



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

April 3, 2007

PERSONAL/FOR ADDRESSEE ONLY

Sean William Conway
Law Office of Sean Conway, P.A.
600 SW 4th Ave
Fort Lauderdale, FL 33315-1012

In Re: Sean William Conway

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

Dear Mr. Conway:

As a result of information we received, we have opened an investigative file relating to you. The issues we would like you to address are set forth below:

Information contained in the October 31, 2006 blog regarding comments attributed to you relative to Judge Cheryl Aleman (copy enclosed).

Please read the enclosed notice, and provide your explanation and/or response, in writing, within 15 days from the date of this letter.

Thank you for your anticipated cooperation.

Sincerely,

Alan Anthony Pascal
Bar Counsel

AAP/aak
Enclosures

JAABlog<http://jaablog.jaablaw.com>**Tuesday, October 31, 2006**

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THE FLORIDA BAR
FT. LAUDERDALE OFFICE**Judge Aleman's new (illegal) "One-week to prepare" policy**

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

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LAW OFFICE OF SEAN CONWAY, P.A.

600 Southwest 4th Avenue • Fort Lauderdale, Florida 33315 • (954) 728-8889 THE FLORIDA BAR
FT. LAUDERDALE OFFICE

Alan Anthony Pascal, Bar Counsel
The Florida Bar
Cypress Financial Ctr., Suite 900
5900 No. Andrews Ave.
Ft. Lauderdale, FL 33309

April 17, 2007

Re: Florida Bar File No. 2007-51,308 (17B)

Dear Mr. Alan Anthony Pascal, Bar Counsel:

I have been asked by this organization for my anticipated cooperation in an “investigative file” relating to: “information contained in the October 31, 2006 blog regarding comments attributed to [me] relative to Judge Cheryl Aleman”. Not having been asked to focus on any specific portion of the blog article, I will nonetheless attempt to assist the Bar in its “investigative file”. Therefore, the general request is that I address the information and comments contained in the blog article.

The “information contained” in the approximately 6 month-old article is harshly critical of Judge Aleman’s decision to give litigants about one week after Arraignment to prepare for trial in felony cases, even though there exists case law and even a Rule of Criminal Procedure (3.160) which expressly state that an accused shall have a reasonable amount of time in which to prepare for trial after entering a plea of not guilty. The article effectively goes on to inform all defense attorneys, as well as prosecutors, of Judge Aleman’s violation of Rule 3.160 of the Florida Rules of Criminal Procedure. Defendants depend on defense attorneys to zealously defend their rights. With people’s liberty at stake, it is critical to point out Judge Aleman’s illegal behavior to other defense attorneys and prosecutors. The alert sounded by the article must have been heard and someone must have advised Judge Aleman of the glaring illegality of giving people accused of

felonies approximately one week in which to either be prepared for trial or to waive their constitutional right to a speedy trial, because Judge Aleman's short-lived policy quickly returned to normal a couple weeks after October 31st, 2006.

That Judge Aleman would soon be removed from the criminal bench and that she would also have a complaint filed against her with the Judicial Qualifications Commission (for matters unrelated to her actions described in the blog article) are events that could not have been foreseen in October of 2006. However, the article was pivotal at the time it was written in exposing to the public and to the rest of the legal profession what was occurring inside Judge Aleman's courtroom behind closed doors. To describe Judge Aleman's behavior as unfair, and illegal is to call it what it is, not what it is perceived to be. It is not like writing that a Judge is a "liar" and then having no objective facts upon which to back up such an assault on judicial integrity.

First, an innocent person is arraigned on October 18th, 2006. Then, on October 25th, one week later, that same person is asked to either move for a continuance, thereby waiving his constitutional right to a speedy trial, or to say "ready for trial" and thereby waive his right to effective counsel and a fair trial. To call such a move "unfair" is obvious to any person whether they are trained in the law or not. To call it "illegal" is based on a plain, objective reading of the Florida Rule of Criminal Procedure that was cited in the article.

Not having been asked to address any specific portion of the blog article, I hope this response addresses the Bar's concerns. If not, please let me know if there are any other, specific areas to address.

Respectfully submitted,



Sean Conway



THE FLORIDA BAR

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5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

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November 8, 2007

PERSONAL/FOR ADDRESSEE ONLY

Sean William Conway
c/o Fred Haddad, Esq.
1 Financial Plaza, Suite 2612
Fort Lauderdale, FL 33394

In Re: Sean William Conway
The Florida Bar File No. 2007-51,308(17B)

Dear Mr. Conway:

Please be advised that the grievance committee will meet on November 27, 2007, to make a determination in this matter. No live testimony will be taken and the committee will decide the matter on the basis of the file materials.

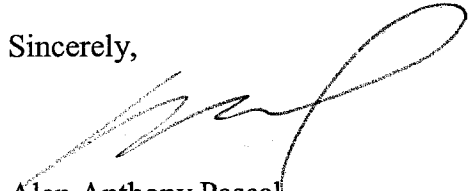
Summary of Allegations: On or about October 31, 2006, respondent posted an entry on the website www.jaablaw.com. Such entry was entitled "Judge Aleman's New (illegal) 'One-week to prepare' policy". In this post, respondent makes numerous derogatory remarks about Judge Aleman. Such remarks include but are not limited to the following: Respondent calls Judge Aleman an "evil, unfair witch," states that she is "clearly unfit for her position," and asserts that the judge is "seemingly mentally ill". Such statements made against the Judge were made with reckless disregard for their truth or falsity. Further, respondent impugns the integrity of Judge Aleman and the judiciary as a whole.

