IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

RAYMOND B. MITCHELL
Respondent.
_____/

SUPREME COURT CASE
NO. SC20-1777
The Florida Bar File
No. 2019-10,038(20A)

MOTION FOR REHEARING

The Respondent, Raymond B. Mitchell, by and through the undersigned counsel files this *Motion for Rehearing* and would state as follows:

1. This honorable Court, The Supreme Court of Florida, entered its Final Judgment in this matter on March 28, 2022, approving the Referee's Report, findings of fact and recommendations to guilt, and Respondent is suspended from the practice of law for 91 days (beginning 30 days after the Judgment was entered, thus on April 27, 2022.)

2. Respondent had argued in his briefs that he had attempted to follow process to disqualify Judge Amy Hawthorne based on Rule 2.330 as it is written and thus naming the bias and prejudice with specificity of Judge Hawthorne that client Varney truly feared of Judge Hawthorne was required in Rule 2.330. Respondent did not view writing the bias and prejudice of a Judge for a disqualification as something that would be "disparaging" of a judge as

the Referee and Bar argued violated Rule 4-8.4(d). Respondent did not admit guilt or apologize since he thought Rule 2.330 required bias and prejudice to be stated. Respondent did not have the purpose or goal to "disparage" Judge Hawthorne, but only wanted to fight for his client, Travis Varney, obtain a judge who he did not fear would be biased and prejudiced against him, and thus was forced by Rule 2.330 to state all the bias and prejudice my client, Mr. Varney feared to obtain a disqualification. The Rule 2.330 required that Respondent had to state the bias and prejudice Mr. Varney feared, including the parts that it seemed Judge Hawthorne did not care about ignoring laws and entering very unfair judgments and orders. Respondent did not have any desire or purpose to disparage Judge Hawthorne; and he has never filed any other paper, document or said any statement in a courtroom that has ever "disparaged" any judge or any person in the court ever in about 19 years of practice. Respondent's only reason to state the disparaging statements was to obtain a judge for Mr. Varney that would follow the law faithfully and do justice, so that he would not fear a biased judge. Respondent thought this Court would likely agree with his view of the Rules as written and be vindicated for fighting for his client Varney to obtain a judge he did not fear. However, after this Court's ruling and Judgment, I, Respondent, Raymond B. Mitchell, realizes now that he was incorrect in writing those words, and now apologizes

to this Court, the Florida Bar, Referee, Judge Hawthorne and anyone else involved in this case for writing those words that are determined to be disparaging. Respondent always is glad to admit his faults and mistakes in his life and has done so many times, although I, Respondent, did not intend to disparage and I did not know it was disparaging until this Court agreed with the Referee and the Florida Bar.

2. If I, Respondent, had known that stating this kind of bias and prejudice was not permitted in Rule 2.330, Respondent certainly would not have written the Motion to Disqualify as he did. Respondent has never before written any document or said anything in a court that had disparaged a judge before since he became a member of the Florida Bar in 1994. This Motion was the only time my words were considered disparaging.

3. Respondent wrote the words that the Referee and Bar did not like and argued were disparaging, such as “Hawthorne had absolutely no concern whatsoever about how unjust, unfair, illegal her ruling was and had no regard whatsoever that her rulings clearly and blatantly violated crystal clear statutes, laws…” only because that seemed to be one of the biases and prejudices my client Varney feared of Judge Hawthorne when she ruled giving the wife Moulton zero assets from the divorce, zero 0% part of the marital home (except a promise to pay wife $14,000 someday while husband was in prison

for 30 years sentence during the divorce trial) since when attorney Douglass Spiegel filed his Motion for Rehearing and for New Trial stating many of the laws that Judge Hawthorne's Judgment had violated and Judge Hawthorne denied both Motions with no finding of facts, no explanation, and no hearing, and it seemed to be very biased and seemed to show a lack of concern that wife gets zero assets when the divorce laws state she should get 50% usually (and in her case Caridad Moulton/Miran was arguing that the house was her nonmarital asset since she owned before the marriage via a chain of transactions that per statute make it nonmarital, and she argued she should receive all of the house as hers 100%- but she received $0 of the house and a weak promise to get $14,000, far less than 50%); and Judge Hawthorne denied ordering child support in Rabideau's case even though the law was very clear that child support cannot be agreed away, and since Rule 2.330 required the biases and prejudices to be stated with specific details and allegations, that is why Respondent put those words in the Motion to Disqualify. It seemed it was required to be stated by Rule 2.330 and Mr. Varney truly feared Judge Hawthorne even more when he learned she denied the two Motions of attorney Spiegel without any hearing and no explanation in the Order denying them of why Mr. Spiegel's arguments of law violations were incorrect. Mr. Varney testified that the manner that Judge Hawthorne ruled in

hearings and denied the Motion for Rehearing/New Trial by attorney Spiegel as Respondent explained to him and wrote in the Motion made him more afraid of having Judge Hawthorne as his judge in his divorce case. So, Respondent's intent was to follow Rule 2.330 and state all the bias and prejudices specifically for client Varney, but since that now is known by Respondent not to be permitted in the view of this Court, Respondent apologizes for those words.

