BY BRADLEY TRUSHIN

The “Wild West” era of litigation by intimidation, bullying tactics, and abusive behavior is coming to an end, and the Supreme Court of Florida is the new sheriff in town. On October 8, 2015, the Supreme Court of Florida imposed permanent disbarment, upon a South Florida attorney after determining that he failed to comply with the terms of an initial two-year suspension. In 2013, the attorney was ordered to appear before the Court to face a rare public reprimand arising out of his proclivity for “screaming” and “yelling” in court “to such an extent that it was impossible…to conduct hearings” and “incessantly disparaging and humiliating” an opposing lawyer. The inappropriate conduct directed toward his opposing counsel included written insults and threats, yelling insults in the courthouse hallway, and loudly accussing the opposing lawyer of being a liar in front of a judicial assistant and other lawyers. The 2013 opinion established new precedent for substantial disciplinary action against an attorney based principally on unprofessional conduct, as opposed to core ethics violations. The Court had ordered the two year suspension after flatly rejecting a Referee’s recommendation of a 90-day suspension. Yet, some viewed the 2013 opinion as an outlier limited to a uniquely egregious pattern of highly provocative and public misconduct and questioned whether the Court would continue to apply the same degree of scrutiny in other disciplinary actions that related to unprofessional conduct, but lacked the same level of notoriety. The real question was whether the Court was signaling a change that would have a practical impact on deterring the smaller, but altogether more pervasive, conduct, but lacked the same level of notoriety. 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