IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complaint,

v.

JASON EDWARD RHEINSTEIN,

Respondent.

_____/

Case No.: SC 20-1614

TFB File No.: 2020-00-342(2B)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

The Chief Judge of the Second Judicial Circuit appointed the Referee to conduct disciplinary proceedings in this case, under Florida Bar Rule 3-7.6.

The State of Maryland has disbarred the Respondent. Afterward, the Florida Bar filed a complaint against him for reciprocal discipline. The Respondent filed an answer.

After reviewing the record, the Referee ruled that the State of Maryland provided the Respondent with due process of law.

Between December 24, 2020, and the start of the final hearing, the Respondent filed thousands of pages relating to several intertwined Maryland cases. The final hearing took place on March 29-31, 2021. During the trial, the Respondent submitted additional exhibits covering hundreds of pages.

The Referee admitted Florida Bar Exhibits A-E and Respondent Exhibits 1-7. During the trial, the Referee took judicial notice of four different filings by the Respondent.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida. In addition to membership in The Florida Bar, Respondent was a member of the State Bar Maryland, admitted on December 15, 2005, and subject to the Maryland Court of Appeals' jurisdiction.

Narrative Summary of Case. This case is a reciprocal discipline action based on the Maryland Court of Appeals order, dated January 24, 2020, which disbarred Respondent.

On February 17, 2016, the Attorney Grievance Commission of Maryland filed a petition for disciplinary or remedial action against the Respondent based on his representation of Charles and Felicia Moore.Marland's Petition alleged that the Respondent violated Maryland Rules of Professional Conduct: 1.1 (Competence), 3.1 (Meritorious Claims and Contentions), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 4.4 (Respect for Rights of Third Persons), and 8.4 (Misconduct).

On February 23, 2016, the Maryland Court of Appeals referred the matter to Judge Paul F. Harris. Judge Glenn L. Klavans heard the case after Judge Harris' retirement.

Judge Klavans determined that Respondent had committed discovery violations which warranted sanctions culminating in the allegations in the Petition being admitted, as well as prohibiting Respondent from presenting evidence, including the presentation of experts.

Judge Klavans' based his findings on the Petition's averments that he deemed admitted due to Respondent's longstanding discovery violations.

Concerning the background of the underlying litigation, Judge Klavans found the following:

UNDERLYING LITIGATION. Imagine is a private lender that finances residential rehabilitation projects in Maryland. In September 2008, Charles and Felicia Moore entered into a construction loan agreement for $200,000.00 with Imagine. When Mr. Moore defaulted on the monthly interest payments, litigation ensued. The parties settled. When Mr. Moore defaulted on the agreement, litigation continued, and collection efforts began. After the Moores' two failed motions to vacate the judgment, they retained Respondent to challenge the confessed judgments. TFB Ex. A, p. 38.

On October 18, 2011, Respondent entered his appearance. He filed a "motion to open, modify, or vacate Confessed judgments, or in the alternative, motion for an order of satisfaction and motion to open, modify or vacate orders of garnishment and motion to enjoin further debt collection proceedings," along with a memorandum in support. The Respondent alleged that Imagine obtained these judgments by fraud and should be vacated. TFB Ex. A, p. 39.

Respondent also filed a bar complaint against Imagine's first counsel forcing his withdrawal. TFB Ex. A, p. 39.

During the hearing on Respondent's motion, respondent "interjected irrelevant and unsubstantiated accusations against Imagine and its members regarding an elaborate fraud scheme." He also "leered at Imagine's principal during the proceeding and led the court to believe that Imagine and its officers were under investigation by the Department of Justice." After the hearing, the Court vacated the confessed judgments. TFB Ex. A, p. 39.

On January 25, 2012, Respondent began a series of emails with new counsel. He threatened to sue his firm and report him and his associate to the Attorney Grievance Commission if he did not drop the appeal. The Respondent never filed a complaint against either attorney. In Respondent's email with new counsel, Respondent launched a personal attack on

Imagine's principal and accused new counsel of facilitating the fraud he argued Imagine had committed. TFB Ex. A, p. 40-41.

