



**THE FLORIDA BAR**  
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EXECUTIVE DIRECTOR

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November 5, 2003

**PERSONAL/FOR ADDRESSEE ONLY**

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

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

Dear Mr. Bernstein:

I have received and reviewed your letter of October 16, 2003, which was apparently delivered to my office via facsimile transmission. While The Florida Bar is unable to advance an investigation of the matter you present (for the reasons set forth in my letters to you of July 1 and October 13, 2003), your most recent letter sets forth several clear misunderstandings - - which must be addressed and clarified.

First, I must (again) reiterate that The Florida Bar's jurisdiction does not extend to the determination of civil disputes. In the instant case, the trial judge entered an order striking your pro se submissions, and entering a default against you for failure to retain replacement counsel.<sup>1</sup> While this judicial determination resulted in the default of your civil case, it did *not* change the character of the case or the forum in which it must be determined. Simply stated, the issue is purely jurisdictional: The Florida Bar *may not* function as a civil court nor may it determine purely civil disputes - - regardless of the financial status of the litigants or the exigencies of their circumstances.

Notwithstanding the foregoing, I am compelled to address several comments set forth in your letter of October 16, 2003. Unfortunately, you seem to have misunderstood The Florida Bar's position regarding your civil action. The Florida Bar may not (and has not) taken any position in the matter. Specifically, the Bar has *not* commented on what Judge Labarga should or should not have done - - in this or any other matter before him. Any dispute you may have with the trial judge is beyond the jurisdiction of The Florida Bar. Similarly, The Florida Bar has not (and will not, for the reasons stated herein) undertaken an investigation of this matter, and cannot comment on any fiduciary duties you may bear on behalf of your company's stockholders. Finally, The Florida Bar has advanced no "defenses" of any kind in this action, for any party - - and takes no position with regard to the patents, or any other subject of your civil case.

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Order Striking the Defendant Corporations' *Pro Se* Submissions entered on October 15, 2003 in *Proskauer Rose LLP v. IVIEWIT.COM, Inc.*, Case No. CA 01-04671 AB, In the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida

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Finally, should a court of competent jurisdiction make a finding of ethical misconduct against any of the attorneys involved in your civil cases, you are invited and indeed, encouraged, to bring such findings to the immediate attention of The Florida Bar.

Very truly yours,

A handwritten signature in cursive script, reading "Lorraine C. Hoffmann", with a long horizontal line extending to the right from the end of the signature.

Lorraine Christine Hoffmann  
Bar Counsel

LCH/dm

cc: Christopher Clark Wheeler, Esq., w/copy of Mr. Bernstein's letter of 10/16/03

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