4. The ethics rules that the Referee claimed Respondent had violated are not very clear at all. As Respondent argued in his briefs, Rule 4-8.4(d) does not list judges as a person this rule applies to, and the Comment to this Rule says: *"This subdivision (d) does NOT prohibit a lawyer from representing a client as may be permitted by applicable law".* This ethics Rule 4-8.4(d) is extremely vague and unclear and does not tell Respondent or any attorney what kind of bias and prejudice required to be stated specifically in Rule 2.330 is not permitted. Respondent did not know he was not allowed to state the type of bias and prejudices he and Mr. Varney believed Judge Hawthorne had. This Rule 4-8.4(d) does not state anything at all about limiting certain types of bias and prejudice required to be listed in Rule 2.330. To punish Respondent so severely for something that is very unclear and is vague seems to be rather a bit too much.

5. The Referee Report claimed Respondent said something that was not true (violating Rule 4-8.2(a)) but the Report did not give any examples of anything Respondent wrote that was not true at all. The Referee Report claimed Respondent had no basis to write the part about Judge Hawthorne seemingly not caring that laws were violated and causing a lack of justice to parties. However, there was substantial evidence to support those statements that was strongly supported by the testimony of all the witnesses, by the numerous laws that were shown to be violated, that injustice in giving wife zero assets (other than a minimal $14,000 promise to pay by a husband in prison for 30 year sentence) when Moulton should receive at least 50% or even close to 100% per the law of Florida, no child support for Rabideau in violation of Florida laws, and that Judge Hawthorne did not have a hearing or explanation for denying attorney Spiegel's Motions for Rehearing / New Trial. Attorney Spiegel testified (and wrote) that the ruling seemed very unfair and unjust. Also, both Rabideau and Moulton/Miran testified that they thought Judge Hawthorne did not care at all and had a very bad attitude, and that they were very much denied justice by Judge Hawthorne. Respondent testified that his clients (Moulton/Miran and Rabideau) had told him several times that they thought Judge Hawthorne did not care at all about their case and following the laws and they thought she was disrespectful. Varney was very fearful of

having Judge Hawthorne based on how she ruled in the other two cases, although he learned of those cases from his attorney, Respondent (*Varney See T1: p69-70, 75:2-15*). {For Spiegel, Miran & Rabideau, Respondent testimony *See the following transcript references}.*

6. Spiegel testified (wrote) that ruling seemed unfair, unlawful, unjust: T1: p187:17 to p188:9; p189:1-11-"*Clearly, the property is to be divided up equally unless there is a pleading for unjust* {"unequal"} *equitable distribution.*" {brackets are mine}; T1:191:16-18-*"So let me clarify, the house was worth more than $14,000 that he was going to give her and that would not be equitable…";* T1:p193:17-25; p204:22 to p206:9, and Spiegel had written in his two Motions (Rehearing/New Trial) T1:p179:4 to p188:11 that the Agreement/Judgment was invalid and not legal for many reasons and law violations: See R-1; R-2.

7. Caridad Moulton/Miran testified that she thought Judge Hawthorne did not care at all and had a very bad attitude and her ruling was unjust: T1:p215:6-19 "*She wasn't listening, she was laughing, eating cookies with Mrs. Fayer. She wasn't listening to nothing that was going on. She didn't care." * * * "She heard that and she -- and Judge Hawthorne didn't care and dismissed it…"* ; T1:p216:5-9 *"but she said that the agreement was valid. I lost everything."* T1:p216:17-19 *"She didn't want to do a rehearing, she didn't*

