

SWORN STATEMENT OF ARTHUR J. MORBURGER, ESQUIRE (FL BAR No. 157287)  
REGARDING THE ILLEGAL GUARDIANSHIP AGAINST FORMER LEGAL CLIENT JOSHUA  
ENNIO ZANDER BERNSTEIN

PALM BEACH COUNTY, FLORIDA

1. My name is Arthur J. Morburger, Esquire.
2. I reside in Miami Beach, County, Florida at 5255 Collins Ave, Miami Beach, FL 33140 – Apt 5 J.
3. I provide this Sworn Statement based upon events and knowledge that I acquired while acting as a Licensed attorney in the State of Florida and representing my clients, Joshua Ennio Zander Bernstein and Jacob Noah Archie Bernstein.
4. I authorize this Sworn Statement to be filed in any Court proceeding, Administrative matter, Florida Bar or other Bar organization of any state and in any state and federal Court or federal and state criminal matters as appropriate.
5. I graduated Harvard University, LL.B., 1960.
6. I graduated Princeton University, A.B., 1957
7. For over 50 years prior to a recent Suspension and Disbarment proceeding, I had a successful practice obtaining favorable Decisions, Judgments and victories in many Courts of Florida including the District Courts of Appeals.
8. Prior to the Suspension and Disbarment, I came to review and learn of what appears to be a grossly illegal Guardian Ad Litem (“GAL”) for minors used against two of my adult clients Joshua Ennio Zander Bernstein and Jacob Noah Archie Bernstein of Palm Beach Florida while they were adults and being used in various Florida Courts, including the 15<sup>th</sup> Judicial and 4<sup>th</sup> DCA and even in a Federal Court proceeding in the Northern District of Illinois, District Court No. 1:13-cv-03643 to completely deny their due process rights in these proceedings.

9. The GAL for minors used for adult children, appeared to be per se Illegal and akin to a “kidnapping” of Joshua Bernstein’s legal rights as it was imposed in 2016 when all documents and records show Joshua Bernstein was not a “Minor” and had obtained the age of majority in 2015 according to his own statement, Driver’s License and a legal filing filed by one Paul Turner, Esq. a Florida licensed attorney issued in 2018<sup>1</sup>.
10. Despite the fact that Joshua was born on August 27, 1997<sup>2</sup>, on August 27, 2015 and thus while he was Sui Juris he was illegally conscripted into a GAL guardianship for minors by Judge John L. Phillips, of the Palm Beach 15<sup>th</sup> Judicial court.
11. The illegal GAL was gained in the following legal actions, but the GAL appointed, a one Diana Lewis, Esq. a lawyer and former Broward jurist, infiltrated and influenced many other legal cases and criminal investigations involving Joshua using the GAL Orders illegally obtained, despite the fact that they limited her appearance to only two cases;
- a. Shirley Bernstein Trust Case in the 15<sup>th</sup> Judicial, Case # 502014CP003698XXXXSB, <sup>3</sup>
  - b. Oppenheimer v. Bernstein Children in the 15<sup>th</sup> Judicial, Case #502014CP002815XXXXSB, <sup>4</sup>
12. Even to this date in a case involving a home Joshua has ownership in, he is sued fraudulently as a **minor** in a foreclosure lawsuit, even though he is an adult for 6 years and was an adult for years when that case was begun.
13. Amazingly and far from proper service, he was never served as an adult in Case #502018CA002317XXXXMB, Sahm v. Bernstein Family Realty, LLC, of which I made a Notice of Appearance<sup>5</sup> in.

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<sup>1</sup> Exhibit 1 - Paul Turner, Esq. Filing regarding improper GAL

<sup>2</sup> Exhibit 2 - Joshua Bernstein Birth Certificate

<sup>3</sup> Exhibit 3 - GAL Order Shirley Bernstein Trust

<sup>4</sup> Exhibit 4 - GAL Order Oppenheimer v Bernstein children

<sup>5</sup> Exhibit 5 - Arthur Morburger, Esq. Notice of Appearance Motion to Quash Attempted Service of Process and to Set Aside Default.

