

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MICHAEL H. LUBIN,

Respondent.

Supreme Court Case
No.

The Florida Bar File
No. 2010-71,064(11N)

UNCONDITIONAL GUILTY PLEA AND
DISBARMENT ON CONSENT

MICHAEL H. LUBIN, Respondent, having been fully advised of his procedural rights under the Rules Regulating The Florida Bar, hereby tenders this Unconditional Guilty Plea and Disbarment on Consent pursuant to Rules 3-5.1(j) and 3-7.9(a), Rules of Discipline, and says:

1. Respondent, Michael H. Lubin, is and was at all times material herein a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. Respondent was admitted to The Florida Bar on January 15, 1981.
3. Respondent is currently the subject of the above referenced disciplinary matter which has been assigned The Florida Bar File No. 2010-71,064(11N). With regard to this pending file, Respondent waives his right to consideration by a grievance

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committee as provided for by Rule 3-7.4, Rules of Discipline, and hereby stipulates that probable cause for further disciplinary proceedings exists.

4. Respondent admits that the following facts are true and accurate and stipulates as follows:

- A. In September, 2009, Respondent received funds from Stacey Rothman ("Rothman") to hold in trust.
- B. Respondent failed to preserve and disburse these trust funds pursuant to Rothman's instructions and misappropriated a portion of said funds.
- C. Respondent admits that by reason of the foregoing facts he has violated rule 4-8.4(c) of the Rules of Professional Conduct and rule 5-1.1 of the Rules Regulating Trust Accounts.

5. Pursuant to Rule 3-5.1(j) of the Rules Regulating The Florida Bar, Respondent hereby tenders a Disbarment on Consent wherein he agrees to the following discipline:

- A. Disbarment.

6. Upon execution of this document, Respondent agrees to refrain from disbursing or withdrawing any monies from any trust account.

7. Respondent agrees to pay all costs reasonably incurred by The Florida Bar in the investigation of the aforesaid matter within thirty (30) days of the entry of the Supreme Court's final order, with the prevailing statutory interest rate on all costs not paid within said time, unless time for payment is extended by the Board of Governors.

8. Respondent agrees that the costs indicated below have been incurred.

Administrative fee
Rule 3-7.6(q)(1)(I)\$ 1,250.00

Branch Auditor's Costs.....\$ 1,785.00

Staff Investigator's Costs.....\$ 137.30

TOTAL: \$ 3,172.30

9. Respondent agrees that he will not 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.

10. Respondent agrees to reimburse the Client Security Fund ("CSF") for any and all funds CSF has paid or may pay out for claims resulting from Respondent's misconduct.

11. Respondent recognizes that the disciplinary sanction to be imposed will ultimately be determined by the Supreme Court of Florida which will not be bound to follow the recommendation of either The Florida Bar or the Board of Governors in these proceedings.

12. Respondent agrees that this Unconditional Guilty Plea and Disbarment on Consent and every factual admission contained herein, specifically the admissions set forth in paragraph four (4), shall have full force and effect regardless of any subsequent recommendation or action taken with respect to the terms of the discipline

offered by Respondent pursuant to this consent judgment for discipline.

13. Respondent agrees that in the event that the terms of discipline offered herein are not approved by The Board of Governors of The Florida Bar (or their designee), or the Supreme Court, this matter will proceed solely on the question of discipline.

14. Respondent agrees to submit to a complete audit of his trust account(s) and any account in which he has placed client funds, when and if requested to do so by The Florida Bar.

15. Respondent further agrees to submit his sworn financial affidavit to The Florida Bar on a form to be provided by the Bar within sixty (60) days of the signing of the instant Disbarment on Consent.

16. 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.

17. Respondent agrees that upon signing this consent judgment, he will immediately begin to close out his practice, protect his existing clients and will not accept any new clients. He shall cease practicing law within thirty (30) days of the date this document is executed. Respondent further agrees to immediately cease transacting client trust funds.

18. Respondent is represented by counsel and acknowledges that this

document is tendered freely and voluntarily, and without fear, threat or coercion.

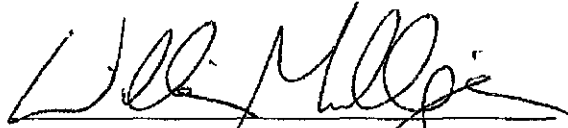
DATED this 10th day of May, 2010



MICHAEL H. LUBIN,
Respondent
Florida Bar No. 314293
16881 NE 15th Avenue
(305) 948-5630

Approved By: 

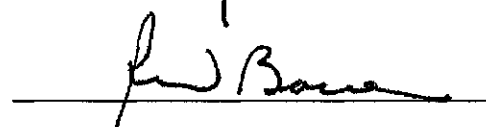
RICHARD BARON, ESQ.
Attorney for the Respondent
Florida Bar No. 178675
501 NE 1st Avenue, Suite 201
Miami, Florida 33132
(305) 577-4626

Approved By: 

WILLIAM MULLIGAN
Bar Counsel
TFB No. 0956880
The Florida Bar
444 Brickell Avenue, Suite M-100
Miami, Florida 33131
(305) 377-4445

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the above and foregoing Unconditional Guilty Plea and Disbarment on Consent was forwarded by regular U.S. mail to William Mulligan, Bar Counsel, The Florida Bar, Suite M-100, 444 Brickell Avenue, Miami, Florida 33131, on this 10 day of May, 2010.



RICHARD BARON, ESQ
Attorney for the Respondent