

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

Case No. _____
[TFB Case No. 2010-50,656(09B)];

v.

SCOTT WALTER ROTHSTEIN,

Respondent.

_____ /

DISBARMENT ON CONSENT

COMES NOW, the undersigned respondent, Scott Walter Rothstein, Attorney No. 765880, and files this Disbarment on Consent. This Disbarment on Consent is filed pursuant to R. Regulating Fla. Bar 3-5.1(j) and 3-7.9(a).


1. The respondent, Scott Walter Rothstein, 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. The respondent has had the advice of counsel in this matter and is acting freely and voluntarily.

3. The respondent is currently the subject of disciplinary violations that have been assigned The Florida Bar file number 2010-50,656 (09B). With regard to this pending file, respondent waives his right to consideration by a grievance committee as provided for by Rule 3-7.4, Rules Regulating The Florida

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hereby stipulates that probable cause for further disciplinary proceedings exists as to this matter.

4. The charges in the pending disciplinary case allege that Respondent has misappropriated funds from his trust account.

5. The respondent admits that the foregoing allegations, if proven, constitute a violation of the following Rules Regulating The Florida Bar: 3-4.3 for the commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline; 4-1.15 for failing to comply with The Florida Bar Rules Regulating Trust Accounts; 4-8.4(b) for committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; 5-1.1 for failing to comply with trust accounting requirements; 5-1.1(a)(1) for failing to hold in trust, separate from the lawyer's own property, funds or property of clients or third persons that are in a lawyer's possession in connection with a representation; and, 5-1.1(b) for failing to hold in trust and applying only to that purpose, money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses.

6. The respondent consents to the following discipline:
 - A. Immediate and permanent disbarment.
 - B. Payment of costs of \$1,250.00;
 - C. Respondent further agrees to cease the practice of law as of the date he executed the Disbarment on Consent;
 - D. Respondent agrees to provide The Florida Bar with his current address for the next two years; and
 - E. Respondent agrees to cooperate with The Florida Bar with any audit they need to conduct regarding his bank accounts.

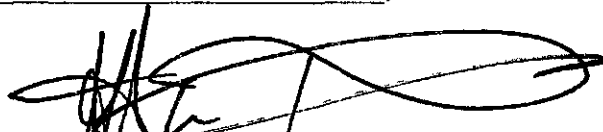
7. If this Disbarment on Consent is accepted, then the respondent agrees to pay all costs associated with this case pursuant to R. Regulating Fla. Bar 3-7.6(q), in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this Court's order becoming final, the respondent shall pay interest on any unpaid costs at the statutory rate. Further, respondent acknowledges that if, unless otherwise deferred by the Board of Governors of The Florida Bar, the cost judgment is not satisfied within 30 days of the judgment becoming final, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6.

8. The respondent further acknowledges his 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 reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved.

9. Should this Disbarment on Consent not be approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, it and all the statements herein are void and of no effect whatsoever.

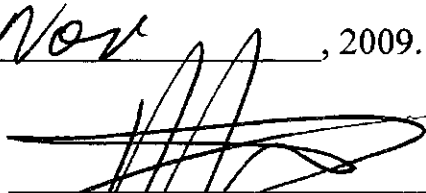
10. This Disbarment on Consent fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 15 day of NOV, 2009.



Scott Walter Rothstein
Respondent
Attorney No. 765880

Dated this 16 day of NOV, 2009.



Marc S. Nunk
Counsel for Respondent
Attorney No. 272817

Dated this 17th day of November, 2009.



for Kenneth H. P. Bryk
Bar Counsel
Attorney No. 164186