



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

June 25, 2004

PERSONAL/FOR ADDRESSEE ONLY

Eliot I. Bernstein
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

RE: Complaint against Christopher Wheeler
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

Over the past several months, the complaint filed by you against Christopher Wheeler has been reviewed by one of our staff attorneys, then by myself, the committee chair and the board member. Every review has been concluded. The Florida Bar will not prosecute Mr. Wheeler as a result of your complaints

Should the Supreme Court desire any action from The Florida Bar, it will come in the form of an order or directly from the court not through you.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es



Virginia State Bar

Eighth and Main Building
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD: (804) 775-0502

PERSONAL AND CONFIDENTIAL

May 25, 2004

Mr. P. Stephen Lamont
Mr. Eliot Bernstein
Iviewit Holding, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

In the Matter of William J. Dick
VSB Docket No. 04-052-1366

Dear Messrs. Lamont and Bernstein:

I am writing you because Mr. Bernstein indicated in a telephone conversation today that he did not receive the e-mail that I sent him yesterday. This letter will confirm that I have referred the bar's file on your complaint to the Oversight Subcommittee of the Standing Committee on Lawyer Discipline. The committee will meet in Richmond on June 2, at which time I will submit the file to the committee for review.

Mr. Bernstein, please remove me from your e-mail distribution list. Given that you and Mr. Lamont have requested the Oversight Subcommittee to review the file, I will not continue to communicate with either of you regarding the dismissal of your complaint.

Very truly yours,

Barbara Ann Williams
Bar Counsel

cc: Eric F. Schell, Chair, Standing Committee on Lawyer Discipline
Andrew H. Goodman, Chair, Oversight Subcommittee



Virginia State Bar

Eighth and Main Building
707 East Main Street, Suite 1500
Richmond, Virginia 23219-2800
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD: (804) 775-0502

PERSONAL AND CONFIDENTIAL

May 17, 2004

Mr. P. Stephen Lamont
Mr. Eliot Bernstein
Iviewit Holding, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

In the Matter of William J. Dick VSB Docket No. 04-052-1366

Dear Messrs. Lamont and Bernstein:

In response to your request for a review of the dismissal of your bar complaint against attorney William J. Dick, I have reviewed the bar's file on the above-referenced matter. Based upon my review, I have concluded that your complaint was appropriately dismissed, although I believe the appropriate ground for dismissal is lack of clear and convincing evidence that Mr. Dick engaged in ethical misconduct rather than a finding that Mr. Dick did not engage in such misconduct.

That said, this letter should not be construed as a finding by the Virginia State Bar that Mr. Dick engaged in ethical misconduct or any indication of the likelihood that another adjudicative body will find that he has. You should be aware, having read the pamphlet describing the bar's complaint process, that a lawyer who believes he or she has been wrongly accused can sue the party who made the complaint.

On September 30, 2003, the Virginia State Bar received a complaint from Mr. Lamont about Mr. Dick. By letter dated October 8, 2003, Assistant Intake Counsel requested more information about what Mr. Dick had allegedly done that was unethical. The bar received additional information on November 10, 2003, and requested Mr. Dick by letter dated December 15, 2003, to respond to Mr. Lamont's allegations.

Mr. Dick submitted a lengthy response by letter dated January 8, 2004, which you were provided. Mr. Bernstein, who had previously asked to be added as a co-complainant, submitted a voluminous rebuttal letter dated March 22, 2004. Senior Assistant Bar Counsel Noel D. Sengel reviewed the results of the bar's preliminary investigation, and by letter dated May 6, 2003, dismissed the complaint on the ground that the available evidence shows that Mr. Dick did not engage in the misconduct questioned or alleged.

I spoke with you last week about the dismissal. Today I received and reviewed your e-mail contesting the dismissal and providing additional information.

Your complaint arises from a complex scenario involving four different law firms' and three different attorneys' allegedly fraudulent and/or erroneous assignment of intellectual property rights in digital imaging and video technology in which Iviewit Holdings, Inc. claims an ownership interest to Brian G. Utley. In connection with the successive assignments, you allege fraud was committed on the United States Patent and Trademark Office ("USPTO"), the European Patent Office and the Japanese Patent Office, as well as mail and wire fraud, and dissemination of fraudulent representations to Iviewit investors, including Wachovia Securities, Inc.

The Virginia State Bar's mission is to address complaints of allegedly unethical conduct by attorneys. Based upon your allegations, the question of whether Mr. Dick engaged in ethical misconduct turns at least in part upon issues of federal law relating to intellectual property rights, the Racketeer Influenced and Corrupt Organizations Act and securities transactions. You are correct that the Virginia State Bar is not equipped to make legal determinations. Only the appropriate adjudicatory body can do that. So to the extent that those issues are unresolved, the evidence as to whether Mr. Dick engaged in ethical misconduct in those respects is necessarily neither clear nor convincing.

In February 2004, Mr. Bernstein and others evidently submitted a Change of Inventor Request based upon the alleged intent of Mr. Dick and others to deceive and commit fraud upon the USPTO. Your most recent letter states that Iviewit may sue Mr. Utley. Mr. Dick indicates that his firm may sue Iviewit for unpaid fees. Another law firm has apparently already sued Iviewit for unpaid fees. If the USPTO or another tribunal in the course of considering issues related to the patent assignments, Mr. Utley's employment or unpaid legal fees specifically finds that Mr. Dick engaged in fraud, the Virginia State Bar will reconsider your complaint.

Similarly, if a United States Attorney or state prosecutor undertakes to prosecute what you characterize as criminal conduct by Mr. Dick, the bar can take disciplinary action against Mr. Dick based upon a finding that he broke the law.

The evidentiary standard applicable to bar proceedings is clear and convincing evidence -- more than what is required for the plaintiff to prevail in a civil proceeding and less than what is required for a criminal conviction. In my opinion, the evidence presently before the bar is neither sufficiently clear nor convincing to support taking any

disciplinary action against Mr. Dick. Moreover, given the fact that your allegations concerning Mr. Dick's conduct are pending before the USPTO, pursuing a parallel investigation would not be a justifiable expenditure of the bar's limited resources.

Therefore, for the reasons set forth in this letter, your complaint against Mr. Dick has been dismissed. The bar's file on this matter will remain closed unless and until the bar receives a finding from another tribunal that Mr. Dick engaged in unethical or criminal misconduct. If you take issue with my conclusions, you may request the Standing Committee on Lawyer Discipline to review the bar's file and determine whether your complaint was handled in a procedurally correct fashion.

Very truly yours,



Barbara Ann Williams
Bar Counsel

cc: William J. Dick, Esquire
Noel D. Sengel, Senior Assistant Bar Counsel
Clerk of the Disciplinary System