

SUPREME COURT DISCIPLINES 19 ATTORNEYS

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Summaries of orders issued July 2 – Aug. 12, 2013

The Florida Bar, the state's guardian for the integrity of the legal profession, announces that the Florida Supreme Court in recent court orders disciplined 19 attorneys, disbarring two, revoking the licenses of seven, suspending eight and publicly reprimanding two. Two attorneys received more than one form of discipline. One was placed on probation and both were ordered to pay restitution.

As an official arm of the Florida Supreme Court, The Florida Bar and its Department of Lawyer Regulation are charged with administering a statewide disciplinary system to enforce Supreme Court rules of professional conduct for the 96,000-plus lawyers admitted to practice law in Florida. Case files are posted to attorneys' individual Florida Bar profiles and may be reviewed at and/or downloaded from The Florida Bar's website, www.floridabar.org.

Court orders are not final until time expires to file a rehearing motion and, if filed, determined. The filing of such a motion does not alter the effective date of the discipline. Disbarred lawyers may not re-apply for admission for five years. They are required to go through an extensive process that rejects many who apply. It includes a rigorous background check and retaking the bar exam. Historically, less than five percent of disbarred lawyers seek readmission.

Andrea Ruth Bateman, P.O. Box 104, **Winter Park**, **suspended** for 90 days, effective 30 days from a July 24 court order. (Admitted to practice: 1974) Bateman didn't provide competent representation to a client, failing to properly communicate, respond to repeated requests for information, pursue a claim or file any pleadings. The client made repeated requests for his original documents during Bateman's representation, which began around January 2006. Bateman did not return them until September 2012. (Case No. SC12-881)

Timothy A. Berry, P.O. Box 973, **Winter Park**. The Supreme Court granted Berry's request for a **disciplinary revocation**, effective 60 days from a July 24 court order, with leave to seek readmission after five years, (Admitted to practice: 1983) Disciplinary revocation is equivalent to disbarment. Berry had several disciplinary complaints pending including lack of diligence and excessive fees. (Case No. SC12-1889)

Thomas R. Busatta Sr., 12995 S. Cleveland Ave., Suite 47, **Fort Myers**, **suspended** for 90 days, effective 30 days from a July 24 court order. (Admitted to practice: 2009). Busatta was also ordered to pay **restitution** of \$3,500 to one client and attend ethics school. Busatta was found guilty of multiple offenses and engaged in a pattern of misconduct. He failed to diligently represent clients, properly communicate with them, attend court hearings and adequately explain fees. He also overcharged clients and engaged in the unlicensed practice of law. (Case No. SC12-2060).

Lilia A. Casal-Diaz, 306 Alcazar Ave.- Penthouse, **Coral Gables**. The Supreme Court granted Casal-Diaz's request for a **disciplinary revocation**, effective 30 days from a July 24 court order, with leave to seek readmission after five years. (Admitted to practice: 1997) Disciplinary revocation is equivalent to disbarment. In October 2012, Casal-Diaz pleaded guilty in U.S. district court to one count of conspiracy to defraud the government. (Case No. SC12-2186)

Roland Cherasard, 909 N. Miami Beach Blvd., Suite 501, **North Miami Beach**. The Supreme Court granted Cherasard's request for **disciplinary revocation**, effective immediately, with leave to seek readmission after five years, following a July 15 court order. (Admitted to practice: 2003) A disciplinary revocation is equivalent to disbarment. Cherasard entered a plea agreement in circuit court to a charge of grand theft, a third degree felony. (Case No. SC12-2002)

Jeffrey Scott Dawson, 360 E. South Water St., Apt. 3405, **Chicago, Ill.**, **suspended** for 90 days, effective Aug. 2, and to receive two years of probation with Florida Lawyers Assistance, Inc., following a July 24 court order. (Admitted to practice: 1993) In 2011, Dawson pleaded guilty to reckless driving with alcohol as a factor. He was later involved in accident in which he left the scene. Dawson subsequently pleaded no contest to giving false information to a police officer, leaving the scene of an accident with property damage and violation of probation. (Case No. SC12-1392)

Sarah Holt Dennis, 637 Carey Place, **Lakeland**. The Supreme Court granted Dennis' request for a **disciplinary revocation**, effective 30 days from a July 16 court order, with leave to seek readmission after five years. (Admitted to practice: 1994) A disciplinary revocation is equivalent to disbarment. Dennis had several disciplinary complaints pending including lack of diligence. (Case No. SC12-2058)

Stuart Carl Hoffman, 1075 Broken Sound Pkwy. N.W., Suite 102, **Boca Raton**, **suspended** until further order, effective 30 days from a July 16 court order. (Admitted to practice: 1990) Hoffman was found in contempt for failing to respond to official Bar inquiries in February, March and April of 2012. (Case No. SC12-1912)

