

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

BRADLEY NEPHASE LAURENT,

Respondent.

Supreme Court Case  
No. SC

The Florida Bar File  
No. 2022-30,244 (9A) (CES)

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**PETITION FOR EMERGENCY SUSPENSION**

This petition of The Florida Bar (the bar) seeks emergency relief and requires the immediate attention of this Court under Rule 3-5.2 of the Rules Regulating The Florida Bar. The bar seeks the emergency suspension of Bradley Nephase Laurent, Attorney No. 10530, from the practice of law in Florida based on facts set forth in the affidavit of The Florida Bar Auditor, Matthew D. Herdeker, CPA, attached hereto as Exhibit “A,” the transcript of respondent’s sworn statement dated April 22, 2022 (without exhibits), attached hereto as Exhibit “B,” and the Paycheck Protection Program application dated March 11, 2021 attached hereto as Exhibit “C” that establish clearly and convincingly that Bradley Nephase Laurent has caused, or is likely to cause, immediate and serious harm to clients or the public by misappropriating client funds as follows:

1. The bar's Executive Director authorized filing this Petition for Emergency Suspension.

2. Respondent, Bradley Nephase Laurent is and, at all times the relevant conduct occurred, was a member of The Florida Bar subject to the jurisdiction and disciplinary rules of this Court.

3. Respondent currently is the subject of a bar disciplinary matter which has been assigned Florida Bar file number 2022-30,244 (9A).

4. The enclosed affidavit of The Florida Bar Auditor, Matthew D. Herdeker, CPA, attached hereto as Exhibit "A," the transcript of respondent's sworn statement dated April 22, 2022 (without exhibits), attached hereto as Exhibit "B," and the application for the March 2021 PPP loan, attached hereto as Exhibit "C" support this Petition for Emergency Suspension.

5. The bar's investigation of this matter indicates respondent has misappropriated client funds from his law office trust account, some of which respondent repaid from the proceeds of a Paycheck Protection Program ("PPP") loan he obtained on behalf of his law firm for COVID-19 relief.

6. Respondent was a partner in a two-lawyer firm but the firm trust plan and respondent's testimony at a sworn statement on April 22, 2022

established that respondent was the only lawyer responsible for the trust account and only he wrote checks and made disbursements from the trust account. See Exhibit “B” pages 41-45.

7. The bar conducted an audit of respondent’s law office trust account maintained at Wells Fargo Bank, N.A. for the time period of January 1, 2018 through April 30, 2022, after Wells Fargo Bank notified the bar that there was an overdraft of \$681.63 in the account on October 15, 2021. Additionally, the bar reviewed bank records for respondent’s law office operating account maintained at Wells Fargo Bank, N.A., his law office payroll account maintained at Wells Fargo Bank, N.A., and his law office operating account maintained at City National Bank.

8. During the course of the audit, respondent provided trust account records for his firm's Wells Fargo Bank trust account for the period January 1, 2018 to April 30, 2022.

9. Respondent also provided bank records for his law firm's operating and payroll accounts.

10. The bar also obtained bank records from Wells Fargo Bank for respondent's trust, operating, and payroll accounts for the period January 1, 2018 to April 22, 2022, pursuant to subpoenas signed by the Chair of the Ninth Judicial Circuit Grievance Committee “A.”

### **TRUST ACCOUNT SHORTAGES**

11. Respondent's records identified a shortage in his trust account of as much as approximately \$290,000.00 during the audit period.

12. Respondent caused a significant portion of the shortage by issuing at least 90 checks or online transfers, not associated with any client matter, to his firm. The payments were recorded in a ledger titled "ZX - Unallocated Funds."

13. The "unallocated" payments began before 2019 and totaled \$244,917.43 by October 31, 2021.

14. Respondent testified under oath during his sworn statement on April 22, 2022 and acknowledged there were shortages and that he failed to comply with required trust accounting procedures.

15. Respondent blamed the shortages on his personal health issues and his reliance upon Ron Wade, a non-lawyer assistant. See Exhibit "B" pages 20-27, 35-39, 58-67, 149-150.

16. However, respondent admitted during his sworn statement that he did not need another lawyer to cover for him due to his health issues and he continued to file civil complaints and handle court appearances,

mediations, and depositions for his clients. See Exhibit “B” pages 26-35, 150-152.

