

>> THE NEXT CASE ON THE DOCKET
WILL BE THE FLORIDA BAR V.
ROBERT ADAMS.

>> WHENEVER YOU'RE READY.

>> MR. CHIEF JUSTICE, AND MAY IT
PLEASE THE COURT, I'M WILLIAM
JUNK, AND I'M HERE WITH
RESPONDENT, MR. ROBERT ADAMS.
WE'RE HERE ON A VERY NARROW
GROUNDS.

THE SOLE ISSUE PRESENTED BY OUR
APPEAL IS THE FINDING OF
PERMANENT DISBARMENT.

WE DO NOT CONTEST THE FINDINGS
OF FACT, WE DO NOT CONTEST
DISBARMENT, AND WE DON'T CONTEST
ANY OF THE FINDINGS WHAT I MIGHT
CALL THE CONVICTIONS ON THE
RECOMMENDED FINDINGS OF
DISCIPLINE.

THE ISSUE PRESENTED HERE IS
SIMPLY WHETHER PERMANENT AS
OPPOSED TO NON-PERMANENT
DISBARMENT IS APPROPRIATE.

AS MR. ADAMS DID BELOW, HE COMES
HERE AND CONFESSES HIS SERIOUS,
EGREGIOUS ETHICAL SHORTCOMINGS.

>> WHEN YOU SAY HE DID IT BELOW,
I THOUGHT IT WENT THROUGH A FULL
HEARING BY THE REFEREE.

>> YES, IT DID.

>> AND I DIDN'T THINK HE ONLY
TESTIFIED AT THE VERY END, SO
WHEN DID HE CONFESS HOW
EGREGIOUSLY WRONG THE CONDUCT
WAS?

>> YOUR HONOR, I BELIEVE HIS
DIRECT TESTIMONY FROM THE STAND
WAS THAT HE HAS NEVER COMMITTED
SUCH ERRING JUDGMENT IN HIS 47
YEARS ON THIS PLANET EARTH.

>> I WOULD HOPE NOT.

I HAVE NEVER, AND, YOU KNOW, I
DON'T PROFESS TO KNOW EVERYTHING
ABOUT THE LAW, BUT I HAVE NEVER
ENCOUNTERED-- AND I'VE BEEN IN
SOME ROUGH SITUATIONS-- I HAVE
NEVER ENCOUNTERED BEHAVIOR LIKE
THIS AND CALCULATED AND PLANNED
BEHAVIOR.

THIS IS NOT A, OKAY, I MADE A MISTAKE.

YOU KNOW?

I SHOULDN'T HAVE, I SHOULDN'T HAVE SIGNED THAT CHECK.

THIS WAS A PLANNED, EVEN PLANNED AT ONE TIME AND IT DIDN'T REACH FULFILLMENT AND THEN DID IT AGAIN-- OR DID IT AND EVEN TOOK THE FILES, THIS LAW FIRM. TOOK THE OPPOSING LAWYER'S FILES.

IN THE BRIEFCASE, DIDN'T THEY?

>> WELL, MR. ADAMS WASN'T SPECIFICALLY INVOLVED IN THAT. BUT I'M NOT HERE, AND HE INSTRUCTED ME TO COME NOT TO DEFEND HIM OR TO VENERATE HIM.

>> WELL, YEAH.

YOU'RE SAYING THIS IS JUST SOME KIND OF SIMPLE CIRCUMSTANCE.

THIS IS NOT SIMPLE.

>> WHAT I'M SUGGESTING AND WHY WE ARE HERE IS BECAUSE THIS COURT'S JURISPRUDENCE ON DISBARMENT VERSUS PERMANENT DISBARMENT SUGGESTS THAT SIMPLE DISBARMENT-- WHICH IS FAR FROM ANY GUARANTEE OF READMISSION AND, IN FACT, AS THE COURT KNOWS, THE PRESUMPTION IS AGAINST READMISSION SHOULD THERE BE AN APPLICATION SOMETIME AFTER 2021, THE PRESUMPTION WOULD BE AGAINST READMISSION.

BUT THE REFEREE'S RECOMMENDATION OF PERMANENT DISBARMENT IS INCONSISTENT.

I'M HERE OVEN RATE THE COURT'S, THE COURT'S GUIDANCE AND PREFERENCE WHICH DO NOT SUPPORT PERMANENT DISBARMENT.

>> WELL, YOU KNOW, IT COULD BE WE'VE NEVER SEEN A CASE THIS BAD.

IS THAT POSSIBLE?

>> WELL, YOUR HONOR, I WOULD SUGGEST THE CASES WE'VE CITED ARE NOT AS SEVERE AS THE CONDUCT THAT OCCURRED WITH MR. ADAMS AS

OPPOSED TO HIS, HIS MAIN PARTNER
ON THE CASE.

I THINK THE FLORIDA BAR,
FRANKLY, AFTER ALL THE DISCOVERY
WAS TAKEN IN THE CASE AT THE
CONCLUSION OF THE CASE AGREED
WITH ME.