Bryan Alexander Kutchins, 3974 Tampa Road, Suite A, **Oldsmar**, to be **publicly reprimanded** following a July 24 court order. (Admitted to practice: 1973) Kutchins failed to provide competent representation to a client. In one instance, he failed to appear at a hearing. Kutchins also resolved a contempt matter against the client's former spouse without approval and he billed the client for unsolicited advice concerning the need for a trust. (Case No. SC12-1677)

Michael Winston Lanier, 2711 Dean Road, **Jacksonville**, **suspended** for 45 days, effective 30 days from a July 24 court order. (Admitted to practice: 2006) In the context of providing loan modification and foreclosure rescue services, Lanier became associated with several non-legal entities to provide staffing and secretarial services. At one point, Lanier's law firm shared an address and phone number with two of the non-legal businesses. These entities, not bound by the Rules Regulating The Florida Bar, would procure clients throughout the country for Lanier's firm. In several cases, Lanier's non-lawyer employees

then performed unsatisfactory work for the clients. (Case No. SC12-2389)

George Granville Lewis, 4341 N.W. 6th St., **Plantation, disbarred** effective immediately, following a July 24 court order. (Admitted to practice: 1995) Lewis was found in contempt for failing to comply with the terms of a May 1, 2012, suspension order. He was ordered to notify all his clients, opposing counsel and tribunals of his suspension, and provide The Florida Bar within 30 days of the suspension, a sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of his suspension order. (Case No. SC12-1261)

Ometrias Deon Long, P.O. Box 3119, **Winter Park, suspended** until further order, effective 30 days from a July 18 court order. (Admitted to practice: 1994) Long was found in contempt for failing to respond to official Bar inquiries in August and October 2012, regarding complaints filed against him. (Case No. SC13-247)

Timothy Patrick McCabe, 30 S. M St., **Lake Worth, permanently disbarred** effective immediately, following an Aug. 12 court order. (Admitted to practice: 1990) McCabe was the subject of 29 separate Florida Bar disciplinary matters. He misappropriated millions in client funds and he abandoned his law practice. (Case Nos. SC13-549 & SC13-636)

Allan Michael Migdall, 270 S.W. 31st St., **Fort Lauderdale**. The Supreme Court granted Migdall's request for a **disciplinary revocation**, effective retroactive to April 20, 2011, following a July 15 court order, with leave to seek readmission after five years. (Admitted to practice: 1974) Disciplinary revocation is equivalent to disbarment. Migdall had several cases pending in connection to his dual roles as escrow agent and attorney. (Case No. SC12-1890)

Russell Haskew Rein, 9100 Baldrige Road, Apt. 6106, **Pensacola**. The Supreme Court granted Rein's request for a **disciplinary revocation**, effective immediately, with leave to seek readmission after five years, following a July 24 court order. (Admitted to practice: 2006) Disciplinary revocation is equivalent to disbarment, and was based on four complaints received by The Florida Bar including one for trust account misappropriation. (Case No. SC13-475)

Francisco Javier Rodriguez, 33 Calle B, **Manati, Puerto Rico, suspended** for one year, effective 30 days from a July 24 court order. Rodriguez is also placed on **probation** for three months concurrent with the suspension. Further, Rodriguez shall **payrestitution** totaling \$8,310 to three clients. (Admitted to practice: 2003) In three instances, after being retained, Rodriguez failed to provide competent representation to clients. He failed to adequately communicate, failed to appear in court and failed to respond to Bar inquiries. Case No. SC12-1486)

William L. Rogers, 2875 N.E. 191st St. Ph-4, **Aventura, suspended** until further order, effective 30 days from a July 2 court order. (Admitted to practice: 1972) According to a petition for emergency suspension, Rogers appeared to be causing great public harm by misappropriating and commingling funds. A Bar auditor found that at one point, Rogers deposited more than \$35,000 into his trust account to cover client shortages. He also deposited loans and fees meant for his operating account into his trust account. (Case No.

SC13-1040)

William Castile Ruggiero, 200 S. Andrews Ave. No. 703, **Fort Lauderdale**, to be **publicly reprimanded** following a July 24 court order. (Admitted to practice: 1991) After withdrawing his attorney's fees and costs from a jury award and paying some medical providers, Ruggiero deposited the remaining proceeds with the court without advising several other medical providers of his placing the funds with the court or of the hearing to disburse these funds. This caused the remaining proceeds to be disbursed to the client. (Case No. SC12-2209)

John Lawrence Salter, 14260 W. Newberry Road No. 338, **Newberry**. The Supreme Court granted Salter's request for a **disciplinary revocation**, effective 30 days from a July 16 court order, without leave to seek readmission after five years, (Admitted to practice: 1994) Disciplinary revocation is equivalent to disbarment. Salter had a complaint pending involving his trust account. (Case No. SC12-2058)