



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
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EXECUTIVE DIRECTOR

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January 20, 2004

PERSONAL/FOR ADDRESSEE ONLY

Eliot Bernstein
10158 Stonehenge Circle, #801
Boynton Beach, Florida 33437

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

Dear Mr. Bernstein:

Your request to reopen the investigation against Christopher Wheeler is denied for the following reasons. Your complaint was essentially an action for malpractice. The Florida Bar does not determine civil claims. The violation of any ethical rule does not and should be assumed to demonstrate the violation of any legal duty. Your failure to fully prosecute your civil claim does not require The Florida Bar to otherwise consider your complaint.

The evidence before us indicates your company was represented by patent attorneys from Meltzer, Lippe, Goldstein & Schlissel and Foley and Lardner, not Mr. Wheeler or other Proskauer Rose attorneys, to state your claims to patents for the technology. Mr. Wheeler and his firm may have acted as general counsel, however, the ethical duty imposed upon them did not include filing the patent applications.

This file remains closed.

We can not honor your request to maintain records for five years. The Florida Bar destroys records of complaints where no discipline is imposed at one year after closing. This file will be destroyed on July 1, 2004.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es