions – he denied me the due process rights to defend against all charges and determinations. This is contrary to mediation rules and also prevents contradictory information from being presented to the disciplinary panel.

Not only did the Judge terminate my opening statement but also my arguments in opposition to the charges – In my opinion, this violates the procedural rules of mediation.

Judge Smith denied a request to electronically record the hearing even though this method is available in hearings in criminal trials in Orange County. He appears not to have read the two papers that justify using electronic recording of the hearing.

In addition to ignoring the ADA, Judge Smith knowingly allowed the prosecutor to violate rules of professional conduct (he allowed the prosecutor to

accuse me of UPL, and failed to admonish the prosecutor for failure to use due diligence in her discovery actions.)

See *Berger v. United States*, 295 U.S. 78 (1935) – for the duties of a prosecutor –

In my action the prosecutor received exhibits that contradicted the findings of the Florida Board of Bar Examinors and the New York equivalent board. A copy of the exhibits were also sent to Judge Smith (Most likely, he failed to read them or alternatively did not understand them.)

See *Connick v. Thompson*, 563 U.S. 51 (2011) - where Thompson presented contradictory information that was used to overturn his capital conviction. (When Eisenstein quoted Thompson, his opening statement was terminated by Judge Smith. Most likely, Smith had no idea why this case was used.

I have also included a copy of the Florida Supreme Court's order with comments. The Board's order terminated by mediation status and banned me for life (a harsh penalty for someone who has not been convicted of any criminal acts.)

Additionally, most of the information in the Board's order misstates facts.

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