AND THEY TOLD THEM, THE REFEREE
BELOW AFTER CONCLUSION OF ALL
THE DISCOVERY THAT THE FACTS OF
THIS CASE CONSIDERED IN THE
LIGHT OF THE APPLICABLE
STANDARDS FOR IMPOSING
SANCTIONS, THE BAR SAID ABOUT A
YEAR AGO SUPPORT A
RECOMMENDATION THAT MR. ADAMS
AND FILTHAUT RECEIVE
REHABILITATIVE SUSPENSIONS.

>> THE REFEREE REJECTED THAT
FINDING.

AND THE REFEREE MADE ALL THE
FINDINGS OF DISCIPLINARY
VIOLATION.

THE BAR, WHO REVIEWS THESE MORE
THAN ANYONE IN THIS STATE,
RECOMMENDED DISBARMENT,
NONPERMANENT, FOR MR. ADAMS.

SO I AM HERE SUGGESTING
SOMETHING TO THIS COURT THAT THE
BAR TWICE IN THE LAST ROUGHLY 12
MONTHS AS IT GOES TO MR. ADAMS'
INVOLVEMENT AGREES WITH.

>> LET'S GO -- ONE OF THE THINGS
THAT -- AND, AGAIN, APPRECIATE
THAT YOU'VE ESSENTIALLY ADMITTED
LIABILITY.

>> COMPLETELY, YOUR HONOR.

>> AND AGREE THIS IS EGREGIOUS.
AND I WANT TO UNDERSTAND BETWEEN
MR. DIACO, WHO HAS AGREED TO
PERMANENT DISBARMENT, AND NOW
MR. ADAMS, THE FOLLOWING.

DIACO HAD MADE PUBLIC STATEMENTS
ABOUT -- WELL, FIRST, WHAT WAS
-- THE -- IT IS OUTRAGEOUS, BUT
WAS THERE ANY INDICATION WHAT
THE END GAME WAS?

WERE THEY HOPING THAT THIS
LAWYER WOULD BE REMOVED FROM A
CASE THAT WAS BEING ACTIVELY

LITIGATED SO THAT THEY WOULD
HAVE A CHANCE TO GET A DIFFERENT
TYPE OF VERDICT?

DO WE KNOW ANYTHING ABOUT THE
MOTIVATION BESIDES PURE SPITE
AND JUST WHO KNOWS.

>> THE MOTIVATIONS WERE -- I
CAN'T OFFER YOU A GOOD
MOTIVATION.

IT WAS --

>> NO.

I MEAN, WHAT'S THE BAD
MOTIVATION?

>> THE BAD MOTIVATION WAS IN A
VERY HIGH-PROFILE, VERY
CONTENTIOUS CASE, A COUPLE
LAWYERS LOST THEIR WAY.

>> THEY THOUGHT WHAT, BY GETTING
THE OPPOSING COUNSEL ARRESTED,
WHAT WOULD HAPPEN?

>> SOME HAVOC WOULD HAPPEN ON
THE OTHER SIDE.

>> MR. DIACO MADE PUBLIC
STATEMENTS ABOUT THE DUI THE
NEXT DAY EVEN THOUGH HE KNEW
THERE WAS A SETUP, CORRECT?

>> AND THEY WERE INFLAMMATORY.
THERE WAS A JURY OUT.

THE POINT --

>> SO DID MR. ADAMS PARTICIPATE
IN THE STATEMENTS TO THE JUDGE
OR TO THE PRESS?

>> NOT ONE IOTA.

NEVER.

>> OKAY.

ALL RIGHT.

>> WASN'T AWARE OF THEM.

>> OKAY.

THEN WAS HE CO-TRYING THE CASE
WITH MR. --

>> NO.

MR. ADAMS HAD NEVER -- THE CASE
WENT FOR FIVE YEARS AND HE WAS
NEVER IN THE COURTROOM.

HE MAY HAVE SIGNED A PLEADING,
YOU KNOW, WHEN YOU'RE T MINUS
FOUR AND BEEN ON AN EMAIL.

