

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ALLEN HOWARD LIBOW,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File Nos.
2020-50,513(15E)
2020-50,707(15E)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Allen Howard Libow, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is currently the subject of two Florida Bar disciplinary matters which have been assigned The Florida Bar File numbers listed above.
3. As to The Florida Bar File No. 2020-50,513(15E), there has been a finding of probable cause by the grievance committee.
4. As to The Florida Bar File No. 2020-50,707(15E), respondent waives his right to a probable cause hearing in this matter.

5. Respondent is acting freely and voluntarily and tenders this plea without fear or threat of coercion. Respondent has chosen to represent himself throughout these proceedings.

6. The disciplinary measures to be imposed upon respondent are as follows:

A. Respondent shall receive a public reprimand to be administered by publication.

B. Respondent agrees to contact Florida Lawyers Assistance, Inc. (FLA, Inc.), at 800-282-8981 for an evaluation within thirty (30) days of Supreme Court order entered approving this consent judgment.

C. At the end of sixty (60) days, respondent will provide the bar's headquarters office with proof that respondent has scheduled an evaluation.

D. Respondent will abide by all recommendations made by FLA, Inc., including, but not limited to, entering into a rehabilitation contract for a term to be determined by FLA, Inc.

E. If a contact is recommended, respondent will pay a FLA, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor

respondent's compliance with his/her FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees.

F. All of the above shall be at respondent's expense.

G. Respondent agrees to attend The Florida Bar Professionalism Workshop within six months of the Court's order approving the proposed consent judgment.

H. Respondent agrees to pay The Florida Bar's costs in this matter.

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

As to The Florida Bar File No. 2020-50,513(15E):

A. Respondent handled two dissolution matters in which he represented the wives in front of the Honorable Jessica Ticktin, Palm Beach County Judge.

B. In both cases, respondent sent unprofessional communications to opposing counsel. (Attached hereto as **Exhibit A** is a compilation of the relevant e-mails sent by the respondent.)

C. In both cases, motions were filed which alerted the judge to these communications.

D. The judge verbally warned respondent to refrain from said conduct.

E. Respondent then moved to disqualify Judge Ticktin.

F. In the body of his motion, respondent made disparaging comments about Judge Ticktin.

G. By the conduct set forth above, respondent violated the Oath of Admission to The Florida Bar [I do solemnly swear: ...I will maintain the respect due to courts of justice and judicial officers; ...I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; ...So help me God.]; The Florida Bar Creed of Professionalism [I revere the law, the judicial system, and the legal profession and will at all times in my professional and private lives uphold the dignity and esteem of each. ...I will strictly adhere to the spirit as well as the letter

of my profession's code of ethics, to the extent that the law permits and will at all times be guided by a fundamental sense of honor, ... I will conduct myself to assure the just, speedy and inexpensive determination of every action and resolution of every controversy. I will abstain from all rude, disruptive, disrespectful, and abusive behavior and will at all times act with dignity, decency, and courtesy. I will respect the time and commitments of others. ... I will exercise independent judgment and will not be governed by a client's ill will or deceit. My word is my bond.]; R. Regulating Fla. Bar 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...]; 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, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate

against litigants, jurors, witnesses, court personnel, or other lawyers on any basis.].

As to The Florida Bar File No. 2020-50,707(15E):

A. In 2016, respondent filed suit against a client for fees owed.

B. The client hired respondent's former law partner to represent her.

C. Respondent and his former law partner had an acrimonious dissolution of their partnership.

D. The court found that respondent's manner of litigation was vexatious and his conduct toward his former partner was unprofessional.

E. Based upon respondent's conduct, the court ordered respondent to pay nearly \$70,000 in attorney's fees.

F. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 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, including to

knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis.].

8. In mitigation of his actions, respondent asserts the following:

A. Respondent has been a member of The Florida Bar since 1991 and has no prior disciplinary history.

B. Respondent is passionate about the protection of children in custody disputes. He now recognizes that he cannot express himself unprofessionally, regardless of his good intentions.

C. Respondent has repeatedly advised that he would be open to attending professionalism training so he can better understand any issues with his communications and address those issues.

D. Respondent and his former law partner have a history of a strained relationship which was a contributing factor to respondent's conduct.

E. During the time period of these events, respondent was under severe stress associated with his own alimony and child support obligations.

F. Respondent has recently experienced severe medical conditions resulting in two near fatal strokes and dealt with a cancer diagnosis.

