

SUPREME COURT DISCIPLINES 21 ATTORNEYS

FOR IMMEDIATE RELEASE
December 31, 2013
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Summaries of orders issued Oct. 15 – Nov. 27, 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 21 attorneys; disbarred two, suspending 17 and publicly reprimanding two. Seven attorneys received more than one form of discipline, with three being placed on probation; one being publicly reprimanded, and three 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 98,000-plus lawyers admitted to practice law in Florida. Key discipline case files that are public record are posted to attorneys' individual online Florida Bar profiles. [To view discipline documents, follow these steps.](#) Additional information on the discipline system and how to file a complaint are available at <http://www.floridabar.org/attorneydiscipline>.

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.

Russell Samuel Adler, 55 S.E. 2nd Ave., **Delray Beach**, **suspended** for 91 days following a Nov. 14 court order. (Admitted to practice: 1986) Adler misrepresented his finances and equity status within the law firm where he worked to a cooperative apartment board. Further, he misinformed the board that he was financing 90 percent of the purchase price when in fact he was financing 100 percent of the purchase price. He also sought and obtained from his law firm a letter that misrepresented his financial status so that he would be approved to purchase the cooperative apartment in New York City. Finally, during his four-year tenure supervising the law firm's personal injury practice group, none of the settlement statements prepared by his department contained any attorney's signature or even a space for an attorney to sign as required by Bar rules. (Case No. SC11-1863)

Libio Calejo, 2500 N.W. 79th Ave., Suite 102, **Doral**, **disbarred** effective immediately, following an Oct. 31 court order. (Admitted to practice: 2004) Calejo was found in contempt for failing to comply with the terms of a May 15 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. SC13-

1252)

Robert B. Cook, P.O. Box 3609, **Tequesta**, **suspended** for 90 days following a Nov. 27 court order. Further, Cook shall pay **restitution** of more than \$57,000 to 13 clients. (Admitted to practice: 1971) Between 2010 and 2012, Cook engaged in a continuing course of conduct involving cases in which clients sought credits on their credit cards, claiming that the purchased services did not occur. Cook was affiliated with an entity as a referral source, which solicited business on his behalf. Although he was unaware of the solicitation, Cook allowed his non-lawyer staff to handle the cases with little supervision from him. (Case No. SC13-1925)

Theodore R. Doran, P.O. Box 15110, **Daytona Beach**, **suspended** for 60 days, effective December 18, 2013. (Admitted to practice: 1982) Doran was the subject of several Florida Bar disciplinary matters. He used improper evidence in a dissolution of marriage case, requiring him to pay opposing counsel's fees in the matter. In another case, Doran apologized to another opposing counsel after she complained to the Bar regarding his unsolicited advances verbally and via electronic mail messages; in a third case, he had a consensual sexual encounter with a client he was representing in a pending dissolution of marriage case. (Case No. SC13-1920)

Joseph Henry Fernandez, 12972 S.W. 136th Terrace, **Miami**, **suspended** for three years, effective 30 days from a Nov. 21 court order. Further, upon reinstatement, Fernandez is placed on **probation** for one year. (Admitted to practice: 1986) After being retained to represent a client in a civil matter, Fernandez failed to adequately communicate. In other matters, he failed to file the proper documents to administer an estate and he failed to attend a properly noticed court hearing. (Case No. SC12-2388)

Will Rogers Helton, Jr., 900 N. Pace Blvd., Unit B, **Pensacola**, **suspended** for 180 days, effective 30 days from a Nov. 27 court order. (Admitted to practice: 1986) Helton was also a member of the South Carolina Bar. This is a reciprocal discipline case from South Carolina, where the misconduct occurred. During a seven-month period, Helton personally handled real estate closings that took place outside his law office. His non-lawyer assistants handled most of the closing that took place in the law office, without the presence or supervision of a licensed attorney. In most cases, the non-lawyer assistants would sign Helton's name as a witness on deeds, mortgages and other closing documents. (Case No. SC13-248)

Marc Scott Levin, P.O. Box 1817, **New York, NY**, **suspended** until further order, following a Nov. 6 court order. (Admitted to practice: 1987) Levin was arrested after attempting to buy cocaine from an undercover narcotics officer. He pleaded no contest in court, adjudication was withheld and Levin was sentenced to 18 months probation. (Case No. SC13-2089)

Kelly Bernard Mathis, 1200 Riverplace Blvd., Suite 902, **Jacksonville**, **suspended** effective Dec. 18, following an Oct. 29 court order. (Admitted to practice: 1988) Mathis was found guilty in court of racketeering, possession of a slot machine or device and assisting in setting up, promoting or conducting a lottery. (Case No. SC13-2031)

Beverly Ann McComas, 7530 N.W. 3rd Court, **Plantation**, **suspended** for 90 days,

effective 30 days from a Nov. 27 court order. (Admitted to practice: 1994) As a supervising attorney for the Law Offices of David J. Stern, P.A., McComas failed to exercise her authority to ensure that the actions of those she managed comported with Florida Bar rules. Those actions included a failure of the attorneys to appear in court for conferences or hearings, substandard preparation of mortgage foreclosure files, and allowing the filing of documents that were improperly notarized, witnessed or dated. (Case No. SC13-1923)