17. Mr. Wade testified in a sworn statement on May 20, 2022 and he acknowledged that he did probably not work for respondent’s law firm during a significant time period when the shortages took place and that pay records show he was not paid by the firm during this time period. See Exhibit “A” pages 2-3.

### **MISUSE OF CLIENT FUNDS**

18. The bar’s audit revealed that respondent began using client funds, to which he was not entitled, for his own benefit or the benefit of his firm, at least as early as March 2018, contrary to respondent’s testimony during his sworn statement. See Exhibit “A” page 3; Exhibit “B” pages 57-58.

19. For example, on February 26, 2018, an insurance settlement check in the amount of \$25,000.00 for client “L.P.” was deposited into respondent’s trust account. The client was entitled to \$16,667.67 from the settlement proceeds.

20. On March 14, 2018, respondent issued a trust account check payable to his firm in the amount of \$8,333.33, causing the trust account bank balance to fall to \$14,090.46.

21. The resulting shortage was \$2,577.21 (\$14,090.46 bank balance - \$16,667.67 required balance).

22. On March 22, 2018, respondent issued two trust account checks payable to his firm totaling \$3,123.67, causing the trust account balance to fall to \$11,966.79.

23. The resulting shortage was \$4,700.88 (\$11,966.79 bank balance - \$16,667.67 required balance).

24. Two of the three trust account checks were deposited into the firm's Wells Fargo Bank operating account, where respondent used the funds for payroll expenses, rent and other business expenses.

25. Respondent paid client L.P. her settlement proceeds on August 21, 2018, six months after he received her settlement, using other clients' settlement funds.

26. On July 1, 2019, an insurance settlement check in the amount of \$25,000.00 for client "R.W." was deposited into respondent's trust account. The amount of the settlement owed to the client was \$14,583.57.

27. On July 12, 2019, respondent issued two trust account checks payable to his firm totaling \$8,000.00, causing the trust account balance to fall to \$7,062.53.

28. The resulting shortage was \$7,521.04 (\$7,062.53 bank balance - \$14,583.57 required balance).

29. One of the trust account checks, in the amount of \$7,000.00, was deposited into respondent's law firm's Wells Fargo Bank operating account, where respondent used the funds for payroll and other business expenses.

30. Respondent paid client R.W. his proceeds on July 25, 2019, using funds from another client's settlement.

31. On June 2, 2021, two settlement checks totaling \$45,000.00 for clients "J.K." and "K.K." were deposited into respondent's trust account. The clients were owed proceeds totaling \$25,033.07 from the settlement.

32. On June 30, 2021, and July 1, 2021, respondent issued two trust account checks payable to his firm and made an online transfer to his law firm's operating account totaling \$8,000.00, causing the trust account balance to fall to \$10,290.78.

33. The resulting shortage was \$14,742.29 (\$10,290.78 bank balance - \$25,033.07 required balance).

34. The \$8,000.00 from respondent's trust account was deposited into respondent's law firm's operating account, where respondent used the funds for payroll expenses, a rent payment, and other business expenses.

35. Respondent paid clients J.K. and K.K. their settlement proceeds on August 6, 2021, and August 9, 2021, two months after he received their settlements, using funds from other clients' settlements.

**CLIENT SETTLEMENTS IMMEDIATELY USED TO PAY OTHER  
CLIENTS**

36. Respondent testified under oath during his sworn statement that he was not aware of the shortage in his trust account until Wells Fargo Bank notified the bar of the overdraft in October 2021. See Exhibit "B" page 68.

37. There were several instances, however, as early as October 2018, when respondent immediately used one client's settlement funds to pay another client due to repeated shortages in his trust account.

38. For example, on October 30, 2018, the beginning balance in respondent's trust account was \$7,025.52.

39. On that day, a settlement check in the amount of \$20,000.00 for client "N.W." was deposited into respondent's trust account, increasing the bank balance to \$27,025.52.



40. The next day, respondent issued a trust account check to client "M.B." for his settlement proceeds of \$18,190.49, using a portion of N.W.'s settlement.

41. Without client N.W.'s settlement, there were insufficient funds in the trust account to pay client M.B. his proceeds.

42. The shortage in respondent's trust account on October 30, 2018, was at least \$11,164.97 (\$7,025.52 beginning bank balance - \$18,190.49 required balance for client M.B.).

43. There were six other instances during the audit period in which respondent immediately (either the same day or the next day) used one client's settlement to pay another client's settlement proceeds.

