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THE FLORIDA BAR
LAUDERDALE OFFICE

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

SEAN WILLIAM CONWAY,

Respondent.

**Supreme Court Case
No.**

**The Florida Bar File
No. 2007-51,308(17B)**

COMPLAINT

The Florida Bar, by and through undersigned counsel and pursuant to R. Regulating Fla. Bar 3-3.2(b), hereby files its complaint against Sean William Conway and states as follows:

1. Respondent is, and at all times material to this action was, a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. Seventeenth Judicial Circuit Grievance Committee "B," at a duly constituted meeting and by majority vote of the eligible members present, found probable cause to charge respondent with violation of the Rules Regulating The Florida Bar, as set forth herein. The grievance committee chair has reviewed and approved the instant complaint.

3. Respondent voluntarily sought admission to The Florida Bar and was admitted to the practice of law in The State of Florida on or about December 18th 1996.

4. Respondent took an Oath of Admission in which respondent specifically swore that "I {Respondent} will maintain the respect due to courts of justice and judicial officers."

5. Furthermore, as a voluntary member of The Florida Bar, respondent agreed to comply with all the terms and intent of The Rules of Professional Conduct as enacted by The Supreme Court of Florida.

6. Respondent's public remarks about a judge, made as both an officer of the court and as a member of The Florida Bar, are subject to The Rules Regulating The Florida Bar.

7. Judge Cheryl Aleman is a circuit court judge within the Seventeenth Judicial Circuit, in and for Broward County, Florida.

8. On or about October 31, 2006, respondent posted an entry on the Internet website www.jaablog.jaablaw.com. This website is a public website that disseminates information for free via the internet.

9. Such entry was entitled "Judge Aleman's New (illegal) 'One-week to prepare' policy". (A copy of the posting is attached hereto as **Exhibit A.**)

10. In his public posting, respondent made numerous derogatory remarks about Judge Aleman. These remarks were improper and posted to impugn the qualifications and integrity of Judge Aleman.

11. Respondent's remarks were as follows:

- Respondent referred to Judge Aleman throughout the internet posting as an "EVIL UNFAIR WITCH" or "EUW."
- Respondent improperly questioned her qualifications by stating that Judge Aleman was "seemingly mentally ill."
- Respondent further remarked that Judge Aleman had an "ugly, condescending attitude."
- Respondent also impugned Judge Aleman's integrity by stating "... she is clearly unfit for her position and knows not what it means to be a neutral arbiter."
- Respondent continued impugning the judge's qualifications and integrity by stating that "... there's nothing honorable about that malcontent."

12. These statements were false or posted with reckless disregard as to their truth or falsity.


13. Respondent's statements not only unfairly undermined public confidence in the administration of justice, but these statements were prejudicial to the proper administration of justice.

14. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.2 [Violation of the Rules of Professional Conduct as adopted by the rules

governing The Florida Bar is a cause for discipline.]; **3-4.3** [The commission by a lawyer of an act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.]; **4-8.2(a)** [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.]; **4-8.4(a)** [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and **4-8.4(d)** [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice ...].

WHEREFORE, The Florida Bar, complainant, respectfully requests that Sean William Conway, respondent, be disciplined appropriately in accordance with the provisions of the Rules Regulating the Florida Bar.

Respectfully submitted,



ALAN ANTHONY PASCAL, #961663
Bar Counsel, The Florida Bar

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(954) 772-2245



KENNETH LAWRENCE MARVIN, #200999
Staff Counsel, The Florida Bar
651 E. Jefferson Street
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(850) 561-5600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Complaint has been furnished by regular U.S. mail to The Honorable Thomas D. Hall, Clerk, The Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-2300; a true and correct copy by certified mail # 7006 3450 0001 0670 9451, return receipt requested, to Sean William Conway, c/o Fred Haddad, Esq., 1 Financial Plaza, Suite 2612, Fort Lauderdale, FL 33394 and by regular U.S. mail to Alan A. Pascal, Bar Counsel, The Florida Bar, 5900 North Andrews Avenue, Suite 900, Fort Lauderdale, Florida 33309, on this 22nd day of February 2008.



KENNETH LAWRENCE MARVIN

NOTICE OF TRIAL COUNSEL

PLEASE TAKE NOTICE that the trial counsel in this matter is Alan Anthony Pascal, Esq., whose address and telephone number are: The Florida Bar, 5900 N. Andrews Avenue, Suite 900, Fort Lauderdale, Florida 33309, telephone number (954) 772-2245. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

JAABlog

<http://jaablog.jaablaw.com>

Tuesday, October 31, 2006

Judge Aleman's new (illegal) "One-week to prepare" policy

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THE FLO
FT. LAUDERTHE FLORIDA BAR'S
EXHIBIT

A

Recently, in an attempt to make defendants waive their rights to a speedy trial, Judge Cheryl Aleman has decided to set trials about 1-2 weeks after arraignment, hoping that defendants will move for a continuance, thereby waiving their right to a natural speedy trial.

Today, Oct. 30th, I along with several other attorneys, had to endure her ugly, condescending attitude as one-by-one we all went up to the podium and noted that our respective clients had just been arraigned on Oct. 18th as she forced us to decide between saying ready for trial - or need a continuance. Clearly she is doing this to get defendants to continue and, thereby, waive speedy. Every atty tried their best to bring reason to that ctroom, but, as anyone who has been in there knows, she is clearly unfit for her position and knows not what it means to be a neutral arbiter.