Respondent then filed a frivolous petition for writ of certiorari and two sequential frivolous motions to dismiss the Imagine case. In support of his Petition, the Respondent argued that the case was an "extraordinary case of public policy" with an "almost unbelievable record ... arguably the most shocking confessed judgment action to ever appear in Maryland's appellate courts." Respondent included with the Petition substantial documentation and information not contained in the record. TFB Ex. A, p. 41-42.

In May 2012, Respondent filed a 49-page "Preliminary Brief of the Appellees and Memorandum in Support of Motion to Dismiss Appeal," which not only violated the applicable rule's length requirements but was also frivolous. TFB Ex. A, p. 42.

The Court denied Respondent's Petition for writ of certiorari. Respondent then filed a "motion to resume proceedings and renewed motion to dismiss the appeal," which was a frivolous filing. Respondent then threatened to sue Imagine's new counsel. Afterward, the Respondent extended a settlement to Imagine's new counsel that contained threats against them too.

Next, the Respondent filed a frivolous complaint against 28 people alleging that Imagine had conspired with others and engaged in an elaborate fraud scheme. He alleged multiple causes of action, which included fraud, civil conspiracy, intentional misrepresentation, negligent misrepresentation, and breach of fiduciary duty. Respondent asserted $17,000,000 in damages. TFB Ex. A, p. 43-44.

On June 20, 2012, Respondent filed a Qui Tam action in the United States District Court against Imagine and others from his previous state court suit. Meanwhile, Respondent continued sending threatening emails to new counsel. Respondent then filed a second Qui Tam action in federal court listing 24 additional defendants. TFB Ex. A, p. 44-46.

Respondent wrote a 16-page letter to the Chief Judge of the Court of Special Appeals, accusing Imagine's lawyer, his associate, and non-attorney members of his staff of gross misconduct. TFB Ex. A, p. 49.

In December 2012, while Respondent and Imagine's counsel were waiting for the case to be called for argument, Respondent emailed Imagine's counsel his frivolous 68-page "Memorandum in Support of Plaintiffs' Emergency Motion to Disqualify the Imagine Defendants' Counsel." TFB Ex. A, p. 50.

In February 2013, the Moores filed a Voluntary Chapter 7 Bankruptcy, thereby staying the matter in the Court of Special Appeals. Respondent advised Imagine's counsel that he intended to take depositions but failed to inform them that his clients had filed for bankruptcy protection. The Respondent had no legal authority to take any action in any pending litigation after February 20, 2013. TFB Ex. A, p. 51.

In November 2014, the United States filed Notices of Election to Decline Intervention in both pending Qui Tam actions. That same month, the Court of Special Appeals filed an unreported opinion in Imagine v. Moore, rejecting all of Respondent's arguments and finding them to have "no merit." TFB Ex. A, p. 52.

After the settlement agreement in the bankruptcy proceeding, the circuit court dismissed the confessed judgment. Respondent, nevertheless, filed a frivolous "motion for rehearing and reconsideration and a motion requesting reported opinion under Md. Rule 8-605.1" and a "motion for leave to file amicus paper in the Court of Special Appeals." The Court denied both motions. TFB Ex. A, p. 53.

When the Respondent sought to recover $85,604.61 in fees from the Moores' estate, both the bankruptcy trustee and the Moores objected. TFB Ex. A, p. 53.

In 2017, the Federal Court dismissed the first Qui Tam complaint with prejudice. The Respondent failed to serve the defendants timely. Specifically, the Court found that he "displayed a pattern of not meeting

deadlines throughout the litigation" and that there was no reason to "permit [his] continued excessively lengthy filings." The Court also found some of his defenses to be "meritless." TFB Ex. A, p. 53.

Despite these developments, Respondent persisted in the second Qui Tam action. TFB Ex. A, p. 54.

MARYLAND PROCEDURAL HISTORY: Respondent was served with the Petition for Disciplinary or Remedial Action on April 22, 2016. On that same day, bar counsel served Respondent's counsel with interrogatories and requests for production.

On May 12, 2016, Respondent filed a "Motion to Dismiss Petition for Disciplinary or Remedial Action for Failure to State a Claim and Lack of Ripeness; or in the Alternative, Motion for More Definite Statement; and Request for Hearing."