#### **USE OF PPP LOAN TO CORRECT SHORTAGES IN THE TRUST ACCOUNT AND MISREPRESENTATION**

44. On March 11, 2021, respondent executed a Second Drawer Borrower Application Form for a Paycheck Protection Program (PPP) loan in the name of his law firm. See Exhibit "C."

45. Respondent testified under oath during his April 22, 2022 sworn statement that the purpose of the PPP loan was to cover law firm payroll and office rent expenses. See Exhibit "B" pages 140-141.

46. In the March 11, 2021 PPP loan application, respondent stated that the purpose of the PPP loan was to pay rent/mortgage interest, payroll costs, and utilities. See Exhibit “C” page 1.

47. By affixing his electronic initials and signature to the PPP loan application, respondent certified that: “The funds will be used to retain workers and maintain payroll; or make payments for mortgage interest, rent, utilities, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures as specified under the Paycheck Protection Program Rules; I understand that if the funds are knowingly used for unauthorized purposes, the federal government may hold me legally liable, such as for charges of fraud.” See Exhibit “C” page 2.

48. On or about March 24, 2021, respondent received, on behalf of his law firm, the PPP loan in the amount of \$36,117.39 which was deposited into respondent’s law firm’s operating account maintained at City National Bank. See Exhibit “B” pages 142 – 143; Exhibit “C” page 4.

49. On March 26, 2021, respondent transferred \$35,000.00 of the PPP loan funds to his law firm's Wells Fargo Bank payroll account. See Exhibit “B” pages 145-146.

50. On April 6, 2021, respondent transferred \$12,000.00 from his firm's Wells Fargo Bank payroll account to his Wells Fargo Bank operating account. See Exhibit "B" pages 146-147.

51. On April 6, 2021, respondent transferred \$12,000.00 from his Wells Fargo Bank operating account to his Wells Fargo Bank attorney trust account. See Exhibit "B" pages 147-148.

52. The \$12,000.00 transfer partially replenished the shortage in respondent's trust account.

53. Without the transfer, there would have been insufficient funds in the trust account to honor three checks respondent issued against his trust account that cleared beginning April 14, 2021.

54. The source of the \$12,000.00 was the proceeds of the PPP loan respondent applied for and received in March 2021.

55. Respondent testified under oath during his sworn statement that he transferred the PPP funds into his trust account to cover the shortage in that account. See Exhibit "B" pages 148-149.

56. Respondent therefore misrepresented on his March 11, 2021 PPP loan application that the PPP loan proceeds would be used for payroll costs, rent/mortgage interest, utilities or for other authorized purposes to which he certified.

57. Respondent did not notify the bar of the shortage in his trust account or the replenishment, despite being required to do so by the Rules Regulating the Florida Bar.

58. After April 8, 2021, respondent did not identify and correct other shortages in his trust account until the account over drafted in October 2021.

59. According to respondent's records, the shortage in his trust account was \$278,449.58 as of April 30, 2021, and the shortage grew to \$288,852.64 by September 30, 2021.

60. After April 8, 2021, respondent continued making disbursements from the trust account that were not associated with any settlement or client (the "unallocated" payments previously described).

### **CORRECTIONS OF THE SHORTAGE**

61. On October 28, 2021, the bar requested trust account records from respondent for an initial audit period of May 1, 2021 to October 31, 2021.

62. On December 7, 2021, respondent provided records that identified a shortage in his trust account of \$91,260.74 as of October 31, 2021. Respondent corrected that shortage by November 30, 2021.

63. On December 9, 2021, the bar requested trust account records from respondent for an expanded audit period going back to January 1, 2020.

64. On February 10, 2022, respondent provided records that identified a shortage in his trust account of \$35,908.39 that still existed as of January 31, 2022. Respondent corrected that shortage by February 8, 2022.

65. On May 2, 2022, the bar directed respondent to provide additional trust account records for an expanded audit period going back to January 1, 2019.

66. On May 22, 2022, respondent provided trust account records that identified a shortage of \$61,104.30 that still existed as of March 31, 2022. Respondent corrected that shortage by May 13, 2022.

### **TRUST ACCOUNTING RECORDS AND PROCEDURES**

67. Respondent did not maintain copies of canceled checks for the trust account prior to the bar's commencement of its audit in this matter. Respondent testified under oath during his April 22, 2022 sworn statement that he had to obtain copies of the cancelled checks for his trust account from Wells Fargo Bank. See Exhibit "B" pages 46-48, 50.