>> PERSONIUS IS NOT UNDER THE
JURISDICTION OF THIS COURT
BECAUSE SHE'S A PARALEGAL, SHE

WORKED DIRECTLY FOR MR. ADAMS.
>> SHE WORKED FOR THE LAW FIRM.
SHE WAS AN UNDERLING OF
MR. ADAMS AND MR. DIACO.
>> SHE CALLED MR. ADAMS WHEN SHE
SAW MR. CAMPBELL LEAVING THE
BAR.
>> SHE DID.
>> AND THEREFORE AT THAT TIME
MR. ADAMS WAS NOT PART OF THE
FIRST ATTEMPT TO GET THIS LAWYER
ARRESTED.
KNEW ABOUT IT RIGHT AFTERWARDS.
AND HE MADE -- HE -- WASN'T HE
THEN THE DRIVING FORCE IN
GETTING PERSONIUS TO SET THIS
LAWYER UP?
>> NO, HE WASN'T.
>> WHO WAS?
WHO OF THE THREE?
>> WELL, IT DEVELOPED LIKE THIS.
FIRST OF ALL, THE FIRST TIME
THEY CALLED THE POLICE ON
OPPOSING COUNSEL, MR. ADAMS IS
OUT OF TOWN.
THERE'S NOTHING ABOUT IT UNTIL
AFTER.
I DON'T BELIEVE THE PARALEGAL
WAS INVOLVED IN ANY WAY.
SHE ENCOUNTERED OPPOSING COUNSEL
PER CHANCE IN A BAR AND THEN SHE
CALLED MR. ADAMS.
MR. ADAMS CALLED DIACO WHO SAID
CALL --
>> HE KNEW THE LAWYER WAS A
LAWYER IN A HOTLY CONTESTED
CASE.
>> YES.
>> LET ME ASK YOU ABOUT THE
BRIEFCASE.
TO ME YOU GO AND SAY THIS IS THE
-- YOU CAN'T EVEN IMAGINE WHAT
COULD HAVE BEEN GOING ON IN
THEIR MINDS ACCIDENT BUT ONCE
THEY SAW THERE WAS A TRIAL
LAWYER'S BRIEFCASE, AN OPPOSING
LAWYER'S BRIEFCASE, WHEN WAS
THAT DISCOVERED, WHO KNEW ABOUT
IT AND WHEN WAS IT RETURNED?
AND WHO WAS INVOLVED WITH THAT

ONE?

>> THE RECORD IS CLEAR ON THIS POINT, AND IN FACT THE REFEREE CREDITED MR. ADAMS' TESTIMONY ON THIS POINT.

MR. ADAMS GOT A CALL LATE THAT MORNING FROM PERSONIUS.

SHE DIDN'T SAY TRIAL BRIEFCASE. SHE SAID THE OPPOSING COUNSEL'S STUFF IS IN THE BACK OF MY CAR. ADAMS CALLED DIACO AND SAID THE OPPOSING COUNSEL'S STUFF IS IN THE BACK OF HIS CAR.

DIACO SAID I'LL HANDLE IT. ADAMS HAD NO OTHER DEALING WITH THAT BRIEFCASE WHATSOEVER, PERIOD.

THE RECORD IS CLEAR ON THAT AND THE REFEREE MADE THAT FINDING, MADE CREDIT TO THAT TESTIMONY. AND THEN FOR SEVERAL HOURS THERE WAS A BACK AND FORTH.

WHAT WAS HAPPENING IS MR. DIACO APPEARED TO BE IN A PANIC AND THEY WERE ATTEMPTING TO RETURN THE BRIEFCASE, DIACO AND ANOTHER FELLOW.

>> NOT MR. -- WAS HE INVOLVED IN THAT?

>> NOT AT ALL.

SEVERAL HOURS, WENT BACK AND FORTH.

>> IS THAT MR. MARONEY?

>> MR. PATRONI.

HE WAS NOT CHARGED BY THE BAR. HE WENT AND GOT THE BRIEFCASE.

IT WAS A TRIAL BRIEFCASE.

MR. ADAMS NEVER KNEW THAT.

FRANKLY, THEY PANICKED, WENT BACK AND FORTH.

IT WAS ALMOST 5:00 UNTIL THE BRIEFCASE GOT BACK TO OPPOSING COUNSEL.

BUT MR. ADAMS' INVOLVEMENT -- AND THAT'S WHY THE BAR HAS SAID DISBARMENT, NOT PERMANENT, TO THE REFEREE AND THAT'S WHY THE BAR AFTER DISCOVERIES THAT SUSPENSION TO THE REFEREE.

>> WHEN YOU SAY REHABILITATIVE,

--

>> THE BAR AGREED TO A 90-DAY
SUSPENSION OF MR. ADAMS.
THE REFEREE SAID NO.
THERE WAS MASSIVE PUBLICITY,
CAUSED PRIMARILY BY MR. DIACO'S
STATEMENTS.

HE WENT TO TRIAL.
THE BAR THEN SAID DISBARMENT NOT
PERMANENT FOR MR. ADAMS BECAUSE
HE WAS NOT INVOLVED IN -- HAD NO
CONNECTION TO THE POLICE
OFFICER, DIDN'T KNOW HIM.
THERE'S NOTHING --

>> BUT THE PROBLEM I SEE WITH
YOUR ARGUMENT IS THAT MR. ADAMS
IS THE ONE THAT THE PARALEGAL
CALLED ON THE IMPORTANT NIGHT,
CORRECT?

>> SHE DID, YES.

>> AND HE KNEW WHAT HAD GONE ON
TWO MONTHS BEFORE, CORRECT?

>> CORRECT.

>> EVEN THOUGH HE DIDN'T KNOW
BEFOREHAND, BUT HE KNEW AFTER
THE FACT.

>> YES, MA'AM.

>> WHAT HAD GONE ON TWO MONTHS
BEFORE.