Rules Implicated: 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.]; 4-8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.]; 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...].

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If you wish to submit an additional written statement to explain, refute or admit the alleged misconduct, you may do so. The written statement may be sworn or unsworn and must be received not later than November 23, 2007, and may not be sent by facsimile transmission. The original should be submitted with 9 copies for distribution to the grievance committee members. You will, in due course, be notified of the committee's determination. Pursuant to the requirements of R. Regulating Fla. Bar, Rule 3-7.4, enclosed please find a list of the members currently serving on Seventeenth Judicial Circuit Grievance Committee "B".

Sincerely,



Alan Anthony Pascal
Bar Counsel

AAP/aak
Enclosure

cc: Members of Seventeenth Judicial Circuit Grievance Committee "B"

MATERIALS TO BE CONSIDERED BY THE COMMITTEE

1. Copy of <http://jaablog.jaablaw.com>, Tuesday October 31, 2006 "Judge Aleman's new (illegal) "One-week to prepare" policy
2. Response dated April 16, 2007.
3. Letter dated April 17, 2007 from respondent to bar counsel.
4. Letter dated April 18, 2007 from bar counsel to Fred Haddad, Esq., counsel for respondent.

If you have not received copies of the aforementioned documents the committee will be considering at its meeting and wish to receive same, please advise Bar Counsel, in writing, on or before the date a written statement is due.

SEVENTEENTH JUDICIAL CIRCUIT GRIEVANCE COMMITTEE "B"

Morrie I. Levine, Esq., Chair

Richard Adam Sachs, Esq., Vice Chair
Berman, Kean & Rogiera

Carl S. Karmin, Esq.
Carl S. Karmin, P.A.

Algeisa Maria Vazquez, Esq.
Attorney General's Office

Tracy S. Van Hart (NL)

June E. Loochkartt, Esq.

Frank Murphy (NL)

Steven B. Dolchin, Esq.

Gary Crep (NL)

NOTE:

The above list of grievance committee members is furnished in accordance with Rules Regulating The Florida Bar, chapter 3, Rule 3-7.4(a), solely for the purpose of determining whether a basis for recusal may exist with respect to any particular member or members of the grievance committee who may hear the matter under consideration. Rule 3-3.4(c) precludes a member of a grievance committee from performing a grievance committee function when that member: (1) is related by blood or marriage to the complainant or respondent; (2) has a financial, business, property or personal interest in the matter under consideration, or with the complainant or respondent; (3) has a personal interest which could be affected by the outcome of the proceedings or which could affect the outcome; or (4) is prejudiced or biased toward either the complainant or the respondent. The individual members of the grievance committee, other than the investigating member, should not be contacted concerning the merits of the matter under consideration. If you determine that a member of the grievance committee should recuse himself or herself from hearing the matter under consideration, you should contact the staff attorney with The Florida Bar who is assigned your file and the grievance committee chair.

**IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)**

THE FLORIDA BAR,

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

Complainant,

v.

Sean William Conway,

Respondent.

**NOTICE OF FINDING OF PROBABLE CAUSE FOR
FURTHER DISCIPLINARY PROCEEDINGS**

**VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL #7006 3450 0001 0670 9338
RETURN RECEIPT REQUESTED**

TO: SeanWilliam Conway
c/o Fred Haddad, Esq.
1 Financial Plaza, Suite 2612
Fort Lauderdale, FL 33304

You are hereby notified that Seventeenth Judicial Circuit Grievance Committee B, at a duly constituted meeting on the 27th day of November, 2007, and by majority vote of eligible members present, found probable cause for your violations of the following Rules:

R. Regulating Fla. Bar 3-4.2, 3-4.3, 4-8.2(a), 4-8.4(a) and 4-8.4(d)

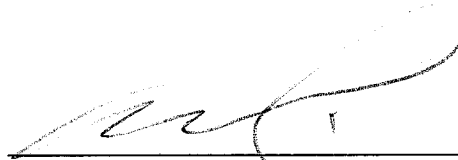
All matters of record considered by the grievance committee have been referred to the undersigned staff lawyer for the drafting and filing of a formal Complaint pursuant to Rule 3-7.4(l).

Your further attention is called to Rule 3-7.9.

Please note that plea negotiations for consent judgments may be entered into until two weeks before the final hearing. After that date, bar policy prohibits further negotiations.

Dated this 6 day of December, 2007.

Respectfully submitted,



ALAN ANTHONY PASCAL, Bar Counsel
Attorney No. 961663
The Florida Bar
5900 North Andrews Avenue, Suite 900
Fort Lauderdale, Florida 33309
(954) 772-2245

cc: Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Morrie I. Levine, Esq., Chair

Jesse H. Diner, Esq.
Designated Reviewer