

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOHN FRANCIS LAKIN,

Respondent.

Supreme Court Case  
No. SC-

The Florida Bar File  
No. 2016-10,778 (12A)

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**COMPLAINT**

The Florida Bar, Complainant, files this Complaint against John Francis Lakin, Respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the Complaint was, a member of The Florida Bar, admitted on September 12, 2001, and is subject to the jurisdiction of the Supreme Court of Florida.

2. The Twelfth Judicial Circuit Grievance Committee “A” found probable cause to file this Complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this Complaint has been approved by the presiding member of that committee.

3. During all relevant time periods, Respondent served as a circuit court judge in the Twelfth Judicial Circuit, in and for Manatee County, Florida.

4. Respondent was the presiding judge in a premises liability lawsuit, *Wittke v. Wal-Mart Stores, Inc.*, Case No. 2012-CA-003458, Twelfth Judicial Circuit, in and for Manatee County, Florida.

5. Melton Harry Little and Scott Brian Kallins of the law firm Kallins, Little & Delgado, P.A. (“KLD”) represented the plaintiff, Sandy Wittke.

6. On January 16, 2015, the parties first appeared before Respondent at a hearing on the plaintiff’s motion to continue the trial.

7. Between June 22, 2015, and June 25, 2015, a jury trial was conducted.

8. Messrs. Little and Kallins represented the plaintiff at the jury trial.

9. On June 25, 2015, the jury returned a verdict in favor of the defendant.

10. Respondent expected that post-trial motions requiring his adjudication would be forthcoming after the verdict.

11. On June 26, 2015, Respondent instructed his judicial assistant to contact KLD and request tickets for that evening’s baseball game featuring the Tampa Bay Rays versus Boston Red Sox.

12. Respondent utilized two baseball tickets and discarded the remaining three that were sent to him by KLD.

13. On July 2, 2015, Mr. Little filed a Motion for New Trial on behalf of the plaintiff.

14. On August 21, 2015, Respondent presided over a hearing on the plaintiff's Motion for New Trial, and took the motion under advisement.

15. On August 25, 2015, Respondent instructed his judicial assistant to contact KLD and request five additional tickets to the Tampa Bay Rays versus Minnesota Twins game from KLD.

16. On August 26, 2015, Respondent granted the plaintiff's Motion for New Trial, set aside the jury's verdict for the defendant, and allowed the plaintiff another opportunity to seek damages from the defendant.

17. Prior the *Wittke v. Wal-Mart Stores, Inc.* case, Respondent had never overturned a jury verdict during his tenure on the bench.

18. On September 12, 2015, Respondent instructed his judicial assistant to contact KLD and request additional tickets to the Tampa Bay Rays versus Boston Red Sox game.

19. On September 21, 2015, the defendant filed its Notice of Appeal of the Order Granting New Trial in Jury Case.

20. On October 3, 2015, Respondent instructed his judicial assistant to contact KLD and request tickets to the Tampa Bay Rays versus Toronto Blue Jays game.

21. Respondent did not pay any money for any of the baseball tickets.

22. Respondent did not advise the defendant's counsel of Respondent's multiple contacts with KLD.

23. Respondent did not advise the defendant's counsel that Respondent obtained free baseball tickets from KLD.

24. Respondent did not advise Messrs. Little or Kallins that they should disclose the tickets to the opposing party.

25. The senior judges in Respondent's division advised Respondent that his acceptance of the baseball tickets was inappropriate, and that he was required to disclose his actions to both the Florida Judicial Qualifications Commission (hereinafter "JQC") and the parties involved in the *Wittke v. Wal-Mart Stores, Inc.* case.

26. On October 9, 2015, the parties appeared before Respondent for a status conference during which Respondent disclosed to the parties that he had received Tampa Bay Rays baseball tickets from KLD.

27. On October 15, 2015, Respondent recused himself from the *Wittke v. Wal-Mart Stores, Inc.* case, and entered an Order of Disqualification, requesting the Chief Judge of the Twelfth Judicial Circuit to reassign the matter to another judge.