68. Respondent did not identify the client or case number on numerous trust account checks. See Exhibit “B” pages 50-51.

69. The journals respondent provided to the bar did not consistently identify the client for transactions.

70. Respondent testified under oath during his April 22, 2022 sworn statement that he did not prepare client ledgers contemporaneously with the transactions reflected therein and did not perform reconciliations of his Wells Fargo Bank trust account correctly prior to the bar’s audit. See Exhibit “B” pages 54-55, 65-67, 73-74.

71. Respondent certified on his annual bar fee statements for 2018, 2019, 2020 and 2021, that he was in compliance with the trust account and property safekeeping rules when in fact he knew, or reasonably should have known, this was not a true statement. See Exhibit “B” pages 154-155.

72. Respondent filed a Petition for Disciplinary Revocation with Leave to Apply for Readmission with this Court on March 29, 2022 based on his alleged misuse of client trust funds that had been revealed by the bar’s audit at that time. The matter was assigned case number SC22-411.

73. On April 7, 2022, respondent filed his Notice of Withdrawal of Petition for Disciplinary Revocation with Leave to Apply for Readmission,

which this Court granted on April 8, 2022, dismissing the petition and closing the case.

74. Thereafter, the bar expanded its audit period and conducted a sworn statement of respondent that found the additional allegations set forth more fully above.

75. Respondent's conduct above violated the following Rules Regulating The Florida Bar:

A. 3-4.3 The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.

B. 4-1.15 A lawyer shall comply with The Florida Bar Rules Regulating Trust Accounts.

C. 4-5.3(b) With respect to a nonlawyer employed or retained by or associated with a lawyer or an authorized business entity as defined elsewhere in these Rules Regulating The Florida Bar: (1) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, must make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer; (2) a lawyer having direct supervisory authority over the nonlawyer must make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and (3) a lawyer is responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if the lawyer: (A) orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or (B) is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

D. 4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.



E. 5-1.1(a)(1) A lawyer must hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's possession in connection with a representation. All funds, including advances for fees, costs, and expenses, must be kept in a separate federally insured bank, credit union, or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account except: (A) A lawyer may maintain funds belonging to the lawyer in the lawyer's trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account; and (B) A lawyer may deposit the lawyer's own funds into trust to replenish a shortage in the lawyer's trust account. Any deposits by the lawyer to cover trust account shortages must be no more than the amount of the trust account shortage, but may be less than the amount of the shortage. The lawyer must notify the bar's lawyer regulation department immediately of the shortage in the lawyer's trust account, the cause of the shortage, and the amount of the replenishment of the trust account by the lawyer.

F. 5-1.1(a)(1) (2018) A lawyer must hold in trust, separate from the lawyer's own property, funds and property of clients or third

persons that are in a lawyer's possession in connection with a representation. All funds, including advances for fees, costs, and expenses, must be kept in a separate federally insured bank, credit union, or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account except: (A) A lawyer may maintain funds belonging to the lawyer in the lawyer's trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account; and (B) A lawyer may deposit the lawyer's own funds into trust to replenish a shortage in the lawyer's trust account. Any deposits by the lawyer to cover trust account shortages must be no more than the amount of the trust account shortage, but may be less than the amount of the shortage. The lawyer must notify the bar's lawyer regulation department immediately of the shortage in the lawyer's trust account, the cause of the shortage, and the amount of the replenishment of the trust account by the lawyer.

G. 5-1.1(b) (2015) Money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of an attorney are not

subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over such property upon demand shall be deemed a conversion.

H. 5-1.1(b) (2018) Money or other property entrusted to a lawyer for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of a lawyer are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over the property on demand is conversion.

I. 5-1.1(e) (2015) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

J. 5-1.1(e) (2018) On receiving funds or other property in which a client or third person has an interest, a lawyer must promptly notify the client or third person. Except as stated in this rule or otherwise

permitted by law or by agreement with the client, a lawyer must promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, on request by the client or third person, must promptly render a full accounting regarding the property.

K. 5-1.2(b)(3) (2014) Records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. The following are the minimum trust accounting records that must be maintained: original canceled checks or clearly legible copies of original canceled checks for all funds disbursed from the trust account, all of which must: (A) be numbered consecutively; (B) include all endorsements and all other data and tracking information; and (C) clearly identify the client or case by number or name in the memo area of the check.