want to do a retrial, she didn't want to do anything." T1:p219:4-6 "*She didn't distribute the cards, the debts, nothing. She just gave the house to Tolga. She gave everything to Tolga* {husband}" {bracket mine}; T1:p221:6-8 "Q. *Well, do you think the court system was just when you get nothing and denied the appeal? A. No.";* T1:p223:24 to p224:1 *"And because of Judge Hawthorne I had a stroke. I couldn't believe the things that she was doing to me."* (Objection was sustained but *See* T1:p225:7-9 *Well, Judge Hawthorne kept denying me, denying me, and had more paperwork, and this, and I had a stroke.")* The Referee heard her testimony and knew about it as the Referee restated Moulton/Miran's testimony that she thought Judge Hawthorne did not care at T1:p219:19 to p220:4. *"REFEREE: I remember her saying -- I remember Ms. Moulton saying that she testified Ms. Hawthorne was laughing, she was eating cookies, she was joking around with one of the lawyers. I was listening very carefully, is that right, Ms. Moulton?"* [Referee did not quote the "not care" part that Ms. Moulton testified to here.]

8. Celeste Rabideau testified that she thought Judge Hawthorne had a very bad attitude, and implied she did not care about her case: T1:p234:19 to p235:4 "*then the Judge addressed us, and from what I remember, she looked at the paperwork, and said, This is blank, so why are you back here? This is blank. You left it. You had it blank. I felt like we had no chance of*

explaining that there was changes, that it had been two years since the kids had been in childcare, that he had not been paying insurance for the kids, and we didn't get to say anything. She looked at it, she saw it blank, and it was -- it's almost like she looked at us with disgust." [underlines mine]; T1:p237:p9-13 "*Q-So do you remember what the ruling of Judge Hawthorne was? A. It was that it was left blank and it should have never been blank and there's nothing that she could do with it.*" [underlines mine]; T1:p237:21 to p238:4 *"Q. Do you remember if Judge Hawthorne made any reasoning why the cases or law was irrelevant or inapplicable? A. She did not. I mean it was really -- really it was like a cut and dry you left it blank, so why are you here? I was actually really shocked. There wasn't even -- there was -- I was like why -- I mean she didn't even want to hear us."* [underlines mine]; T1:p239:15-16 "*I've never been in trouble with the law and I just felt like I was demeaned in a courtroom*." [underlines mine]; T1:p243:21-23 *"that's why we had to go without insurance. I wasn't going to fight again to try to get child support when I was already denied it."* [underlines mine] {*Rabideau felt the courts were unfair and were useless to obtain any child support in the future based on her experience with Judge Hawthorne, she seemed to testify.}*

9. Respondent testified that his clients (Moulton/Miran and Rabideau) had told him several times (and based on what Respondent witnessed in the

courtroom) that they thought Judge Hawthorne did not care at all about their case and following the laws and they thought she was angry and disrespectful to their case and situation: T1:p125:24-25 *"when I did the appeal for Caridad Miran Moulton, she told me what happened.";* T1:p127:2-6,14-18 "*Based also on -- my client told me, as she will testify, Caridad Moulton, what she thought Judge Hawthorne indebted to and the actions were during the trial, she will testify that she thought" … "Just for the record, I object because she asked me me how do I know that as I wrote that the judge wanted to get the cases over with and from my client that's one way I knew because that's what she told me she thought.";* T1:p129:13-18 "*Judge Hawthorne had no explanation of upholding the magistrate at all. In fact, in that particular hearing from what I saw she seemed very aggravated and angry that I even brought the case. She had no explanation why the magistrate was right or I was wrong. It was just denied and that was it."* T1:p130:1-4 "*Then, again, in the Caridad Moulton case is based on what she told me, what the transcript says, and what all the orders and pleadings in the case said, prepared with what the appellate court ruled.";* T1:p133:7-10 *"So getting zero instead of 50 to 100 [%] seemed like based on that and based on what my client told me, that she just wanted to get the case over and that's why I put that in there."* [underlines/brackets mine].

10. The Referee simply claimed Respondent had no basis for the statements in his Motion but ignored the testimony of all the witnesses and wrote nothing about the testimony of Rabideau and Moulton/Miran, attorney Spiegel, Respondent, regarding the statements that it seemed Judge Hawthorne did not care, and the Referee wrote nothing about the laws that were violated, the two motions denied without a hearing or explanation by Spiegel who wrote Hawthorne's Judgment was unlawful, and nothing about the unjust results to the parties in those cases. The Referee ignored how much Judge Hawthorne's rulings caused the parties in all the cases and attorneys to have a much more negative view of the justice of the court system as they testified to. Moulton/Miran and Rabideau both became very angry at Judge Hawthorne when they testified in this trial regarding how they viewed her attitude and concern about their case when they testified they thought Judge Hawthorne did not care about their case, justice, or the laws. The Referee simply ignored the large amount of evidence that supported Respondent's statements, and just makes an unsupported statement that Respondent had no basis for the statements without any evidence for it, but the Referee did not have any basis for her statement since the Referee did not explain how all the evidence that supported Respondent's statements were incorrect or faulty. The Referee did not refute the testimony of the witnesses in