AND THEN HE MADE THE CONSCIOUS
DECISION TO CALL THEM AND TELL
THEM THAT HE'S THERE NOW.

>> TO CALL THE OFFICER.

>> WHAT DID HE EXPECT TO HAPPEN
GIVING THAT INFORMATION IN

>> YOUR HONOR, WHAT I WOULD
EXPECT HIM TO HAPPEN IS THAT HE
WOULD BE DISBARRED, LIKE MANY
OTHER LAWYERS.

F. BAILEY DISBARRED.

LIKE THIS OTHER SERIES OF CASES
WHERE SOMEONE WHO MAKES A
HORRIBLE MISTAKE IS NOT
PERMANENTLY DISBARRED.

AND I'VE CITED THE CASES.

SO HE SHOULD BE DISBARRED.

BUT HE SHOULD NOT BE DISBARRED.

THE PERMANENCY CASES -- AND THE
REFEREE NEVER DISCUSSED THESE.

SO THE FINDING OF PERMANENCY

ARRIVES HERE WITHOUT ANY
DISCUSSION.

DIDN'T CITE THE --

>> SO TELL ME THEN, MR. DIACO IS
PERMANENTLY DISBARRED, CORRECT?

>> CORRECT.

>> SO TELL ME WHY MR. ADAMS IS
LESS CULPABLE?

>> FIRST OF ALL, DIACO HAD NO
CONNECTION TO THE POLICE
OFFICER.

>> DIACO OR ADAMS?

>> MR. ADAMS.

I'M SORRY.

MR. ADAMS HAD ZERO INVOLVEMENT
OR KNOWLEDGE --

>> BUT MR. DIACO DIDN'T EITHER.
I THOUGHT IT WAS THE OTHER ONE.

>> RIGHT, BUT THEY SET UP THE
FIRST MEETING WHICH ADAMS HAD
NOTHING TO DO WITH.

THE FRIEND OF THE POLICE OFFICER
WAS THE CO-RESPONDENT.

ADAMS HAD ZERO KNOWLEDGE.

THE REALLY BAD STUFF WERE THESE
PUBLIC STATEMENTS ABOUT OPPOSING
COUNSEL THAT HAD BEEN ARRESTED.

>> THE REALLY BAD TO ME IS
MAKING A DECISION TO TRY TO SET
THIS GUY UP AND HAVE HIM
ARRESTED.

AND YOUR CLIENT CERTAINLY WAS
THE ONE WHO GOT THE INFORMATION
ORIGINALLY THAT HE WAS IN THE
BAR AND PASSED THAT INFORMATION
ON, KNOWING WHAT HAD BEEN
ATTEMPTED TWO MONTHS BEFORE.

>> UNDERSTOOD.

AGREED.

AND AS THE BAR SAID SIX MONTHS
AGO, HE SHOULD BE DISBARRED.
HE SHOULD BE DISBARRED.

JUST IN LINE WITH A LONG LINE OF
CASES FROM YOUR HONOR.

TO DISBAR HIM ON THESE FACTS
WOULD CHANGE THE --

>> JUST WANTED TO WARN YOU YOU
ARE INTO YOUR REBUTTAL.

>> SO ADAMS WAS NOT INVOLVED IN
THE PRIOR INCIDENT.

HE WAS NOT INVOLVED IN THE PUBLIC STATEMENTS OR BACK AND FORTH WITH THE BRIEFCASE OTHER THAN CALLING DIACO SAYING NOW LOOK WHAT YOU HAVE AND DIACO SAID HE WOULD TAKE CARE OF IT. HE WAS NOT INVOLVED IN THE TESTIMONY DIACO MADE IN FRONT OF JUDGE ARNOLD.

FOR THAT REASON THE BAR THOUGHT DISBARMENT NOT PERMANENT IS APPROPRIATE.

THEY DON'T TODAY, BUT THEY DID SIX MONTHS AGO AFTER THE TRIAL AND CONVICTIONS.

I SUGGEST YOUR HONOR'S CASE LAW COUNSELS THAT STRONGLY.

THANK YOU.

>> GOOD MORNING.

MY NAME IS JODI THOMPSON.

I'M BAR COUNSEL FOR THE FLORIDA BAR.

WITH ME IS KATRINA BAR, MY CO-COUNSEL IN THE UNDERLYING TRIAL.

>> A QUESTION ABOUT CRIMINAL SITUATION.

I KNOW AT ONE POINT WE WERE ASKED TO HOLD THESE PROCEEDINGS BECAUSE THERE WAS CRIMINAL INVESTIGATIONS GOING AND SEVERAL OF THESE RESPONDENTS INVOKED THEIR FIFTH AMENDMENT RIGHT. THERE'S NO -- AT THIS POINT -- THERE WAS NO CRIMINAL CONVICTIONS IN THIS CASE.

>> THERE WAS NEVER A CRIMINAL CONVICTION OR A CHARGE.

>> OKAY.