On May 23, 2016, without responding to bar counsel's discovery requests and before his motion to dismiss was ruled on, Respondent filed a Notice of Removal to the local federal court. Ten months later, on March 17, 2017, after bar counsel moved to have the case remanded back to state court, the federal district court complied, noting that it did not have jurisdiction over the matter.

On June 8, 2017, upon remand, Judge Harris heard arguments on the 2016 motion to dismiss and subsequently denied it. During this hearing, Judge Harris stated on the record that the deadline for discovery was August 8, 2017.

On July 19, 2017, bar counsel filed a Motion for Sanctions and Order of Default, based on Respondent's failure to answer the petition and respond to the bar's interrogatories and production requests.

The Maryland Bar moved for a default judgment against the Respondent. On the following day, the Respondent filed a 99-page answer to the petition claiming justification. He asserted 14 affirmative defenses but made no mention of mitigation.

On August 2, 2017, Respondent filed an "opposition to the motion for sanctions and order of default." He argued that the bar's April 22, 2016 discovery was invalid because he had removed the case to the Federal Court. He contended the bar had to re-serve the same discovery again and that its failure to do so precluded any discovery violations and sanctions.

The day after the discovery was due, Respondent filed a "motion for extension of time to complete expert designations," stating that he intended to enlist an expert to opine that the pleadings he filed in the Moore case were not frivolous. The Court denied his motion on September 1, 2017.

By order dated August 14, 2017, Judge Harris, denied the bar's motion for an order of default because of the answer filed on July 20, 2017. However, the judge also stated that the Court would consider the petitioner's motion for sanctions at trial.

On August 23, 2017, Respondent filed a "motion for clarification of scheduling order deadline," which Judge Harris denied. Nevertheless, on September 2, 2017, just days before the trial was set to begin, the Respondent filed his second "Notice of Removal" to federal court.

On September 5, 2017, bar counsel filed an emergency motion for remand for lack of federal jurisdiction," which the Federal Court granted on September 20, 2017.

In response, the Respondent filed an appeal with the U.S. Court of Appeals. On February 5, 2019, the Court of Appeals, in an unpublished per curiam opinion, affirmed the district court's decision to remand the Respondent's case back to the state court.

Following Judge Harris' retirement, Judge Glenn L. Klavans became the Referee. On June 5, 2019, Respondent's new counsel emailed bar counsel stating that Respondent would need "4 to 5 days for the defense case," to which bar counsel responded, "I'm not sure how you will use 4-5 days as Mr. Rheinstein never responded to discovery identifying any witnesses or individuals with personal knowledge or designated an expert... Please immediately notify me of your intended witnesses." On June 6, 2019,

Respondent's counsel replied, "[a]t present, we've identified a number of people with personal knowledge that might be called at trial," listing mainly individuals involved with the underlying litigation and concluding that "[t]he above list is preliminary and does not include our client, of course, expert witnesses, and other potential witnesses."

On June 6, 2019, Judge Klavans scheduled a hearing for six days, beginning on July 1, 2019. On June 12, 2019, bar counsel filed a motion for sanctions. In the alternative, Maryland filed a motion in limine.

In response to bar counsel's inquiry as to whether Respondent intended to present evidence that an injury, disability, or illness caused or contributed to the circumstances described, Respondent responded that he intended to offer proof that he has a disability, ADHD, which, among others, negatively impacted his impulsivity.

Lastly, concerning bar counsel's inquiry as to which, if any, factors in mitigation respondent planned to proffer at the hearing, Respondent objected, stating that this interrogatory "specifically seeks information protected by the work-product doctrine," and listed all of the promulgated mitigation factors stating that he "also reserves the right to supplement this answer and introduce evidence regarding additional mitigating factors as the list is not exhaustive."

In Respondent's "Response to Petitioner's Renewed First Request for Production of Documents, Electronically-Stored Information, and Property," Respondent contended that he was under no obligation to disclose further documents, arguing that, for many of the requests, a privilege existed which barred disclosure, and instead referred bar counsel to documents "provided in electronic form by Respondent Jason Rheinstein to Petitioner Attorney Grievance Commission" in 2017 and 2018.

On June 24, 2019, Respondent filed an opposition to petitioner's motions, arguing that the Referee should deny discovery sanctions because his failed removal of the case to the Federal Court vitiated the pending discovery.

He also filed a motion for a 60-day continuance seeking additional time to conduct discovery. The Referee denied the Respondent's motion for a continuance.