her Report who testified they thought Judge Hawthorne did not care about their case, nor prove Respondent's legal arguments were incorrect. Respondent realizes now that those statements are not allowed to be stated as a bias or prejudice in Rule 2.330 Motion to Disqualify and therefore apologizes for writing that, but the Rules are not clear at all about which bias and prejudice a party fears is allowed to be written since no Rule limits which type of bias or prejudice can be alleged in a Motion. My client, Varney truly feared that of Judge Hawthorne and Rule 2.330 says it should be stated with specific information, the Rule does not seem to limit any type of bias and prejudice in its wording, and that is the only reason I, Respondent, wrote those statements in the Motion to Disqualify.

11. Respondent was trying to follow the Rules as written as closely as possible, and now realizes that type of alleged bias and prejudice are not permitted and again apologizes for them. However, the Rules are extremely unclear and vague about which type of bias and prejudice are allowed to be stated in a Rule 2.330 motion to disqualify a judge. Rule 4-8.4(d) regarding not disparaging court personal is also very unclear and vague regarding when an attorney writes a motion to disqualify under Rule. 2.330 which part of this ethics rule actually applies. Since it does not list the word judges and the Comment states that this Rule does not prohibit anything that is legal for an

attorney to do, it is very unclear and vague exactly how an attorney should proceed *(of course, it is common knowledge and morality that a judge should respected and not disparaged, but the Rule leaves that word "judge" out for some reason, and it likely is that stating that a judge was incorrect on the law, as in an appeal or some motions, is not to be viewed as "disparaging". Attorneys regularly have to do court actions that state a judge was incorrect on the law or facts in their rulings, so to state that it is disparaging to state a judge ignored the law could not be allowed to be.)* Since Respondent never would have filed his Motion to Disqualify as written if he had clearly known before from the Rules that his Motion was an unethical one that needs to be severely punished, Respondent never would have written it. Since the Rules are unclear and vague, the punishment of a 91-day suspension for doing something that Respondent did not clearly know was forbidden would violate the Constitutional doctrine of being "void for vagueness", and if it is vague the punishment would likely be an excessive fine or unusual punishment forbidden in the Florida Constitution Art. I, Sec. 17, and the U.S. Constitution in the Eighth Amendment.

12. If a law or Rule is vague and not clearly defined it often is declared void for vagueness under the Due Process Clause of the 14th Amendment so that people not knowing they violated something would not be punished

unfairly and without justice. Applying that principle, Respondent's punishment of suspension for 91 days could or should be excessive or void if the Rules are vague and Respondent did not know he was violating the Rules, which he did not know. The U.S. Supreme Court explained the vagueness doctrine:

> It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates [p109] basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.

Grayned v. City of Rockford, 408 U.S. 104, 108-109, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972). [underlines mine]. I, Respondent, did not clearly know or realize that his type of bias and prejudice stated in my Motion to Disqualify was disparaging since judges are required to follow the law, promote justice, and Rule 2.330 says bias and prejudice should be stated with specific details. Now, Respondent is judged of having violated ethics Rules by judges and the

Florida Bar on a “subjective basis” with an “arbitrary and discriminatory application” which violates the vagueness doctrine, with the subjective basis being what is determined to be “disparaging’ by a judge. Any motion to disqualify a judge based on some severe law violations by a judge in other cases, or any appeal or motion for relief stating said law violations can be viewed by the Bar and the Court as something that disparaged a judge simply based on their subjective views of what is disparaging. Florida Courts have also agreed with the vagueness doctrine:

> The "void-for-vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement." Kolender v. Lawson, 461 U.S. 352, 357, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983). The benchmark for testing vagueness is whether a criminal statute affords a person of ordinary or common intelligence fair notice of what constitutes forbidden conduct. Bouters v. State, 659 So.2d 235, 238 (Fla.1995) (citing Grayned v. City of Rockford, 408 U.S. 104, 108, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972)); State v. Hagan, 387 So.2d 943, 945 (Fla. 1980). A vagueness claim "must be evaluated by an examination of the statute in the abstract if the statute is one that purports to regulate constitutionally protected activity such as speech...." Travis v. State, 700 So.2d 104, 105 (Fla. 1st DCA 1997). In construing a penal statute against an attack of vagueness, any doubt [p. 907] should be resolved in favor of the defendant and against the State. State v. Wershow, 343 So.2d 605, 608 (Fla.1977).

