

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

ARTHUR P. COHEN,

Respondent.

Supreme Court Case No.
SC18-1616

The Florida Bar File No.
2018-10,537 (20A)
2019-10,016 (20A)

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THE FLORIDA BAR,

Complainant,

v.

ARTHUR P. COHEN,

Respondent.

Supreme Court Case No.
SC18-2000

The Florida Bar File Nos.
2018-10,671 (20A)

PERMANENT DISBARMENT ON CONSENT

Arthur P. Cohen, Respondent, having been fully advised of his procedural rights under the Rules Regulating The Florida Bar, hereby tenders this Permanent Disbarment on Consent pursuant to Rule 3-7.9(e), Rules Regulating The Florida Bar. This Permanent Disbarment on Consent is intended by the parties to resolve all cases currently pending against Respondent with The Florida Bar. The following is the basis for the Permanent Disbarment on Consent:

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

2. Respondent is acting freely and voluntarily in this matter, has had the opportunity to consult with counsel, and is not represented by counsel in these proceedings.

3. Respondent is not Board Certified by The Florida Bar in any area of practice.

4. Respondent is currently the subject of the following Florida Bar disciplinary matters:

a. The Florida Bar File No. 2018-10,537(20A), SC18-1616 is pending before a referee.

b. The Florida Bar File No. 2018-10,671(20A), SC18-2000 is pending before a referee.

c. The Florida Bar File No. 2019-10,016(20A) is pending at staff level.

5. The allegations underlying this plea are as follows and provide the factual basis for Permanent Disbarment on Consent tendered by Respondent:

a. The Florida Bar File No. 2018-10, 537(20A): On February 10, 2018, Respondent was arrested for possession of drug paraphernalia, a first-degree misdemeanor. On February 21, 2018, Respondent was again arrested for possession of cocaine, a third-degree felony. The Office of the State

Attorney notified the Bar of the charges against Respondent. On March 22, 2018, Respondent entered a plea of no contest on the misdemeanor charge and was sentenced to time served of 31 days in jail. On the same day, Respondent entered into a pre-trial diversion program for the felony charge. If Respondent fails to comply with the terms of the pre-trial diversion program, it will result in prosecution of the felony charge.

b. The Florida Bar File No. 2018-10,671(20A): Respondent was retained to represent a defendant in a criminal matter who was arrested in Florida, but resides in New York. After Respondent filed his notice of appearance, Respondent told the defendant he could return to New York. Respondent informed the defendant that a pre-trial conference was set for December 5, 2017, but that he did not need to travel to Florida for the hearing. The order for the pre-trial conference specifically stated that the defendant's attendance was required, and upon his failure to appear for the pre-trial conference, the trial judge issued a bench warrant for the defendant's arrest and he was later taken into custody. Respondent thereafter failed to appear at a case management conference in April 2018, and the defendant explained to the court that he had been unable to contact Respondent since January 2018. The judge entered an order withdrawing Respondent from the case due to Respondent's failure to withdraw from the case, and a public defender was appointed to represent the defendant.

c. The Florida Bar File No. 2019,10,016(11I): This matter involves allegations that Respondent failed to timely file a notice of appeal in a client's criminal matter while working for another attorney. Respondent claims that the client was an uncooperative client and never asked Respondent to file a notice of appeal. The court in the underlying criminal matter entered an order on October 15, 2018, granting the client's motion for a belated appeal based upon the un rebutted testimony of the client that on the day of his trial he had asked Respondent to file the appeal in the event the trial did not go in his favor. The client also testified that he attempted to contact Respondent several times after the trial, but was unsuccessful.

6. Respondent admits that the foregoing allegations, if proven, would constitute a violation of the following Rules Regulating The Florida Bar:

a. The Florida Bar File No. 2018-10, 537(20A): **Rule 3-7.2** (Notice by Members of Determination or Judgment of Guilt of All Criminal Charges); **Rule 4-8.4(b)** (Misconduct – a lawyer shall not commit a criminal

act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

b. The Florida Bar File No. 2018-10,671(20A): **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); and **Rule 4-8.4(d)** (Misconduct — a lawyer shall not engage in conduct prejudicial to the administration of justice).

c. The Florida Bar File No. 2019,10,016(11I): **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); and **Rule 4-1.16** (Declining or Terminating Representation).

7. Pursuant to Rule 3-7.9(e), Rules Regulating The Florida Bar, Respondent hereby tenders this Permanent Disbarment on Consent wherein Respondent agrees to the following discipline:

- a. Permanent Disbarment; and
- b. Payment of the Bar's Costs.

8. Respondent agrees that upon signing this Permanent Disbarment on Consent, he will immediately cease transacting any client funds, begin to close out his practice and protect his existing clients and will not accept any new clients. He shall cease practicing law within thirty (30) days of the date of executing this document.

9. Respondent agrees to submit to a complete audit of any and all trust accounts and any other accounts in which he has placed client funds, or over which he is signatory as an attorney, fiduciary, or trustee, when and if requested to do so by The Florida Bar.

10. Respondent further agrees to submit his sworn financial affidavit to

The Florida Bar within thirty (30) days of the signing of the instant Permanent Disbarment on Consent.

11. Respondent further agrees to keep The Florida Bar informed of his current mailing and physical address for two (2) years subsequent to the date of any resulting order in this cause.

12. Respondent agrees to pay the reasonable costs of The Florida Bar, as set forth in the Bar's Motion for Assessment of Costs and Statement of Costs, in the amount of **\$1,750.72**. These costs are due in full within thirty (30) days of the entry of the Supreme Court's final order, plus interest at the prevailing statutory rate to accrue on all costs not paid within said time, unless time for payment is extended by the Board of Governors.

13. Respondent is aware that Rule 3-7.6(q), Rules Regulating The Florida Bar, provides for the taxing of costs incurred by The Florida Bar in a disciplinary proceeding. Respondent hereby agrees not to attempt to discharge the obligation for the payment of the Bar's costs in any future proceedings, including but not limited to, a Petition for Bankruptcy.

14. Respondent further acknowledges his obligation to pay the costs of this proceeding.

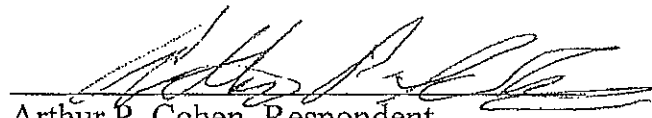
15. Respondent agrees that this Permanent Disbarment on Consent is a public document and waives confidentiality in this matter.

16. Should the Permanent Disbarment on Consent not be approved by the Referee and the Supreme Court of Florida, it and all the statements herein are void and of no effect whatsoever.


17. This Permanent Disbarment on Consent fully complies with all requirements of The Rules Regulating The Florida Bar.

18. This Permanent Disbarment on Consent has been approved in the manner required by Rule 3-7.9.

Dated: 12/21/18


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Dated: 12/26/18


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