IF THE -- IF THERE WAS, IF THERE CAME AFTER THIS A CRIMINAL CONVICTION, WOULD THE BAR BE ABLE TO REOPEN -- I MEAN, S WOULD THE BAR BE ABLE TO FILE A SEPARATE BAR GRIEVANCE TO SAY PERMANENT DISBARMENT IS IN ORDER?

I GUESS IF -- I GUESS WHAT I'M THINKING IS EVEN -- I THINK IT'S EGREGIOUS.

I THINK WE ALL AGREE.
I THINK -- I THINK THE FACT THAT
MR. ADAMS IS COMING HERE AND
SAYING I TOTALLY DID WRONG,
EVERYTHING THE REFEREE SAID IS
RIGHT, I AGREE WITH DISBARMENT,
NOT PERMANENT.
WHEN WE SET THIS, I FIGURED
THEY'D BE ARGUING FOR 91 DAYS OR
A YEAR.
SO THAT SAYS TO LOT ABOUT -- TO
ME, AT LEAST.
SO I'M TRYING TO FIGURE OUT IN
THIS CASE WHAT WOULD YOU SAY
ABOUT THE DIFFERENCES WITH ADAMS
AND DIACO AND THEN WE CAN TALK
ABOUT FILTHAUT.
WAS HE INVOLVED IN THE BRIEFCASE
INCIDENT BEYOND TELLING DIACO
THERE WAS A BRIEFCASE IN THE
CAR?
>> THERE'S NO EVIDENCE THAT
MR. ADAMS WAS INVOLVED ANY
FURTHER THAN THAT OTHER THAN
SHIRKING HIS RESPONSIBILITY TO
TAKE IT UPON HIMSELF TO ADVISE
COUNSEL THAT THIS ISSUE HAD
OCCURRED.
>> BUT I THOUGHT THE -- DO YOU
AGREE WITH WHAT HE SAID, THAT
MR. ADAMS WAS NOT INVOLVED IN
THE LITIGATION?
>> YES, I DO AGREE MR. ADAMS WAS
NOT INVOLVED IN THE LITIGATION.
>> AND THESE OUTRAGEOUS
STATEMENTS THE NEXT DAY, AFTER
THEY SET THIS LAWYER UP, ABOUT
MAKING THE PUBLIC STATEMENTS, DO
YOU AGREE THOSE CAME FROM DIACO?
>> YES, JUSTICE PARIENTE.
>> SO WHAT IS -- IF WE LOOK AT
PERMANENT DISBARMENT VERSUS
DISBARMENT, WHICH IS PRETTY
AWFUL.
WE DIDN'T USE TO HAVE PERMANENT
DISBARMENT.
WHAT MAKES THIS AS TO MR. ADAMS
-- I MEAN, MR. DIACO HADN'T
AGREED TO PERMANENT DISBARMENT.
I HAVE NO QUESTION THAT HE IS

WORTHY OF THE PERMANENT
DISBARMENT.

WHAT IS -- IF THE BAR SAYS THAT
SHOULD APPLY TO FILTHAUT AND
ADAMS, SPECIFICALLY ADAMS, THAT
WOULD SAY ABSOLUTELY YOU DID
THIS, YOU MADE THE WORST THING A
LAWYER COULD DO, ONE NIGHT, AND
THEREFORE YOU HAVE FORFEITED
YOUR TICKET FOREVER.

>> YES, JUSTICE PARIENTE.
IT'S NOT A LIMITED MISTAKE
LIMITED TO ONE EVENING.
THIS IS A PATTERN OF MISCONDUCT.
AS YOU -- AS THE JUSTICES
PREVIOUSLY ASKED QUESTIONS
ABOUT, THERE WAS A PRIOR
INCIDENT IN NOVEMBER, JUST ABOUT
A MONTH OR SO BEFORE.

>> OKAY.

BUT LET ME --

>> BUT EVEN BEFORE THAT --

>> WAS THERE -- WAS HE -- HOW
MANY YEARS HAD MR. ADAMS BEEN A
MEMBER OF THE FLORIDA BAR?

>> HE HAS BEEN A MEMBER OF THE
FLORIDA BAR I BELIEVE 19 YEARS.

>> AND DID HE HAVE PRIOR
DISCIPLINE?

>> NO PRIOR DISCIPLINE.

>> OKAY.

SO YOU WERE TALKING ABOUT THE
PATTERN BEING TRYING TO SET UP
THIS MR. -- I'M SORRY, NOT THIS
-- CAMPBELL PREVIOUSLY.

>> YES, YOUR HONOR.

YES, JUSTICE.

BUT I'M ALSO TALKING ABOUT IN
2010 DURING THE SANCTIONS
HEARING WE BROUGHT IN
DR. FRANKEL, WHO TESTIFIED ABOUT
AN INCIDENT IN A PIP TRIAL IN
2010 WHERE MR. ADAMS WAS THE
TRIAL COUNSEL.