Russ v. State, 832 So.2d 901, 906-907 (1st DCA 2002). [underlines mine]. The Rules regarding what type of bias and prejudice can be stated against a judge

in Rule 2.330 and the ethics rules, including Rule 4-8.4(d), especially prohibiting the kind of bias and prejudice Respondent wrote about, are very vague and unclear, and the Court above said in "an attack on vagueness, any doubt should be resolved in favor of the defendant and against the State." If Respondent had known that stating that violating laws and that based on witnesses, transcripts and documents it seemed Judge Hawthorne did not care about violating laws was prohibited then Respondent certainly would not have written the Motion to Disqualify as it was written (and apologizes for it). It clearly appeared to Respondent that he was following the Rules as written. Respondent's punishment is excessive and should be reduced based on the vagueness doctrines in the courts.

> Under due-process principles, a law or regulation is "void for vagueness if its prohibitions are not clearly defined." Grayned v. City of Rockford, 408 U.S. 104, 108 (1972). Unconstitutionally vague laws fail to provide "fair warning" of what the law requires, and they encourage "arbitrary and discriminatory enforcement" by giving government officials the sole ability to interpret the scope of the law. Id. at 108-09.

Keister v. Bell, No. 20-12152 (11th Cir. March 25, 2022). [underlines mine]. The Courts have defined what "vague" means regarding a statute or rule that punishes people:

> a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.

Connally v. General Const. Co., 269 U.S. 385, 391, 46 S.Ct. 126, 70 L.Ed. 322 (1926). The Florida Bar, Referee, and Respondent certainly disagreed how Rule 2.330, which does not limit any kind of bias or prejudice to be stated of a judge, applies with Rule 4-8.4(d) and they had very different views, neither which contradicts the words of the Rules much. But Respondent had to "guess at the meaning" of Rule 4-8.4(d) since it seemed to allow his statements in his Motion under Rule 2.330. One must guess at the meaning of Rule 4-8.4(d) and what is prohibited since multiple ideas are listed there but no bias and prejudice is prohibited in Rule 2.330 and Rule 4-8.4(d) says anything legal is not prohibited by this ethics rule. It is easy to see the vast differences in views about what is prohibited in a Motion to Disqualify since Rule 4-8.4(d) is very vague and people have to guess at its meaning and differ on its application to Rule 2.330, as occurred in this case.

13. The punishment should be reduced also since this Motion to Disqualify is the only time that Respondent has done an act or filed a document that was considered a violation of the Rules. Respondent has been a licensed attorney in Florida since 1994 and has practiced full time as a

lawyer since March 2003 or 19 years. During the entire 19 years and since 1994 Respondent has only done one violation of the Rules, out of thousands of documents filed, hearings attended, and court actions performed. It seems that a suspension of 91 days, plus the time it takes to be reinstated, and the 30-day preliminary period of no new business, seems to be excessive for a one time act. It seems it may violate the 8th Amendment of excessive fines and cruel and unusual punishment just for one violation. Warnings first occur often in courtrooms and even with the police. Especially when the goal of Respondent was to fight for his client and obtain a judge who follows the laws and does justice more faithfully, something good and commendable, and Respondent did not have any evil intent to do actual harm to someone (such as stealing a client's money; not appearing for court hearings for a client, etc.).

14. The Bar/Referee referred to *The Florida Bar v. Patterson*, 257 So. 3d 56 (Fla. 2018), which in its case referred to and quoted *The Florida Bar v. Abramson*, 3 So.3d 964 (Fla. 2009) which the Court in *Patterson at 65* summarized *Abramson:*

> [T]his Court imposed a ninety-one-day suspension on a respondent who engaged in discourteous and disrespectful behavior towards a judge during jury selection in a criminal proceeding. He interrupted the judge, demanded to be heard on a pretrial motion, and asked jurors to weigh in on who they thought

> was at fault in a disagreement he had with the judge. Id. at 965. The respondent in Abramson , like Patterson, was found to have violated Bar Rules 4-8.2(a) and 4-8.4(d), as well as two other Bar Rules. Id. at 966. Patterson's misconduct, in contrast to that of the respondent in Abramson, is far more egregious in that he deliberately placed his personal and financial interests ahead of his client's interests and did not limit his misconduct to a single proceeding or filing. Fla. Bar v. Patterson, 257 So.3d 56 (Fla. 2018).