Robert Mike II, P.O. Box 916173, **Longwood**, **suspended** for 90 days, effective 30 days from a Nov. 21 court order. Further, Mike shall pay **restitution** of more than \$1,500 to two clients. (Admitted to practice: 1977) Mike was hired to handle two separate dissolution of marriage cases and he failed to adequately communicate or provide meaningful service. (Case No. SC13-644)

Paul Creel Miniclier, 1305 Dublin St., **New Orleans, La.**, to be **publicly reprimanded** following a Nov. 21 court order. (Admitted to practice: 1986) Miniclier is also a member of the Louisiana Bar. This is a reciprocal discipline case based on Miniclier's discipline in Louisiana. The U.S. Court of Appeals for the Fifth Circuit affirmed a district court ruling, which identified numerous offending pleadings filed by Miniclier and awarded sanctions based on the time required by the defendants to respond to those pleadings. (Case No. SC12-2393)

Carlos Michael Muniz, 1800 S.W. 27th Ave., Suite 201, **Miami**, **suspended** for 10 days, effective 30 days from a Nov. 27 court order. (Admitted to practice: 1999) In the course of representing a client in a paternity action, Muniz was combative and abusive to the judge, such that the proceedings were disrupted. The judge had to stop the hearing and recuse herself. She also filed a Bar complaint against Muniz. (Case No. SC12-1421)

Brian John Murtha, 7640 N. Wickham Road, Suite 121, **Melbourne**, **suspended** until further order, effective 30 days from a Nov. 5 court order. (Admitted to practice: 1987) Murtha was found in contempt for failure to comply with the terms of an Oct. 15, 2012 court order in which he was publicly reprimanded and placed on probation. Murtha was required to retain the services of a certified public accountant to review his trust accounts monthly. Quarterly statements were to be prepared by the CPA for review by The Florida Bar. (Case No. SC13-901)

Jeffrey Alan Norkin, 408 N.E. 6th St., Unit 625, **Fort Lauderdale**, **suspended** for two years, following an Oct. 31 court order. Further, Norkin shall receive a **public reprimand** that will be administered by the court. (Admitted to practice: 1993) Norkin engaged in numerous acts of misconduct by behaving in an unprofessional and antagonistic manner during the course of litigating a civil case. The court considered his behavior an embarrassment to the profession. (Case No. SC13-56)

Pamela Bounds Olsen, P.O. Box 3612, **Ocala**, **suspended** for 30 days, effective 30 days from a Nov. 27 court order. Further, upon reinstatement, Olsen is placed on **probation** for one year. (Admitted to practice: 1991) In five separate cases over a one year period, Olsen received referral fees to which her law firm claimed entitlement and did not share them with the law firm. (Case No. SC13-1911)

Jean M. Picon, P.O. Box 410004, **Melbourne**, to be **publicly reprimanded** following an Oct. 15 court order. (Admitted to practice: 2003) Picon failed to comply with the terms of an April 29, 2011, suspension order. Picon admitted to violating the probationary terms by not meeting her financial obligations and failing to respond to Bar inquiries. (Case No. SC13-918)

Eugene Keith Polk, 201 E. Government St., **Pensacola**, **suspended** for 90 days, followed by three year's **probation**, after a Nov. 14 court order. (Admitted to practice: 1994) After being retained, Polk failed to communicate with a client for nearly two years and failed to return documents despite numerous requests. He failed to respond to Bar inquiries for several months and misrepresented to the referee during the course of the disciplinary proceedings. (Case No. SC11-2500)

Jacob Addington Rose, 931 Village Blvd., Suite 905-299, **West Palm Beach**, **disbarred** effective immediately, following a Nov. 6 court order. Further, Rose shall pay **restitution** of \$1,600 to two clients. (Admitted to practice: 1976) In three separate cases, Rose failed to provide adequate representation to clients. He charged excessive fees, failed to appear at hearings and failed to communicate with clients. Due to his inaction in one matter, the client was forced to retain new counsel. (Case Nos. SC11-1482 & SC11-1829)

R. Eric Rubio, P.O. Box 1813, **Valrico**, **suspended** for 30 days, effective 30 days from a Nov. 27 court order, and further placed on **probation** for three years. Criminal charges were filed against Rubio in Hillsborough County for making repeated phone calls, a second degree misdemeanor. In April 2010, Rubio called the personal cell phone of a deputy sheriff and left 10 voicemail messages containing explicit language, racial slurs and threats. (Case No. SC13-297)

Michael J. Scaglione, 2600 S. Douglas Road, Ph. 10, **Coral Gables**, **suspended** until further order, effective Dec. 23, following a Nov. 18 court order. (Admitted to practice: 1999) Scaglione pleaded guilty to one count of money laundering. (Case No. SC13-1986)

Eric A. Simon, 17831 Lake Estates Drive, **Boca Raton**, **suspended** for 90 days, effective Dec. 9, following a Nov. 27 court order. (Admitted to practice: 1978) Simon served as the escrow agent for the developer of a condominium project. A dispute ensued between the purchaser and the developer when a condominium's certificate of occupancy was not issued when agreed to by contract. Instead of returning the \$49,000 deposit to the purchaser or turning the funds over to the court for an inter pleader action, Simon remitted the funds to the developer without advising the purchaser. (Case No. SC13-249).