L. 5-1.2(b)(6) (2014) Records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. The following are the minimum trust accounting records that must be maintained: a separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least: (A) the identification of the client or matter

for which the funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

M. 5-1.2(b)(7) (2014) Records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. The following are the minimum trust accounting records that must be maintained: a separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing: (A) the identification of the client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

N. 5-1.2(c)(2) (2014) Every lawyer is responsible for that lawyer's own actions regarding trust account funds subject to the requirements of chapter 4 of these rules. Any lawyer who has actual knowledge that the firm's trust account(s) or trust accounting procedures

are not in compliance with chapter 5 may report the noncompliance to the managing partner or shareholder of the lawyer's firm. If the noncompliance is not corrected within a reasonable time, the lawyer must report the noncompliance to staff counsel for the bar if required to do so pursuant to the reporting requirements of chapter 4.

O. 5-1.2(d)(1) The minimum trust accounting procedures that must be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property are as follows: The lawyer is required to make monthly: (A) reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal; and (B) a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons for these differences.

P. 5-1.2(f) (2014) A lawyer or law firm that receives and disburses client or third-party funds or property must maintain the record

required by this chapter for 6 years after the final conclusion of each representation in which the trust funds or property were received. (1) On dissolution of a law firm or of any legal professional corporation, the partners shall make reasonable arrangements for the maintenance and retention of client trust account records specified in this rule. (2) On the sale of a law practice, the seller must make reasonable arrangements for the maintenance and retention of trust account records specified in this rule consistent with other requirements regarding the sale of a law firm set forth in chapter 4 of these rules.

The above facts show that respondent has caused, or is likely to cause, immediate and serious harm to clients or the public and immediate action must be taken to protect respondent's clients and the public. Therefore, under Rule 3-5.2, the bar respectfully requests this Court issue an order suspending respondent from the practice of law until further order of this Court and ordering the respondent to:

A. Immediately:

- accept no new clients from the date of this Court's order of emergency suspension;
- initiate no litigation on behalf of clients from the date of this Court's order of emergency suspension;

- provide a copy of this Court's order of emergency suspension to all courts, tribunals, or adjudicative agencies before which Bradley Nephasse Laurent is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);
- cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation or funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee, until further order of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
- not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation or with funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee,



- without approval of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
- deposit any fees or other sums received in connection with the practice of law or employment as a personal representative, guardian, or trustee, by the respondent on or after the date of this Court's order of emergency suspension into a specified trust account from which withdrawal may only be made by order of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
  - provide a copy of this Court's order of emergency suspension to all banks and financial institutions where the respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation or funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee;
  - comply with, and provide all documents and testimony responsive to, a subpoena from the bar for trust account records and any

related documents necessary for the bar to conduct a trust account audit;


- authorize any referee appointed in these proceedings to determine entitlement to funds in any trust accounts frozen as a result of an order entered in this matter; and
- turn over to any successor the complete financial records of any estate, guardianship, or trust in which respondent served as a fiduciary on the successor's appointment;
- cease holding himself out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, email, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer; and

B. Within 30 days from the date of this Court's order of emergency suspension:

- cease all practice of law in Florida;
- withdraw from representation of all clients;
- wind down all pending matters;

- cease acting as a fiduciary, including, but not limited to, personal representative for any estate, guardian for any ward, and trustee for any trust;
- provide Staff Counsel with an affidavit listing all of the following that respondent notified of this Court's order of emergency suspension: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel.
- provide bar counsel in this case with an affidavit listing each bank or financial institution respondent provided with a copy of this Court's order of emergency suspension; and
- notify bar counsel in this case of the receipt and location of any fees or other sums received in connection with the practice of law or in connection with respondent's service as a fiduciary, including, but not limited to, personal representative, guardian, or trustee, received by respondent after issuance of this Court's order of emergency suspension.