Patterson at 65. [underlines mine] Abramson received a 91-day suspension just as Respondent did, but Abramson did far more egregious actions than Respondent did. Respondent filed one Motion that was ruled to be a violation that was not seen by any third parties within a courtroom. Abramson did four listed actions and asked a jury to determine the judge was at fault instead of himself, and he violated four Rules, not just one by Respondent. His actions had dozens of people in the courtroom hear allegations to view the judge as someone unprofessional, and he prejudiced the jury right in the courtroom. Respondent's Motion was not heard by anyone other than the Judge and the attorneys and parties in the Varney case. Abramson seemed to be attacking the judge out of anger and revenge, but Respondent was simply attempting to obtain another judge for client Varney within Rule 2.330 as written who he would not fear. Respondent's goal was to make the party in that case to feel

and think better about the judges and the court system by obtaining a more lawful just judge in Varney's view as Rule 2.330 states. Abramson's goal it seemed was to make the jury and other people have negative views of the judge and simply just attack the judge out of anger. His goal was to cut down the people's view of the court system where Respondent's goal was to make the party Varney view the court system much better. Since Abramson's conduct was far more egregious than Respondent's one act, both receiving the same 91-day suspension seems to be excessive, unusual and cruel for Respondent.

15. Respondent also requests or moves the Court to delay the timing of the suspension for the sake of the client's of Respondent who had already retained him for bankruptcy cases and some family law cases before the Final Order of this Court. Respondent does not have much financial means at this time to help the client's obtain another attorney to get their cases filed and completed. Some bankruptcy clients need to file bankruptcy fairly quickly to stop some soon to come garnishments of their bank accounts or paychecks but with the sudden and quick Final Order being entered on Monday, March 28, 2022 and only having 30 days to arrange things for clients, without any rules or guidance on how Respondent is supposed to do that is very unfair and prejudicial to the clients. The clients had already struggled to pay

Respondent to handle their cases and Respondent is not financially able to pay other attorneys to handle them with the very slow economy occurring after the last two years of covid lockdowns and economic ruinations. It seems there would be no harm if the Court, a court of equity and law, would order that the suspension begin within 4 to 6 months to allow time for clients' cases to finish and obtain a discharge of their debts. Chapter 7 bankruptcy cases almost always take exactly three and a half months or four months at the most to obtain a discharge of debts. Since Respondent has been practicing for over 3.5 years since the first Bar letter of this matter came and no one has had any problem with Respondent handling client's cases for 3.5 years while the Bar claimed Respondent should be suspended, there does not seem to be any reason or harm that would be caused by delaying the beginning of the suspension for four to six months. Respondent could be in a much better financial position to help prior clients transition in a few months depending on some personal family and relative circumstances. The client's should not be punished and have their cases ruined by a suspension to begin suddenly in 30 days when they had no fault and Respondent thought he had followed the Rules as written and would win the case against the Bar. Respondent has no realistic manner to handle new clients while the case was pending for over three years since he needs to earn money and there was no way to determine

what would actually happen in this case. Since this Court is one of equity and to promote justice for the clients Respondent requests a delay in the beginning of the suspension (if it is not reduced).

16. Again, Respondent apologizes for writing the disparaging words in his Motion to Disqualify now that he realized they are deemed to be unethical.

WHEREFORE, the Respondent requests that this Honorable Court reconsider and rehear its ruling and reduce the suspension to 60 or 30 days, or to a rebuke or admonition, since there was substantial evidence to support the statements he wrote did not write something he knew was false and was not reckless per Rule 4-8.2, and since Respondent only did one action and wrote one document that disparaged Judge Hawthorne but was attempting to follow the Rules to allow a party to think better of the court system and the Rules are extremely vague when comparing Rule 2.330 with ethics Rule 4-8.4(d), and the punishment of Respondent seems excessive considering how vague the Rules are and that Respondent would not have written the Motion as he did if he had known that kind of bias or prejudice is not allowed in Rule 2.330 since it was not clear at all based on the wording of Rule 2.330, and Respondent did not have any evil intent in his Motion, and award Respondent any and all other and further relief this Court deems just and proper under the circumstances.

By: /s/ *Raymond B. Mitchell*
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CERTIFICATE OF SERVICE

I certify that a copy of this document (Motion) was emailed to Joi L. Pearsall and to all the persons/emails listed below on April 6, 2022:

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