Bar counsel filed a supplement to petitioner's motion for sanctions arguing why the Court should preclude the Respondent from proffering evidence he had sat on for the three years the Maryland disciplinary case had been pending.

On June 27, 2019, Judge Klavans granted Maryland's motion for sanctions and entered a default against the Respondent. Consequently, by default, the Respondent admitted the averments against him.

Judge Klavans found that Respondent's action, as evidenced by his failure to respond to or supplement discovery requests, without excuse, was purposeful and willful, noting that Respondent engaged in dilatory conduct, including but not limited to his failure to provide discovery, and two unsubstantiated removals of the disciplinary case to a federal court, and related appeals. The Respondent's hard-headed refusal to respond to the pending discovery requests.

The Referee noted that the Respondent's counsel sat on pending discovery for over three years. Afterward, the Respondent made an informal effort to comply, which the Referee found to be "too little, and much too late." TFB Ex. A, p. 29 (April 22, 2016 service of discovery and June 13, 2019, informal, inadequate response).

The Court found that the Respondent had willfully and deliberately subverted the discovery process. Judge Klavans found that the Respondent didn't make a good-faith effort to resolve the discovery dispute. The Referee also rejected the Respondent's argument that his failed removal of the case to federal court nullified the pending discovery as unsupported by the law. Respondent sought no protective order, and therefore, his conduct was willful and dilatory.

Judge Klavans found that the Respondent's discovery failures severely prejudiced the bar by hiding defense witnesses and documentary evidence, both as to facts and mitigation.

The Referee granted Maryland's motions for sanctions and limine. He deemed admitted all factual averments alleged against the Respondent and struck the Respondent's answer. Afterward, on July 1, 2019, the Referee held a hearing regarding his proposed findings of fact and conclusions of law.

The Respondent then filed a motion to reconsider Judge Klavans' order or "Alternatively, Motion to Alter or Amend Judgment or Motion to Vacate Default Judgment," arguing that the default judgment against him was not appropriate based, in part, upon the fact that he "has ADHD, which caused him to struggle with deadlines and require additional time to complete routine tasks."

On July 8, 2019, bar counsel, as directed by Judge Klavans, filed Maryland's proposed findings of fact and conclusions of law. On July 10, 2019, Judge Klavans held a hearing on Respondent's motion for reconsideration and denied it, affirming the default order.

On August 8, 2019, Respondent filed a motion to supplement the record for further relief and requested a hearing, asking the Referee to reject bar counsel's proposed conclusions of law. Judge Klavans denied Respondent's request.

On August 19, 2019, Judge Klavans issued his findings of facts based upon the allegations as admitted and concluded that the Respondent violated Rules 1.1, 3.1, 3.4, 4.4, and 8.4. TFB Ex. A, p. 23.

The Respondent violated Rule 1.1 because, repeatedly, his pleadings lacked merit and, woefully, reflected his significant unwillingness to explore the correct procedure and inability to comply with the rules in both federal and state cases. TFB Ex. A, p. 59.

The Respondent violated Rule 3.1 by filing "numerous frivolous papers and pleadings and took positions unsupported by fact or law." TFB Ex. A, p. 62.

The Respondent violated Rules 3.4(c) and (e) "in his attempt to prove his elaborate conspiracy theory and force a settlement" and when "he interjected irrelevant and unsubstantiated accusations against Imagine and its members regarding an elaborate fraud scheme and led the court to believe that Imagine and its officers were under investigation of the Department of Justice." TFB Ex. A, p. 63.

The Respondent violated Rule 4.4(a) when he threatened to report Imagine's new counsel and other attorneys to the Attorney Grievance Commission if they refused to drop the appeal or withdraw as counsel for Imagine.

Judge Klavans found the Respondent violated Rule 4.4(a) by writing to the Chief accusing new counsel of having an ex parte conversation with the clerk's office to "manipulate the trial record," and that his actions served no other purpose than an attempt to bully a dismissal of the appeal and withdrawal of counsel. Respondent further violated the Rule when he threatened to sue the attorneys for claims related to their clients' allegedly fraudulent conduct. TFB Ex. A, pp. 64-65.