Respectfully submitted,



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/s/

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## **CERTIFICATE OF SERVICE**

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Respondent's Counsel, Warren William Lindsey, at [warren@warrenlindseylaw.com](mailto:warren@warrenlindseylaw.com), [dee@warrenlindseylaw.com](mailto:dee@warrenlindseylaw.com); and that a copy has been provided by United States Mail via certified mail No. 7020 1810 0000 0813 8643, return receipt requested to Respondent's Counsel, Warren William Lindsey, whose record bar address is 1150 Louisiana Avenue, Suite 2, Winter Park, Florida 32789-2354 and via email to Daniel James Quinn, Bar Counsel, [dquinn@floridabar.org](mailto:dquinn@floridabar.org), [orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org), on this 30th day of June, 2022.



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## **NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS**

Bar counsel in this matter is Daniel James Quinn, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and [dquinn@floridabar.org](mailto:dquinn@floridabar.org), [orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org). Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than bar counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, [psavitz@floridabar.org](mailto:psavitz@floridabar.org).

**MANDATORY ANSWER NOTICE**

RULE 3-5.2(a), OF THE RULES REGULATING THE FLORIDA BAR,  
PROVIDES THAT A RESPONDENT MUST ANSWER A COMPLAINT.

STATE OF FLORIDA  
COUNTY OF ORANGE

**AFFIDAVIT**

I, Matthew D. Herdeker, after being duly sworn, say:

1. I have been an auditor with The Florida Bar, located at 1000 Legion Place, Suite 1625, Orlando, Florida 32801, since 2012. My duties include conducting compliance audits of attorneys' trust accounts, investigating allegations of misappropriation from trust accounts, preparing written reports of audit findings, and providing testimony regarding my findings. I have been previously qualified as an expert witness in trust accounting matters in bar disciplinary proceedings. I am a Certified Public Accountant (CPA), Certified Internal Auditor (CIA), and Certified Fraud Examiner (CFE).

2. I conducted an audit of respondent's Wells Fargo trust account for the period January 1, 2018 through April 30, 2022, after Wells Fargo notified the bar that there was an overdraft of \$681.63 in the account on October 15, 2021.

3. As part of the audit, I also reviewed bank records for respondent's Wells Fargo operating account, Wells Fargo payroll account, and City National Bank operating account.



4. I also attended respondent's sworn statement on April 22, 2022, and the sworn statement of respondent's non-lawyer assistant, Ron Wade, on May 20, 2022.

### **Trust Account Shortage**

5. Respondent's records identified a shortage in the trust account of as much as roughly \$290,000.00 during the audit period.

6. Respondent caused a significant portion of the shortage by issuing at least 90 checks or online transfers, not associated with any client matter, to his firm. The payments were recorded in a ledger titled "ZX-Unallocated Funds."

7. The "unallocated" payments began before 2019 and totaled \$244,917.43 by October 31, 2021.

8. In his sworn statement and other correspondence, respondent explained that after October 2019, he relied on a non-lawyer assistant, Ron Wade, to calculate attorney's fees owed to the firm from personal injury settlements. Respondent maintained that the shortage began in July 2020 because Mr. Wade made mistakes calculating the fees.

9. Mr. Wade testified in his sworn statement that he probably did not work at the firm from around May 2020 to January 2022.

10. I noted numerous checks issued to Mr. Wade as a 1099 contractor from the firm's operating account during the audit period, but none during the period May 2020 to January 2022. There were also no checks issued to Mr. Wade from the payroll account during that time.

### **Misuse of Client Funds**

11. Respondent began using client funds, to which he was not entitled, for his own benefit or the benefit of his firm, at least as early as March 2018.

12. For example, on February 26, 2018, an insurance settlement check in the amount of \$25,000.00 for client "L.P." was deposited into the trust account. The amount of the settlement due to the client was \$16,667.67.

13. On March 14, 2018, respondent issued a trust check payable to his firm in the amount of \$8,333.33, causing the trust account bank balance to fall to \$14,090.46.

14. The resulting shortage was \$2,577.21 (\$14,090.46 bank balance - \$16,667.67 required balance).

15. On March 22, 2018, respondent issued two trust checks payable to his firm totaling \$3,123.67, causing the bank balance to fall to \$11,966.79.

16. The resulting shortage was \$4,700.88 (\$11,966.79 bank balance - \$16,667.67 required balance).

17. Two of the three trust checks were deposited into the firm's Wells Fargo operating account, where respondent used the funds for payroll expenses, rent, and other business expenses.

18. Respondent paid client L.P. her settlement proceeds on August 21, 2018, six months after he received her settlement, using other clients' settlement funds.