AND WHAT WAS REVEALED IS THAT
MR. ADAMS UTILIZED EMPLOYEES OF
THE FIRM TO SURREPTITIOUSLY TAKE
PHOTOGRAPHS OR TRY TO SOMEHOW
TRICK DR. FRANKEL, IT WAS
DR. FRANKEL'S OPINION, INTO

OFFERING TREATMENT FOR THEM AT A LOWER RATE THAN HE WOULD CHARGE FOR INSURANCE TO TRY TO ENTRAP HIM INTO VIOLATING STATUTORY RULES ABOUT PIP LAWS PRIOR TO A TRIAL.

>> DID YOU BRING THAT -- THAT WAS NEVER -- YOU ONLY FOUND IT OUT WHEN?

SOMEBODY CALLED YOU VOLUNTARILY?

>> CORRECT, JUSTICE PARIENTE.

BUT WHAT IT SHOWS IS --

>> WAS THAT TESTIMONY AT THE ACTUAL HEARING?

>> YES, JUSTICE QUINCE.

DR. FRANKEL TESTIFIED ABOUT THE WHOLE INCIDENT AT THE SANCTIONS HEARING.

>> NOW, WHAT WAS THE PURPOSE OF HIS TESTIMONY?

THAT WASN'T -- THAT DIDN'T REALLY GO TO THIS INCIDENT.

WAS THIS A PART OF THE MITIGATION OR AGGRAVATION PART?

>> YES, JUSTICE QUINCE.

IT WAS AGGRAVATION TO SHOW THAT MR. ADAMS HAS ENGAGED IN A PATTERN OF MISCONDUCT, NOT JUST IN THIS CASE.

AND ALTHOUGH MR. ADAMS WAS NOT DISCIPLINED FOR THE PRIOR MISCONDUCT, HE EVADED ANY NOTICE BY THE BAR OF THAT, THAT FILE WAS CLOSED SHORTLY AFTER IT WAS REVIEWED.

BUT STANDING ALONE THAT PERHAPS WOULD NOT BE SO BAD, BUT NOW WE HAVE A SECOND AND THIRD INSTANCE OF USING EMPLOYEES, NONLAWYERS, TO VIOLATE THE RULES REGULATING THE FLORIDA BAR.

IT'S A MISCONDUCT.

>> THERE WAS A COMMENT, OPPOSING COUNSEL MENTIONED OTHERS WHO WORKED WITH THE FIRM WHO PERHAPS KNEW ABOUT THIS BUT WERE NOT CHARGED?

IS THAT RIGHT?

>> YES, JUSTICE POLSTON.

MORE -- AS THIS INVESTIGATION

WENT ON, AS THE COMPLAINT WAS FILED AND AS DISCOVERY WAS CONDUCTED, MORE INFORMATION WAS DISCOVERED THAN WHAT WAS INITIALLY KNOWN AT THE TIME THE BAR'S COMPLAINT WAS FILED BASED ON THE GRIEVANCE COMMITTEE'S REVIEW AND RECOMMENDATION. HOWEVER, THE BAR DOES HAVE A SIX-YEAR STATUTE OF LIMITATION, SO THAT ANY ADDITIONAL MISCONDUCT THAT MIGHT HAVE BEEN DISCOVERED DURING THE TRIAL, THERE'S STILL POTENTIAL FOR ADDITIONAL INVESTIGATIONS TO CONTINUE.

>> WERE THERE LAWYERS WHO KNEW ABOUT THIS AND OBVIOUSLY UNDER THE ETHICAL RULES THERE'S A DUTY TO DISCLOSE?

MATERIAL ETHICAL VIOLATIONS BY OTHER LAWYERS THEY WORK WITH OR HAVE OBSERVED, HAVE PERSONAL KNOWLEDGE OF?

WERE THERE ANY VIOLATIONS OF THAT RULE BY OTHERS THAT WERE BROUGHT AGAINST THEM IN CONNECTION WITH THIS?

OKAY.

JUSTICE POLSTON, I APOLOGIZE. I'M NOT QUITE UNDERSTANDING YOUR QUESTION.

WERE THERE ANY OTHER --

>> YEAH.

YOUR OPPOSING COUNSEL MENTIONED SOMEONE THAT WORKED AT YOUR FIRM, A LAWYER, WHO SAID WAS NOT CHARGED WITH ANY VIOLATIONS BECAUSE BASICALLY THEY JUST DID WHAT MR. ADAMS TOLD THEM TO DO.

>> I BELIEVE THAT'S A CONCLUSION THAT WAS DRAWN BY MR. JUNG.

I DON'T BELIEVE THAT THAT IS --

>> SO MY CONCERN UPON HEARING THAT WAS WERE THERE LAWYERS WHO WORKED WITH THE FIRM THAT OTHERWISE WOULD HAVE KNOWLEDGE OF THE GROSS ETHICAL VIOLATIONS THAT HAPPENED IN CONNECTION WITH THIS WHO WERE NOT SOMEHOW

CHARGED WITH A DISCIPLINE ISSUE
BY THE BAR FOR NOT REPORTING
THIS?