Respondent violated Rule 8.4(a) by breaking the other rules noted herein. Respondent violated Rule 8.4(c) when he advanced allegations of fraud against Imagine and represented to the circuit court that Imagine and its principals faced criminal charges, both of which lacked any substantiation.

Respondent violated 8.4(d) because his conduct negatively impacts the legal profession's perception by reasonable members of the public. TFB Ex. A, pp. 65, 68, 69-70.

As Judge Klavans noted, the Respondent "engaged in a persistent course of misconduct fueled by his conspiracy theories and disconnected from the facts and the applicable procedural and substantive law." Respondent wasted judicial resources and forced others to expend

unnecessary resources to defend against frivolous allegations he presented in the Circuit Court, the Court of Special Appeals, the United States District Court, the United States Court of Appeals for the Fourth Circuit, the United States Bankruptcy Court, and the Maryland Court of Appeals. He also "repeatedly sought to intimidate and harass his opponents to coerce a settlement contrary to the merits of any of his claims."

Furthermore, Respondent, during the pendency of the Moores' bankruptcy proceeding, filed five proofs of claim against their estate seeking a total of $85,604.61 in attorney's fees. But the excessive amount of fees was entirely the result of Respondent's vexatiousness and frivolous filings, as well as his consistent harassment of opposing counsel. TFB Ex. A, pp. 69-70.

III. FLORIDA REFEREE'S RECOMMENDATIONS AS TO GUILT

By operation of R. Regulating The Florida Bar 3-4.6, I find the Maryland Court of Appeals disbarment order is conclusive proof of such misconduct in this disciplinary proceeding. Maryland established more than enough to justify its action disbarring the Respondent.

At the Sanction Hearing, The Florida Bar called the Respondent as its only witness. Although the Respondent insisted he had violated no bar rules, he admitted to authoring and sending inappropriate and threatening emails to opposing counsel. He filed bar complaints against opposing counsels in the Imagine case and the Maryland bar disciplinary action.

The Florida Bar showed that Respondent took full advantage of all his appellate opportunities, including filing a writ of certiorari with the U.S. Supreme Court.

Respondent called Dr. Richard A. Ratner, a psychiatrist, to opine about his ADHD and obsessive-compulsive personality disorder. Dr. Ratner testified that Respondent's conditions relate to his ability to concentrate and timely perform tasks but do not cause dishonesty or greed. Dr. Ratner further testified that when Respondent thinks he is right, he will pursue a legal theory relentlessly. He first saw the Respondent during the Maryland disciplinary

case. Since then, Dr. Ratner has become one of the Respondent's treating physicians. Still, he does not prescribe any medications for the Respondent.

Respondent called William Voelp, a chief operating officer at a water bottling company. Mr. Voelp testified that he met Respondent through political connections and that he was a former client. Mr. Voelp further testified that Respondent found it hard to stay focused and would sometimes "chase the rabbits."

Respondent called Gregory Kline, an attorney who stated he had known Respondent for 15 years through politics. Mr. Kline testified that he worked on one case with Respondent in approximately 2013. When asked about division of labor, Mr. Kline testified that Respondent's role was drafting and research. Mr. Kline described Respondent as verbose and obsessive.

Respondent's next witness was Craig Holcomb, who testified he had known Respondent for 11 years, and they worked on several cases together. He described Respondent as meticulous and stated he had referred clients to him.

Susan Gray, a retired attorney, was the Respondent's next witness. She has known the Respondent since 2016. Ms. Gray testified the Respondent is "over his head" and "out of his league" when working alone without adequate staff support and that he "obsesses" and "misses deadlines." She opined he would do well in a structured environment with a support network, but not on his own.

Michael Bradle, an archeologist and former client, was Respondent's final witness. Mr. Bradle met Respondent in 2007-2008 while on a presidential response team. Although Mr. Bradle testified he would hire Respondent again and was "offended" by the disbarment, he stated Respondent tends to "explode" and could use anger management courses.

Ultimately, the mitigation witnesses did not provide any evidence that altered the outcome.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards before recommending discipline:

4.4 Lack of Diligence

(a) Disbarment. Disbarment is appropriate when a lawyer causes serious or potentially serious injury to a client and:

(2) knowingly fails to perform services for a client; or

(3) engages in a pattern of neglect concerning client matters.