14. Hon. John S. Kastrenakes is presiding over the Sahm foreclosure and has been made aware by several parties of Joshua's age and his status as an adult in pleadings and in open court on the record but Hon. Judge Kastrenakes continues to hear the matters as if Joshua were a minor child of Eliot and Candice Bernstein and that he was properly served as such and no counsel involved in the matter has made changes necessary to address this very serious deprivation of rights.
15. Joshua Bernstein was not a "minor" in 2016 and my understanding of the rules and laws at that time are very clear that a "Competency" hearing and other procedures for adults legally had to take place to demonstrate he was not competent and in need of an adult Guardianship over his legal affairs since he was over the age of majority at the time.
16. No competency hearings took place, no medical experts were consulted to the best of my knowledge.
17. Therefore, the entire Guardianship from day one appears, and all legal or other actions taken on behalf of Joshua and Jacob by the court appointed GAL, Diana Lewis, Esq. are void, as should the Orders that conscripted Joshua and Jacob into these bizarre illegal GAL's.
18. It was clear from the records reviewed at the time that no Competency Hearing ever took place and in fact I reviewed a formal Cease and Desist Demand<sup>6</sup>, authored by Joshua Bernstein which appears to have his own Signature and Fingerprints in July of 2017 and this Statement by Joshua clearly indicates he never had a Competency Hearing made against him and was demanding the Illegal GAL cease any actions and correct any actions illegally taken already in his name and showing that the GAL was being used to illegally conscript him and thus REMOVE his legal decision making, denying him access to the courts and denying him due process rights entirely, severe civil rights violations, in

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<sup>6</sup> Exhibit 6 - Joshua Bernstein Cease and Desist Letter to GAL Diana Lewis, Esq.

order to cut him out of multiple settlements, his rights to be heard in court, steal his family's monies and his family's rights of inheritance.

19. I was in the process of taking legal action on behalf of Joshua Bernstein to attempt to rectify this problem, as legally and ethically required when I became subject to Suspension and then Disbarment proceedings and now submit this Statement as part of my legal duties under Bar Rules<sup>7</sup> to report the misconduct of jurists and lawyers, in wrapping up client affairs and Reporting these matters as duty bound to the Florida Bar and other state and federal, civil and criminal authorities.

20. The pleading I made to Vacate the Default Judgment<sup>8</sup> against my client is attached hereto as exhibit.

21. I am also aware that a similar set of circumstances exists for another client of mine regarding an illegal GAL and being sued as a minor when an adult in the Sahn Foreclosure, which has been used against Joshua's brother, Jacob Noah Archie Bernstein.

22. I am filing this as formal complaint with the Florida Bar and am happy to provide any additional information regarding this matter to the Florida Bar, so that I may fulfil my

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<sup>7</sup> Under the "Reporting Professional Misconduct" rule, Rule 4-8.3, an attorney is obligated to report another attorney's misconduct if the attorney has actual knowledge of a misconduct that raises a substantial question as to the offending attorney's "honesty, trustworthiness, or fitness as a lawyer in other respects." Rule 4-8.3(a). An attorney, however, may not report the violation if the information is protected by the confidentiality rule, Rule 4-1.6, unless the attorney has the consent of the client. As a result, in situations where an attorney is required to report a violation, the attorney's failure to do so would constitute misconduct under Rule 4-8.4(a). Similarly, an agreement not to file a grievance complaint would violate Rule 4-8.4(a) where the filing of a complaint would otherwise be required by Rule 4-8.3(a). See *The Florida Bar v. Fitzgerald*, 541 So.2d 602, 605 (Fla. 1989) (client's agreement not to bring attorney's unethical conduct to attention of the Bar is unenforceable). Therefore, if an attorney is obligated to report another attorney's professional misconduct, the attorney must report it rather than threaten to do so.

<sup>8</sup> Exhibit 7 - Arthur Morburger, Esq. Motion to Vacate.

ethical duties to my former clients, Joshua Ennio Zander Bernstein and Jacob Noah Archie Bernstein and that I have abided by my ethical obligations to report misconduct in the legal profession as it relates to these cases and former clients.

Dated: \_\_\_\_\_

ARTHUR MORBURGER, ESQUIRE

SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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NOTARY PUBLIC