>> MR. MATRONEY IS THE ATTORNEY
I KNOW OF, BUT HE RAISED THE
FIFTH AMENDMENT AND WOULD NOT
TESTIFY.

>> THAT DOESN'T PRECLUDE THE BAR
FROM BRINGING ANY KIND OF
CHARGES -- ANY KIND OF COMPLAINT
IF THERE WERE IN FACT ETHICAL
VIOLATIONS, RIGHT?

>> YES, YOUR HONOR.
YES, JUSTICE QUINCE.

>> THE TRIAL JUDGE HERE FOUND --
SPECIFICALLY FOUND THAT ADAMS
WAS THE SUPERVISOR OF THE DIRECT
LAWYER INVOLVED IN THIS AND THE
PARALEGAL, CORRECT?

>> YES, JUSTICE LEWIS.

>> AND THE TRIAL JUDGE HERE
FOUND THAT MR. ADAMS DELETED
MATERIALS OFF OF CELL PHONES,
TEXTS AND MESSAGES, CORRECT?

>> YES, JUSTICE LEWIS.

>> AND THE TRIAL JUDGE
SPECIFICALLY FOUND THAT
MR. ADAMS ALSO ORDERED THE
EMPLOYEES OF THE FIRM TO TURN
OVER THEIR PHONES TO HIM.

>> YES, JUSTICE LEWIS.
AND THE PHONES HAVE NEVER BEEN
RECOVERED.

>> AND THE TRIAL JUDGE ALSO
SPECIFICALLY FOUND THAT
MR. ADAMS WAS CONTACTED, WAS
TOLD THAT THE PERSON THAT HE
SUPERVISED HAD THE BRIEFCASE OF
OPPOSING COUNSEL AND HE SAID I
JUST DON'T HAVE TIME FOR THIS.

>> THAT'S CORRECT, JUSTICE
LEWIS.

>> I THINK THE BAR'S POSITION IS
THAT THE REFEREE AMPLY OUTLINES
THE VAST AMOUNT OF EVIDENCE
AGAINST THESE ATTORNEYS.
TO RAISE THE -- TO ANSWER THE
QUESTION ABOUT WHY THE BAR ASKED
FOR DISBARMENT AND DID NOT ASK
FOR PERMANENT DISBARMENT IN THE

CLOSING ARGUMENT AT TRIAL, IT IS THE REFEREE THAT IS IN THE BEST POSITION TO MAKE THE EVALUATION OF THE WITNESSES.

AT ALL TIMES THE BAR BELIEVED THAT THIS CASE WARRANTED AT A MINIMUM DISBARMENT.

>> I THOUGHT -- WAS THERE NOT -- DID THEY NOT OFFER OR SUGGEST AND THE REFEREE REJECTED A 91-DAY SUSPENSION?

>> YES, JUSTICE PARIENTE. THAT WAS THE RESULT OF A MEDIATION AGREEMENT. AND THAT CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT WAS NOT APPROVED --

>> I KNOW.

>> AND THE LANGUAGE IN THE AGREEMENT IS THAT IF THE AGREEMENT IS NOT APPROVED, THEN THAT AGREEMENT IS NOT VALID FOR USE AT ALL IN THE PROCEEDINGS.

>> OKAY.

I UNDERSTAND.

>> YES.

>> YOU DID REPRESENT THAT AT ALL TIMES THE BAR URGED DISBARMENT. IT'S ONLY BECAUSE YOU SAID THAT THAT I ASKED THE QUESTION.

>> YES, JUSTICE PARIENTE. AND I MISSPOKE, MEANING AT TRIAL.

>> NOW, LET ME ASK YOU THIS. THERE'S SOMETHING IN THE RECORD ABOUT ALL OF THESE TEXTS BACK AND FORTH BETWEEN THE PARALEGAL AND THE ATTORNEYS ON THE NIGHT OF THIS INCIDENT.

DO WE -- AND MR. ADAMS IS INCLUDED IN HAVING RECEIVED AND SENT TEXTS BACK AND FORTH TO THE PARALEGAL.

MY QUESTION IS DO WE HAVE ANY INFORMATION AT ALL ABOUT THE SUBSTANCE OF THESE TEXTS?

I KNOW THAT AT SOME POINT ALL THE PHONES SEEMED TO SOMEHOW DISAPPEAR OR HAVE ALL THE DATA ERASED, BUT DID ANYONE TESTIFY

ABOUT THE SUBSTANCE OF ANY OF THESE CONVERSATIONS?

>> PRIOR TO INVOKING THEIR FIFTH AMENDMENT, VARIOUS WITNESSES MADE STATEMENTS IN THEIR STATEMENTS TO THE STATE ATTORNEY.

MELISSA PERSONIUS ALSO. EVEN WITHOUT HAVING THE TEXT MESSAGES, IF YOU WERE TO LOOK AT THE TAMPA POLICE DEPARTMENT INSTANT MESSAGING, YOU CAN SEE THE INFORMATION RECORDED THAT THEY WERE RECEIVING.