In my case, I filed a written plea of NG, waiving my def's presence from the 10/18 arraignment. The notice setting trial for the 30th wasn't mailed out until the 24th - and I got it on the 25th (I saved the envelope for any upcoming motion for discharge under the speedy trial rule). As my case was on recall for 2 hours, I watched this seemingly mentally ill judge condescend each previous attorney. I had my argument ready. Prior to being placed on recall, I first approached the podium and noted that her question to me: "trial or continuance" placed my client in a position of having to decide b/t his rt to a speedy trial & his right to explore discovery. Nonetheless, almost 2 hours later, my was was finally recalled:

ME: "Judge (not your honor b/c there's nothing honorable about that malcontent) ... there seems to be a mistake in this case."

EVIL, UNFAIR WITCH ("hereinafter "EUW"): "and what is that?"

ME: "well my client was just arraigned on Oct. 18th, and the notice setting this for trial today was mailed out on the 24th. I got it on the 25th, giving me basically 3 business days to prepare for trial. In these situations I like to refer to the 'Good Book' for direction and rule 3.160 (d), entitled Arraignment, clearly states that after a plea of not guilty is entered, the defense shall be given a reasonable amt of time to prepare for trial."

EUW: [after retrieving her copy of what I just referred to as the 'Good Book'] responds: "How can you say you've only had 3 days? You were appointed back in mid-September? The Discovery exhibit was furnished around that same time?"

ME: "I have the envelope here saying it was postmarked on the 24th, meaning I got it on the 25th. And the rule says **after a plea of not guilty**. Only b/c I cannot say in good faith that I am ready to try this case today, I am reluctantly moving for a continuance as it is the only option you're leaving me. I would like to suggest that you delete his case from today's trial docket and reset it for a trial date a few weeks from now."

She, of course, didn't consider my suggestion and proceeded to question the def on waiving his speedy trial right.

My suggestion to anyone in this situation with her is to object based on Rule 3.160(d), remind her that the Rule clearly says "after entering a plea of not guilty" - NOT after counsel is appointed and NOT after discovery is received (shit, in my case, the Info wasn't even filed when I was appt'd.). Then, after covering yourself, be sure your case is ready the next time up, say ready each time it is up and then file

for relief under 3.190 after natural speedy runs. Let her deny it, go to trial and win on appeal?

Or (hey cannarozzi !!) - Do I seek a writ now?

Signed,
Sean Conway

Supreme Court of Florida

WHEREAS, it officially has been made known to me that it is necessary to appoint a referee for the Court pursuant to rule 3-7.6(a), Rules Regulating the Florida Bar, to preside in a disciplinary action brought by The Florida Bar pursuant to Chapter 3 of the Rules Regulating the Florida Bar in the matter of:

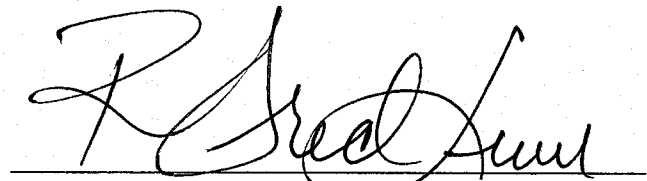
The Florida Bar vs. Sean William Conway,
Supreme Court Case No. SC08-326

NOW, THEREFORE, I, R. Fred Lewis, under authority vested in me as Chief Justice of the Supreme Court of Florida, do hereby designate the Honorable Kathleen J. Kroll, Chief Judge of the Fifteenth Judicial Circuit Court of Florida, to appoint a referee for the Court in the above matter and, within fourteen days of this order, to notify the Clerk of the Florida Supreme Court and the parties as to the judge appointed as referee. The referee shall conduct a case management conference, to be held no later than sixty days from the date of appointment, at which the schedule for the proceedings, including the final hearing date, shall be set. The referee shall have the option of holding the required case management conference either in person or telephonically. The referee shall thereafter hear, conduct, try, and determine the matters presented at the final hearing, and submit findings of fact and recommendations to the Supreme Court of Florida as provided in rule 3-7.6(m).

Pursuant to rule 3-7.6(m)(1), any order by the referee regarding disposition of the case shall be merely a recommendation to this Court. Such an order shall not dispose of the proceedings. This Court shall review and, if appropriate, approve the referee's recommended disposition order.

Except in cases where the ninety (90) day time limit provided by rule 3-5.2(f) applies, the referee's report shall be filed within 180 days of his or her appointment, unless there are substantial reasons requiring delay.


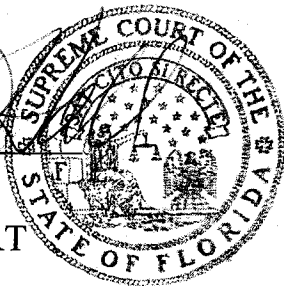
DONE AND ORDERED at Tallahassee, Florida, on March 3, 2008.



CHIEF JUSTICE

SUPREME COURT OF FLORIDA

ATTEST:


THOMAS D. HALL
CLERK, SUPREME COURT

Enclosed: Complaint.