

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR

Complainant,

Supreme Court Case
No. SC 21-976

v.

The Florida Bar File
No. 2021-10,403

MICHAEL ALAN STEINBERG

Respondent

_____ /

NOTICE OF INTENT
TO SEEK REVIEW OF REPORT OF REFEREE

Respondent, Michael Alan Steinberg, pursuant to Rule 3-7.7(c)(1) of the Rules Regulating The Florida Bar, hereby files this Notice of Intent in order to vest This Honorable Court with jurisdiction to Review the Report of Referee, stating:

1. This is a case where an experienced attorney, having practiced law for almost 40 years, having handled thousands of cases, primarily in the area of Social Security disability and Veterans' disability law, made mistakes in two cases before the U.S. Court of Appeals for Veterans' Claims, resulting in a 90 day suspension from practicing before that tribunal. This triggered a petition for reciprocal sanctions by the Florida Bar.

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2. The allegations, to which the Respondent admitted, involved untimely complying with court orders. The Respondent explained that the failure to timely comply was not intentional, that he belatedly complied, and there was no harm to the clients.

3. The Respondent posits that the evidence does not support a finding that injury or potential injury resulted from Respondent's errors, nor that he engaged in a pattern of neglect with respect to client matters. He admitted errors were made, but that these errors do not warrant a suspension from practice. Furthermore, the evidence does not support a finding that the Respondent knowingly violated a court order or rule. Instead, the evidence shows that the Respondent was guilty of failing to keep proper track of deadlines with respect to these two cases.

4. While a referee's recommendation is persuasive, and generally, this Court will not second-guess a referee's recommended discipline, as long as it has a reasonable basis in existing case law and the Florida Standards for Imposing Lawyer Sanctions. See Fla. Bar v. Temmer, 753 So.2d 555, 558 (Fla.1999), discipline is the ultimate responsibility of this Court, and this Court may impose different sanctions than the referee has recommended or the Bar has sought.

Wherefore, Respondent requests this Honorable Court to review the Report of Referee, to reject that portion of the report which is not supported by the substantial evidence, and to impose sanctions which are consistent with existing case law and the Florida Standards for Imposing Lawyer Sanctions.

Respectfully submitted

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was provided by email service using the Statewide Portal, which will send emails to Robyn Dillon, Bar Counsel at rdillon@floridabar.org ; and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, at psavitz@floridabar.org on this 1st day of March, 2022

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