G. Respondent has handled many matters pro bono for the indigent, including landlord/tenant disputes, tax matters, and representing victims of crime.

H. Respondent has provided pro bono services to his local synagogue by assisting with legal issues concerning construction of a new building, title, and usage.

9. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

10. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

11. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to

attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

12. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

13. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 4th day of May, 2021.



Allen Howard Libow, Respondent
Allen Libow, P.A.
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Dated this 4th day of May, 2021.

Randi Klayman Lazarus

Randi Klayman Lazarus, Bar Counsel
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- “And since the rules require coordination between counsel, please lets keep all noncounsel out of this. Sure Ms. Ostrovsky is counsel, but apparently Mr. Brodie is so important, he stays in the background like the wizard of oz. And unless Ms. Ostrovsky is designated incompetent, she should remove her name from all pleadings, and file her own notice of unavailability and stop playing this cat and mouse game.”
- In the salutation to an e-mail to various female recipients: “Ladies (and Ms. Ostrovsky).”
- In an e-mail to Mr. Brodie with the subject line “Turn Yourselves In”: “You are now caught red handed with your lies and attempted judge shopping and manipulation in the court. You should turn yourselves in to the bar. You should tell your client he has made for an irreconcilable conflict with you in losing all your objectivity for purposes contrary to statute. / The racket is over. The legislative intent is clear in both chapter 39 and 61 as well as 4-1.6 concerning candor to the court and hurt to minors. Your client is a coward and is making a huge mistake preying in mine. He can call me a ‘slimy Chabad lawyer’ all he wants but won’t be man enough to say that antisemitic comment to my face. His relationship to his daughter should also not be just curious to me, but curious to you. Tennis? You kidding me? She’s a minor and a pro without consent of her mother who is required to. Big men. Picking on a girl after your buddy Wasserman cleaned out her mom. / Look. I’m not running or going anywhere and I don’t care which lawyer is playing golf with which judge.... Child abuse and perjury are serious matters.”
- Following on the “Turn Yourselves In” e-mail, to which neither Mr. Brodie nor his firm appears to have replied: “Just got served your frivolous petition. Don’t know why you wasted the money, as I told you I’d accept service on Michelle’s behalf. You and you client scare no one. Trust me. / Do me a favor, if you decide to get out, as you should, please refer the case over to John Schutz or Bob Shalhoub. Or even Charles cohen I’m anxious to see them, again, and

Exhibit A

their little crew. My sons are anxious to see them as well with their bran of what was judicial approved child abuse and Hippa violations. And one is over 18 and the other just there. / Get ready for Jerry Sandusky land in the court.”

- In an e-mail to Ms. Ostrovsky: “Let’s also start getting your bills together. It would be nice to see if the contempt is a result of paying you or whether Brodie is telling the truth about being willing to hunt my client for his friend for free.”
- ”Where I come from, we believe in having a ‘fair fight.’ I guess where your client comes from they believe in bullying women, and squash them, and their children along the way when the big daddy doesn’t get what he wants. I also understand your client has gotten extremely physical with his physically outmatched sons, laying heatings upon them of epic proportion, at half his size.”
- “Lucky those kids aren’t minors or I’d be reporting you for child abuse.”
- “Frankly, I am also sick and tired of some of you family lawyers who think the court is a playground. Maybe it was when French and Colin and Stern presided, but that has and continues to change.”
- “I have zero fear of you or any of that south county group. The swamp must be drained and you will practice ethically when dealing with me.”
- “So you go ahead with that fraudulent financial affidavit. But you better produce the contracts and make sure Sheri gets the profits out of the company she was and is entitled to from before Dana shut himself down or diverted. The contracts too.”
- “And if he doesn’t turn over the information and money, disclosure of this issue will be required to be reported to the IRS. / And its not just Dana, the IRS can come at you, Kate, for advising this mischaracterized income and lack of

distribution while, at the same time I can sue Dana for Breach of Fiduciary Duty and you aiding and abetting that.”

- “For this purpose and as a show of good faith from your client, I seek 20k in temporary fees without prejudice to get more, in hopes that this will resolve in mediation. Should your client fail to provide those fees, I will ensure he and you will regret the day you both strong armed her pro se in this case. I will seek 50k to her this case to a fair trial should you fail to remit, and credit your client for any unused portion of the 20k towards his obligation to my client. Given that Your argument at the last hearing was so embarrassing for me to even witness, I go with confidence that justice will be served, and possibly cold based on your and your client’s bad faith tactics.”