SO BY SEEING WHAT THEY HAVE RECEIVED, YOU CAN DRAW THE CONCLUSION THAT THAT INFORMATION CAME FROM SOMEWHERE.

AND SERGEANT FERNANDEZ TESTIFIED IN THE PROCEEDINGS BEFORE THE POLICE DEPARTMENT THAT THE INFORMATION THAT HE OBTAINED CAME FROM MR. FILTHAUT.

AND MR. FILTHAUT WAS NOT IN MOLIO'S.

THE ONLY PERSON THERE WAS MISS PERSONIUS.

SO THE ONLY WAY THEY COULD HAVE GOTTEN THAT INFORMATION WAS THROUGH MR. FILTHAUT, WHO GOT IT THROUGH ANOTHER PARTY.

>> SO, I MEAN, DID THE JUDGE FIND AS FAR AS AN AGGRAVATOR THE DESTRUCTION OF EVIDENCE?

THAT'S PRETTY SERIOUS.

>> YES, JUDGE PARIENTE.

IF THERE ARE NO OTHER QUESTIONS, THANK YOU VERY MUCH.

>> VERY BRIEFLY, YOUR HONORS --

>> PLEASE ADDRESS THE DESTRUCTION --

>> YES.

>> THE DESTRUCTION OF THE CELL PHONE AND ALSO THE ADDITIONAL INCIDENT WITH THE CHIROPRACTOR.

>> THE CHIROPRACTOR, DR. FRANKEL.

THE BAR RECEIVED HIS COMPLAINT YEARS AGO.

THE BAR REVIEWED IT, OPENED UP A

FILE AND CONCLUDED IN A LETTER TO FRANKEL -- THIS WAS SEVERAL YEARS PRIOR.

AFTER CAREFUL CONSIDERATION, I THE BAR COUNSEL, CONCLUDE THE MATTERS REFERENCED IN YOUR INQUIRY DO NOT CONSTITUTE VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT.

SINCERELY, FLORIDA BAR INVESTIGATOR.

THAT'S FRANKEL.

IF YOU READ HIS TESTIMONY, IT WAS CREDITED BELOW, BUT IT IS TO RELY ON TO SHOWS HOW FAR WE HAD TO GO TO GET EVERYTHING LINED UP.

DESTRUCTION OF EVIDENCE.

JUSTICE LEWIS, HE DID NOT TELL THE UNDERLINGS TO TURN THEIR PHONES INTO ANYONE.

THEY -- WHEN THERE WAS -- ADAMS DIDN'T.

THERE WAS A LAWYER THEY HIRED, BECAUSE THERE WERE INQUIRIES AND THERE WAS A LETTER SENT BY OPPOSING COUNSEL'S LAW FIRM AND THEY ALL TURNED THEIR PHONE INTO THE LAWYER THAT WAS HIRED TO HANDLE THAT.

HE DELETED HIS TEXTS.

HE DID.

HE INFORMED THE BAR --

>> WHEN YOU SAY HE.

>> MR. ADAMS.

>> MR. ADAMS DELETED HIS TEXTS OFF OF HIS PHONE?

AND THE OTHERS?

>> HE DID, OFF OF HIS PHONE.

THE EVIDENCE IS THAT HE DELETED THEM SIMULTANEOUSLY, CONCURRENTLY.

HE TESTIFIED THAT THAT WAS HIS PRACTICE, TO DELETE THEM.

WHATEVER WE WANT TO CALL IT, SIMULTANEOUS.

THE REFEREE DID NOT CREDIT --

>> HE DELETED THE TEXTS WHEN?

>> AS -- HIS TESTIMONY WAS IT WAS ROUTINE PRACTICE TO DELETE

THE TEXTS WHEN THEY CAME IN ON TUESDAY.

HE'D READ THEM AND DELETE THEM. THE REFEREE DIDN'T CREDIT THAT TESTIMONY, BUT HE DIDN'T DELETE ANYONE ELSE'S TEXTS.

>> THE REFEREE FOUND HE WAS INCREDIBLE IN HIS TESTIMONY ABOUT THE PHONE.

>> DID NOT CREDIT ON THE DELETING OF THE TEXT, THAT IT WAS A SIMULTANEOUS --

>> CORRECT.

>> THERE'S NO EVIDENCE OF THAT OTHER THAN THAT FINDING.

THAT'S CORRECT.

AND THAT'S, YOUR HONOR, WHY HE SHOULD BE DISBARRED.

AND IF YOU DISBAR HIM, THAT IS THE -- CONSISTENT WITH THIS COURT'S JURISPRUDENCE ON HAILING PERMANENT VERSUS NONPERMANENT DISBARMENT.

HE'S NOT LIKE NORKEN.

HE SHOULD BE ENTITLED TO HAVE A CHANCE TO BE REHABILITATED IN FIVE OR SIX YEARS WITH A PRESUMPTION AGAINST READMISSION. THANK YOU.

>> THANK YOU FOR YOUR ARGUMENTS.