

## SUPREME COURT DISCIPLINES 29 ATTORNEYS

FOR IMMEDIATE RELEASE

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### **Summaries of orders issued July 15, 2013 – Jan. 31, 2014**

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 29 attorneys; disbaring five, revoking the licenses of two, suspending 21 and placing one on probation. Three attorneys received more than one form of discipline. One was ordered to pay restitution and two were placed on probation.

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 [www.floridabar.org/attorneydiscipline](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 5 percent of disbarred lawyers seek readmission.

**Angela Morton Armstrong**, 1155 Tampa Road, **Palm Harbor, suspended** until further order, effective 30 days from a Jan. 28 court order. (Admitted to practice: 2001) Armstrong was found in contempt for failing to respond to Bar inquiries regarding two disciplinary cases. She also failed to appear before a grievance committee regarding the cases and failed to inform the committee that she would be unable to attend. (Case No. SC13-1855)

**Antonio R. Arnao**, 28870 U.S. Highway 19 N., Suite 300, **Clearwater, suspended** until further order, effective immediately, following a Jan. 27 court order. (Admitted to practice: 1988) Arnao was found in contempt for failing to comply with a grievance committee subpoena for trust records and client files regarding four discipline cases. (Case No. SC13-1916)

**Jason Todd Banks**, 2023 Cato Court, **Indialantic, suspended** for 91 days, effective Dec. 31, 2013, following a Dec. 20, 2013, court order. (Admitted to practice: 1998) In Oct. 2011, Banks agreed to relinquish his certification as a Florida Supreme Court Certified Mediator, without leave to reapply. The Florida Dispute Resolution Center referred the matter to The Florida Bar. Banks admitted to engaging in conduct involving an impermissible conflict of interest and attempting to influence the complainant to dismiss the grievance that he filed

with the Dispute Resolution Center. (Case No. SC13-545)

**Michael Leroy Bryant**, 190 N.E. 189<sup>th</sup> Ave., **Old Town**, placed on **probation** for six months, effective immediately, following a Jan. 13 court order. (Admitted to practice: 1993) In two separate cases, Bryant served as Assistant Regional Conflict Counsel, representing criminal defendants and mismanaged the transition from trial to appellate jurisdiction. Bryant's failure to respond to communications from the Florida First District Court of Appeal, resulted in delay and wasted judicial resources. (Case No. SC13-19)

**Marshall Lawrence Cohen**, P.O. Box 60292, **Fort Myers**, **suspended** until further order, effective 30 days from a Jan. 30 court order. (Admitted to practice: 1973) According to a petition for emergency suspension, there was a substantial likelihood that Cohen would cause great public harm. Cohen was also a member of the Georgia State Bar. He attempted to practice law in the Middle District of Florida despite being disbarred by the U.S. Court of Appeals for the 11<sup>th</sup> Circuit as a reciprocal discipline for his disbarment from the Georgia State Bar. (Case No. SC14-38)

**Yolanda Maria Concepcion**, P.O. Box 611505, **North Miami**, **suspended** for 91 days, effective 30 days from a Dec. 26, 2013, court order. Further, upon reinstatement, Concepcion is placed on **probation** for two years. (Admitted to practice: 1998) From 2007 through 2011, Concepcion withheld payroll taxes from her employee but did not remit them to the federal or state government. (Case No. SC13-1360)

**Johnny Euell DuBose Jr.**, 1432 Newbridge Lane, **Orlando**. The Supreme Court granted DuBose's request for a **disciplinary revocation**, effective 30 days from a July 15, 2013, court order, with leave to seek readmission after five years. (Admitted to practice: 1988) Disciplinary revocation is equivalent to disbarment. DuBose had a complaint pending involving misappropriation of funds from a law firm's trust account. (Case No. SC12-2339)

**James Daniel Eckert**, 4880 Locust St. N.E., Apt. 123, **St. Petersburg**, **suspended** for 45 days, effective Dec. 27, 2013, following a December 20, 2013, court order. (Admitted to practice: 1965) Eckert represented a woman in a child custody case. He was removed from the case by the court after opposing counsel for the ex-husband filed a motion to disqualify him. According to an order, the court believed it had no alternative, due to Eckert's unacceptable behavior, which included verbal abuse of the opposing party and counsel. (Case No. SC13-762)

**Jeffrey Hilliard Hochberg**, 1121 S. Military Trail No. 177, **Deerfield Beach**, **suspended** until further order, effective 30 days from a Jan. 28 court order. (Admitted to practice: 2006) Hochberg was found in contempt for repeatedly failing to respond to official Bar inquiries regarding a complaint. (Case No. SC13-1928)