28. Respondent self-reported his actions to the JQC.

29. On February 1, 2016, the JQC filed its Notice of Formal Charges against Respondent, finding probable cause to institute formal proceedings against him, and finding that Respondent's conduct violated Canons 1, 2A, 2B, 3B(5), 3B(8), 3E(1), 5A(1), 5A(2), 5A(3), and 5D(5)(h) of the Code of Judicial Conduct.

30. On February 5, 2016, Respondent submitted his Answer to the JQC's Notice of Formal Charges, admitting the allegations contained in the Notice of Formal Charges, that his actions were inappropriate, and that his conduct had violated Canons 1, 2A, 2B, 3B(5), 3E(1), 5A(1), 5A(2), 5A(3), and 5D(5)(h) of the Code of Judicial Conduct. Respondent denied that his actions violated Canon 3B(8), however.

31. Respondent denied that his acceptance of baseball tickets from KLD influenced his decision in the *Wittke v. Wal-Mart Stores, Inc.* case.

32. Effective March 7, 2016, Respondent resigned as the circuit court judge for the Twelfth Judicial Circuit, and returned to the practice of law.

33. On March 10, 2016, the JQC filed its Notice of Voluntary Dismissal, dismissing its case against Respondent on the basis that Respondent had resigned from the bench.

34. On March 15, 2016, the Supreme Court of Florida entered its Order dismissing the formal charges against Respondent.

35. On November 17, 2016, the Second District Court of Appeal entered its Mandate reversing the Order Granting Motion for New Trial, and remanding with instructions to reinstate the jury verdict.

36. Respondent's solicitation and acceptance of free baseball tickets from KLD, whose attorneys appeared before Respondent in court, created an appearance of impropriety, and undermined Respondent's independence, integrity, and/or impartiality as a member of the judiciary.

37. By reason of the foregoing, Respondent has violated the following Rules Regulating The Florida Bar: **3-4.3** (Misconduct and Minor Misconduct); **4-8.4(a)** (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct); and **4-8.4(d)** (A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice).

WHEREFORE, The Florida Bar prays Respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

*Jodi A. Thompson*

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint has been electronically filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal; and that true and correct copies have been furnished via certified U.S. mail, return receipt request no. 7016 2070 0000 2425 2266, to John Francis Lakin, Respondent, c/o John A. Weiss, Counsel for Respondent, to his record Bar address of P.O. Box 10507, Tallahassee, Florida 32302-2507, and via electronic mail to his record Bar email address of [jweiss@rumberger.com](mailto:jweiss@rumberger.com); via electronic mail to Jodi Anderson Thompson, Bar Counsel, The Florida Bar, to her record Bar email address of [jthompso@floridabar.org](mailto:jthompso@floridabar.org), and secondary email addresses of [ahendricks@floridabar.org](mailto:ahendricks@floridabar.org) and [tampaoffice@floridabar.org](mailto:tampaoffice@floridabar.org); and via electronic mail to Marcy Lynn Shaw, Designated Reviewer, to her record Bar email address of [marcy@mlshawlaw.com](mailto:marcy@mlshawlaw.com), all on this 29th day of March, 2017.

*Adria E. Quintela*

Adria E. Quintela  
Staff Counsel



**NOTICE OF TRIAL COUNSEL AND  
DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Jodi Anderson Thompson, Bar Counsel, whose address, telephone number, and primary and secondary email address are The Florida Bar, Tampa Branch Office, 4200 George J. Bean Parkway, Suite 2580, Tampa, Florida 33607-1496, (813) 875-9821, [jthomps@floridabar.org](mailto:jthomps@floridabar.org) (primary), [ahendricks@floridabar.org](mailto:ahendricks@floridabar.org) (secondary), and [tampaoffice@floridabar.org](mailto:tampaoffice@floridabar.org) (secondary). Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Adria E. Quintela, Staff Counsel, The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, [aquintel@floridabar.org](mailto:aquintel@floridabar.org).

**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004,  
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.