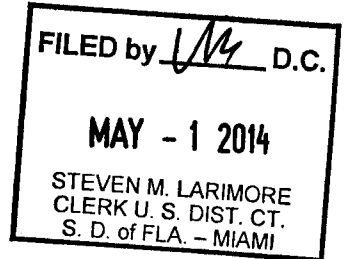


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2014-41

IN RE: THE MATTER OF ALAN
IRA KARTEN, Florida Bar #200263



ORDER DENYING MOTION FOR REINSTATEMENT

THIS CAUSE is before the Court upon attorney Alan Ira Karten's Petition for Reinstatement as a member of the Bar of this Court. Pursuant to Rule 9(d), having reviewed the Petition, attachments to the Petition, and having consulted with the entire Court, the Court finds that Mr. Karten does not qualify for readmission to this Court's Bar.

This Court entered an Order of Disbarment on October 3, 2007, as reciprocal discipline based on the Florida Bar's disbarment of Mr. Karten. The basis for disbarment stemmed from Mr. Karten's representation of Nelson Loynaz, Jr. in a federal criminal prosecution. Mr. Karten had been Court Appointed pursuant to the Criminal Justice Act Plan (CJA) because Defendant Loynaz was indigent. Therefore, he was to be paid by the taxpayers for his representation. As part of that case, Mr. Loynaz forfeited several of his cars to the government, and those cars were housed in a warehouse. Mr. Karten negotiated a deal for the return of the cars in exchange for \$30,000. Mr. Karten borrowed the \$30,000 from Mr. Loynaz's wife, sold the cars, and kept the proceeds, unbeknownst to his client, Mr. Loynaz or the judge that appointed him. Hr'g Tr. at 5-6. As a result, he was disbarred for engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation. Hr'g Tr. at 6. Although the Florida Bar has readmitted Mr. Karten, this Court declines to do so because of the Petitioner's history of disciplinary problems with the Florida Bar, the egregiousness of the transgressions as a court appointed lawyer, and his late realization of his obligation to pay

restitution.

At the hearing before the Florida Board of Bar Examiners on October 4, 2013, Mr. Karten finally accepted responsibility to pay restitution to Mr. Loynaz for his profit on the cars. Despite the many years since his action transpired, however, Mr. Karten's acceptance appears half-hearted and his reluctance to recognize his moral obligation is apparent in the testimony. He says: "You know, I was trained as a lawyer. I was – it just didn't hit me. I'm going to be frank with you. It didn't hit me the moral aspect that was law, law, law. I got sued. I won. No one ordered it. There was no restitution. The referee didn't order restitution. The judge didn't order restitution. The court didn't – the Bar didn't ask for restitution. And I rationalized that as they thought I didn't have an obligation. Now, I should have, . . . I should have honored it." Hr'g Tr. at 26-27. Mr. Karten also testified that even though he knew the Board wanted him to pay restitution, he wrote to Mr. Loynaz, his former client, to get his opinion. Mr. Karten testified that he wanted Mr. Loynaz to admit they had an agreement, and that would have made him feel better. Hr'g Tr. at 43. *See also* Hr'g Tr. at 14 (Karten: "[A]lthough no one ever ordered restitution in this matter, neither the Supreme Court or the referee or the Bar or anyone else at the last hearing the panel felt that I had a moral obligation, which I wasn't really sure I did or didn't, quite frankly, at that time, to give Nelson Loynaz the portion of the proceeds from the agreement that we had from the sale of the cars.").

In short, given Mr. Karten's testimony, the Court exercises its discretion pursuant to Rule 9(d) and denies the Petition for Reinstatement with the consent of all the District Judges, with one dissenting vote for a hearing.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of April, 2014.


FEDERICO A. MORENO
CHIEF U.S. DISTRICT JUDGE

c: Honorable Ed Carnes, Chief Judge, Eleventh Circuit
Alan Ira Karten, Esq.