**Guy M. Jean-Pierre**, 433 Plaza Real, Suite 275, **Boca Raton**, **disbarred** effective 30 days from a Jan. 13, court order. (Admitted to practice: 2004) Jean-Pierre engaged in fraudulent behavior by forging the name of his attorney niece and filing letters pertaining to publicly traded companies under her name, without her knowledge or consent. In one letter, Jean-Pierre knowingly made material misrepresentations. (Case No. SC12-2727)

**Frank Ray Keasler Jr.**, 4215 Southpoint Blvd. Suite 140, **Jacksonville**, **suspended** for three years, effective 30 days from a Jan. 8, court order. Further, Keasler shall pay **restitution** of \$32,500 to two clients. (Admitted to practice: 1985) Keasler's handling of two related cases resulted in misconduct including conflict of interest and charging an excessive fee. (Case No. SC11-683)

**Jussi Kustaa Kivisto**, 1010 10<sup>th</sup> Ave. N., No. 2, **Lake Worth**, **permanently disbarred** effective immediately, following a Jan. 28, court order. (Admitted to practice: 1983) Kivisto was found in contempt for failing to comply with the terms of a May 2010 suspension order and a September 2010 disbarment order. He maintained a sign at his office identifying himself as an attorney, advertised his availability for legal services and prepared and used a false document designating himself as "Esq." (Case No. SC12-770)

**Hugh Henry Lee**, 416 N. Lawrence St., **Bushnell**. The Supreme Court granted Lee's request for a **disciplinary revocation**, effective Jan. 3, following a Dec. 26, 2013, court order, with leave to seek readmission after five years. (Admitted to practice: 1980) Disciplinary revocation is equivalent to disbarment. Lee had previously been disciplined: twice for criminal conduct (DUI), once for neglect and subsequently for violating the terms of his diversion by testing positive for cocaine. Lee had complaints pending involving allegations that he violated his contract with Florida Lawyers Assistance by testing positive for alcohol in 2012 and testing positive for cocaine in 2013. (Case No. SC13-1568)

**Anthony Martin Livoti Jr.**, 721 N.E. 3<sup>rd</sup> Ave., **Fort Lauderdale**, **suspended** until further order, following a Jan. 14, court order. (Admitted to practice: 1974) Livoti was found guilty in federal court of conspiracy to commit mail/wire fraud and conspiracy to commit money laundering, all felonies. (Case No. SC14-13)

**Michael H. Lubin**, 16831 N.E. 15<sup>th</sup> Ave., **North Miami Beach**, **permanently disbarred** effective immediately, following a Jan. 30, court order. (Admitted to practice: 1981) Lubin was found in contempt for failing to comply with the terms of a June 2010 disbarment order. Lubin was required to provide a sworn affidavit to The Florida Bar within 30 days of his disbarment, listing the names and addresses of all persons and entities that were furnished a copy of his disbarment order. (Case No. SC13-1713)

**Peter M. MacNamara**, 3908 Main Highway, **Miami**, **suspended** for 90 days and placed on **probation** for two years following a Dec. 19, 2013 court order. (Admitted to practice: 1976) MacNamara represented a client in a probate matter involving the filing of federal estate taxes. He failed to be forthright with the Bar about the circumstances of the filing during the disciplinary process. (Case No. SC11-1029)

**Frank Excel Marley III**, 12555 Orange Drive, Suite 4082, **Davie**, **suspended** effective 30 days from a Jan. 6, court order. (Admitted to practice: 2003) Marley was found guilty in court of one count of wire and mail fraud and six counts of theft from an Indian Tribe--all felonies. (Case No. SC14-2)

**Richard Martin Nelson**, 1625 N. Commerce Pkwy., Suite 225, **Weston**, **suspended** until further order, effective 30 days from a Jan. 6, court order. (Admitted to practice: 1986) According to a petition for emergency suspension, Martin appeared to be causing great

public harm. The Bar's investigation found that Nelson misappropriated funds. He was charged in court with one count of organized fraud, grand theft in the first degree and grand theft in the third degree. (Case No. SC13-2397)

**Yvonne Marquette Nelson**, P.O. Box 720598, **Orlando, suspended** for 90 days, effective 30 days from a Dec. 19, 2013 court order. (Admitted to practice: 2000) Nelson was found in indirect civil contempt for failing to appear for a case management conference. She filed a notice of conclusion of representation prior to the date of the hearing. Nelson was also sanctioned for relying on her client's representations of material facts that were unfounded and untrue. She did insufficient due diligence and took no action to verify the information even after being put on notice by the opposing counsel. (Case No. SC13-1066)