4.5 Lack of Competence

(a) Disbarment. Disbarment is appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures and causes injury or potential injury to a client.

4.6 Lack of Candor

(a) Disbarment. Disbarment is appropriate when a lawyer knowingly or intentionally deceives a client with the intent to benefit the lawyer or another regardless of injury or potential injury to the client.

6.1 False Statements, Fraud, and Misrepresentation

(a) Disbarment. Disbarment is appropriate when a lawyer:

(1) with the intent to deceive the Court, knowingly makes a false statement or submits a false document; or

(2) improperly withholds material information and causes serious or potentially serious injury to a party or causes a significant or potentially significant adverse effect on the legal proceeding.

6.2 Abuse of the Legal Process

(a) Disbarment. Disbarment is appropriate when a lawyer causes serious or potentially serious interference with a legal proceeding or knowingly

violates a court order or rule with the intent to obtain a benefit for the lawyer or another and causes serious injury or potentially serious injury to a party.

7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees

(a) Disbarment. Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

FINDINGS

With justification, Maryland disbarred the Respondent, and he received due process of law. Judge Klavans appropriately exercised discretion and the appellate courts affirmed his findings. I too adopt Judge Klavans findings.

Jason Rheinstein was disbarred by Maryland due to his own self-inflicted wounds, recalcitrance, and stubbornness until it was too late.

Mr. Rheinstein abused legal process. His inability to focus, separate the wheat from the chaff, and his excessiveness have caused chaos and untold expense *for everyone else*—opposing counsel, opposing parties, trial courts, bar referees, and appellate courts.

In the Florida disciplinary action, Mr. Rheinstein admitted to ignoring pending discovery in Maryland "as a litigation strategy." As evidenced by his similar conduct here, he learned little to nothing from his Maryland cases. Mr. Rheinstein overly complicates everything and he still cannot meet deadlines without extensions.

In his Maryland cases, the Respondent did employ bullying tactics in his emails with opposing counsel which he did for pecuniary gain.

Throughout the sanction hearing, the Respondent could not differentiate between arguing the merits of his underlying cases versus providing mitigation testimony. Respondent did not appear to know the difference.

Mr. Rheinstein's conduct cannot attributed to youthful indiscretions or a lack of maturity. He has been an adult and a member of multiple states' bars long enough to know better.

V. CASE LAW

I considered the following cases before recommending discipline:

The Florida Bar v. Ratiner, 238 So.3d 117 (Fla. 2018) - Disbarment was warranted for attorney who violated rules of professional conduct against disrupting a tribunal and against violating the rules of professional conduct by saying "lie, lie, lie" in quick succession while opposing counsel examined a witness and kicking the counsel table repeatedly during a post-trial hearing; attorney had past misconduct where he acted unprofessionally and disrupted legal proceedings, attorney had denied the existence of such objectionable, disrespectful conduct over the years, even in the face of videotaped evidence and witness testimony, and there was no indication that attorney was willing to follow the professional ethics of the legal profession.

The Florida Bar v. Norkin, 183 So.3d 1018 (Fla. 2015) - Misconduct of continuing to practice law after being suspended, failing to provide notification of suspension, and engaging in conduct prejudicial to administration of justice by insulting bar counsel and smirking and staring down justices during public reprimand warranted disbarment; attorney's behavior indicated he would not change pattern of misconduct, attorney's filings demonstrated disregard for Supreme Court and unrepentant attitude, and attorney's conduct sullied dignity of judicial proceedings.

TFB v. Forrester, 916 So.2d 647 (Fla. 2005) – Attorney, in a contempt proceeding, was disbarred for knowingly making false statements in pleadings submitted to the court that the person in question was a convicted felon and disparaging and humiliating statements that the person was a "pedophile" and "child molester" who "stalked his daughter," violated Rules of Professional Conduct prohibiting lawyers from knowingly making false statements of material fact or law to tribunal, from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and from engaging in conduct in connection with practice of law that is prejudicial to

administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers.