**Donette Sonya Russell-Love**, 7450 Griffin Road, **Davie, suspended** for 91 days, effective 30 days from a Jan. 23, court order. (Admitted to practice: 2000) Russell-Love acted improperly while assisting a client in securing a Visa that would allow her to legally enter the United States to participate in professional tennis tournaments held by the United States Tennis Association. She knowingly listed the USTA as the organization filing the form and used her law office address as the contact for the USTA. She also forged the name of the client on the line designated for the client's signature. The client was ultimately charged with violations of the Immigration and Nationality Act and was subject to "permanent inadmissibility" to the United States. (Case No. SC12-223)

**Benjamin David Rust**, 359 N. Monroe St., **Tallahassee, disbarred** effective retroactive to Oct. 25, 2011, following a Jan. 10, court order. (Admitted to practice: 1974) Rust violated his Oct. 25, 2011, suspension order by representing two clients after the effective date of the suspension. He had previously violated the terms of his 2009 probation order. (Case Nos. SC10-2343, SC11-1814 & SC12-141)

**Edward Wilson Schmoll**, 31 Island Way, Apt. 207, **Clearwater, suspended** until further order, following a Jan. 8, court order. (Admitted to practice: 1989) Schmoll was found in contempt for willful non-compliance and failure to respond to Bar inquiries about insufficient funds notices involving his trust account. (Case No. SC13-1594)

**Benson Abram Snaider**, P.O. Box 3162, **New Haven, Conn., suspended** effective 30 days from a Jan. 10, court order. (Admitted to practice: 1966) Snaider, who was also a member of the Connecticut Bar, pleaded guilty in the Superior Court of Connecticut, to a first-degree felony for misappropriating \$800,000 in client funds. (Case No. SC14-10)

**Kelly Earlise Speer**, P.O. Box 172067, **Tampa, suspended** for one year, effective immediately, following a Jan. 22, court order. (Admitted to practice: 2006) Speer was found in contempt for failing to comply with the terms of an April. 19, 2013, suspension order. Speer was required to provide a sworn affidavit to The Florida Bar within 30 days of her suspension, listing the names and addresses of all persons and entities that were furnished a copy of her suspension order. (Case No. SC13-1041)

**David James Stern**, 950 S. Pine Island Road, Suite 150A, **Plantation, disbarred** effective 30 days from a Jan. 7, court order. (Admitted to practice: 1991) Stern's disbarment stems from misconduct in the handling of thousands of foreclosure matters. Issues ranged from

little or no supervision of associates and non-attorney employees to abandonment of client files, to failing to acknowledge an order to appear in appeals court. (Case No. SC13-643)

**Nick W. Stieglitz Jr.**, 6855 S.W. 8<sup>1st</sup> St., Suite 100, **suspended** until further order, following a Dec. 23, 2013, court order. (Admitted to practice: 1994) According to a petition for emergency suspension, Stieglitz appeared to be causing great public harm by misappropriating client funds. (Case No. SC13-2309)

**Henry Lamar Willis**, 2745 Tell Place Way, S.W., **Atlanta, Ga.**, **suspended** until further order, following a Jan. 31, court order. (Admitted to practice: 1999) Based upon the facts in the petition for emergency suspension, there was a substantial likelihood that Willis would cause great public harm if not suspended. Willis was also a member of the Georgia State Bar. He was disbarred by the Supreme Court of Georgia on Oct. 7, 2013, for misappropriating client trust funds. (Case No. SC14-149)

**Jean Reagan Wilson**, 705 103<sup>rd</sup> Ave. N., **Naples**, **suspended** for 91 days, effective 30 days from a Jan. 13 court order. (Admitted to practice: 1989) Wilson's solo practice was run by a non-lawyer when she left the state to attend to a personal family matter. During her absence, she did not represent her clients or oversee the law practice. She did not report her CLE credits and subsequently became ineligible to practice law. During her delinquency, Wilson's non-lawyer improperly filed five motions. (Case No. SC12-665)

**Richard Bruce Wingate**, P.O. Box 711, **Black Mountain, N.C.**, **suspended** for 60 days, effective 30 days from a Jan. 28 court order. (Admitted to practice: 1983) Wingate was hired by a non-profit health corporation in North Carolina as its corporate attorney and president. He represented to the group that he was licensed to practice law in Florida and Pennsylvania, when in fact, he had retired from the Pennsylvania Bar in 1994. Wingate had not satisfied his Continuing Legal Education Requirement in Florida, therefore, he was ineligible to practice law. Wingate also accepted money from two clients to handle cases even though he knew his status with The Florida Bar. (Case No. SC13-729)