The Florida Bar v. David Campbell Sutton, SC15-499 - By Court order dated January 24, 2018, respondent was disbarred. This is a reciprocal discipline case based upon respondent's misconduct in North Carolina. The North Carolina Bar found that respondent disparaged judges, lawyers, witnesses, and court personnel; lied to the court and opposing counsel; made unsupported accusations; tainted a jury during a murder trial; threatened a detective and opposing counsel with physical harm; threatened judges; threatened legal action for noncompliance to his demands; used racial slurs; did not cooperate in the bar disciplinary case; wasted the court's time with delay tactics; used profane language toward a detective; and was arrested for physically fighting with court security. The referee recommended a two-year suspension, a two-year probation period if reinstated, completion of a mental health screening, completion of recommended treatment, and an anger management course. The bar appealed seeking permanent disbarment. In his answer brief, respondent alleged a lack of due process, made First Amendment arguments, and maintained that probation with a short suspension (with credit given for the two years that respondent voluntarily agreed not to practice law) was the appropriate sanction. The Court approved the referee's findings of fact and recommendation of guilt but disapproved the referee's recommended discipline. Respondent had no prior discipline.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that be disciplined by:

1. Disbarment
2. Payment of $2,487.00 to The Florida Bar, as reimbursement for the reasonable costs it incurred in this action.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Before recommending discipline under Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 42

Date admitted to the Bar: April 14, 2008.

Aggravating Factors:

3.2(b) AGGRAVATION

(2) dishonest or selfish motive – respondent resorted to unacceptable and egregious tactics in an attempt to force a settlement on a frivolous claim, exhibiting a dishonest and selfish motive. Respondent also pursued his clients for attorneys' fees, despite their bankrupt status, and for pursuing vexatious litigation, which did not benefit them.

(3) a pattern of misconduct – respondent engaged in a pattern of misconduct by pursuing the underlying vexatious litigation between 2011 and 2014, threatening attorneys and filing countless unnecessary filings in the state of Maryland and the federal court. He demonstrated a pattern of misconduct by obstructing the disciplinary action against him in excess of three years, removing the matter to the federal court twice, filing motions to dismiss and disregarding discovery orders and requests.

(4) multiple offenses.

(5) bad faith obstruction of the disciplinary process – respondent filed two frivolous motions to dismiss in the Maryland circuit court, failed to respond to Maryland bar counsel's discovery requests in violation of the circuit court's scheduling order and the Maryland Rules, removed the Maryland discipline case twice to the federal court without any bases, engaged in conduct in an attempt to bully Maryland bar counsel and sought to disqualify Maryland bar counsel on numerous occasions, acts which clearly were intended to obstruct the disciplinary process.

(6) submission of false evidence, false statements, or other deceptive practices during the disciplinary process – respondent

has shown a propensity to misstate the law and to omit inconvenient but essential facts from his arguments. The Maryland Court of Appeals found that his arguments lacked merit and the United States District Court found his Qui Tam complaint to be "parasitic."

(7) refusal to acknowledge wrongful nature of conduct – throughout the Maryland proceeding as well as this proceeding respondent only acknowledged that several of his emails may have been unacceptable. He repeatedly has refused to admit violation of any bar rules. Respondent also advanced a conspiracy theory between Imagine and its attorneys, even alleging that bar counsel's requests to his interrogatories "conclusively establish[ed] that [bar counsel was] attempting to try the merits of Qui Tam l," further reflecting his lack of remorse.

(9) substantial experience in the practice of law – respondent only alleged his inexperience during his disciplinary proceedings. He represented his extensive experience when he presented himself as someone licensed to practice law in seven states and the District of Columbia and repeatedly championed the validity of his various legal theories.

Prior Discipline: None in Florida

Mitigating Factors:

3.3(b) MITIGATION

(1) absence of a prior disciplinary record.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	$1,250.00
Court Reporter Fees	1,102.00
TOTAL	$2,352.00

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Respondent will eliminate all indicia of respondent's status as an attorney on social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever. Respondent will no longer hold himself as a licensed attorney.

Dated this 4th day of May, 2021.

/S/
J. Layne Smith, Referee
301 S. Monroe Street, Room 301A
Tallahassee, Florida 32301-1861

Original to:

Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927

Conformed Copies to:

Jason Edward Rheinstein, Respondent, jrheinstein@gmail.com
Alan Anthony Pascal, Bar Counsel, apascal@floridabar.org
Patricia Ann Toro Savitz, Staff Counsel, psavitz@floridabar.org