19. As another example, on July 1, 2019, an insurance settlement check in the amount of \$25,000.00 for client "R.W." was deposited into the trust account. The amount of the settlement owed to the client was \$14,583.57.

20. On July 12, 2019, respondent issued two trust checks payable to his firm totaling \$8,000.00, causing the bank balance to fall to \$7,062.53.

21. The resulting shortage was \$7,521.04 (\$7,062.53 bank balance - \$14,583.57 required balance).

22. One of the trust checks, for \$7,000.00, was deposited into the firm's Wells Fargo operating account, where respondent used the funds for payroll and other business expenses.

23. Respondent paid client R.W. his proceeds on July 25, 2019, using funds from another client's settlement.

24. As another example, on June 2, 2021, two settlement checks totaling \$45,000.00 for clients "J.K." and "K.K." were deposited into the trust account. The clients were owed proceeds totaling \$25,033.07 from the settlement.

25. On June 30, 2021, and July 1, 2021, respondent issued two trust checks payable to his firm and made an online transfer to the firm's operating account totaling \$8,000.00, causing the bank balance to fall to \$10,290.78.

26. The resulting shortage was \$14,742.29 (\$10,290.78 bank balance - \$25,033.07 required balance).

27. The \$8,000.00 from the trust account was deposited into the operating account, where respondent used the funds for payroll expenses, a rent payment, and other business expenses.

28. Respondent paid clients J.K. and K.K. their settlement proceeds on August 6, 2021, and August 9, 2021, two months after he received their settlements, using funds from other clients' settlements.

## **Client Settlements Immediately Used to Pay Other Clients**

29. In his sworn statement, respondent stated that he was not aware of the shortage in the trust account until the overdraft in October 2021.

30. There were several instances, however, as early as October 2018, when respondent immediately used one client's settlement funds to pay another client.

31. For example, on October 30, 2018, the beginning balance in the trust account was \$7,025.52.

32. On that day, a settlement check in the amount of \$20,000.00 for client "N.W." was deposited into the trust account, increasing the bank balance to \$27,025.52.

33. The next day, respondent issued a trust check to client "M.B." for his settlement proceeds of \$18,190.49, using a portion of N.W.'s settlement.

34. Without client N.W.'s settlement, there were insufficient funds in the trust account to pay client M.B. his proceeds.

35. The shortage in the trust account on October 30, 2018, was at least \$11,164.97 (\$7,025.52 beginning bank balance - \$18,190.49 required balance for client M.B.).

36. There were six other instances during the audit period in which respondent immediately (the same day or the next day) used one client's settlement to pay another client's settlement proceeds.

#### **April 2021**

37. On April 6, 2021, respondent transferred \$12,000.00 from the Wells Fargo operating account to the trust account.

38. The transfer partially replenished the shortage in the trust account.

39. Without the transfer, there would have been insufficient funds in the trust account to honor three checks which cleared beginning April 14, 2021.

40. The source of the \$12,000.00 was a Paycheck Protection Program (PPP) loan respondent applied for and received in March 2021.

41. Respondent explained in his sworn statement that he transferred the funds into the trust account because he had overpaid attorney's fees in a November 2019 settlement.

42. Respondent did not notify the bar of the shortage in the trust account or the replenishment, despite being required to do so by the Rules Regulating the Florida Bar.

43. After April 8, 2021, respondent did not identify and correct other shortages in the account until the account overdrafted in October 2021.

44. According to respondent's records, the shortage in the trust account was \$278,449.58 as of April 30, 2021, and grew to \$288,852.64 by September 30, 2021.

45. After April 8, 2021, respondent continued making disbursements from the trust account that were not associated with any settlement (the "unallocated" payments).

### **Corrections of the Shortage**

46. On October 28, 2021, the bar requested trust records from respondent for an initial audit period of May 1, 2021 to October 31, 2021.

47. On December 7, 2021, respondent provided records that identified a shortage in the trust account of \$91,260.74 as of October 31, 2021. Respondent corrected that shortage by November 30, 2021.

48. On December 9, 2021, the bar requested trust records from respondent for an expanded audit period going back to January 1, 2020.

49. On February 10, 2022, respondent provided records that identified a shortage in the account of \$35,908.39 that still existed as of January 31, 2022. Respondent corrected that shortage by February 8, 2022.

50. On May 2, 2022, the bar directed respondent to provide additional trust records for an expanded audit period going back to January 1, 2019.

51. On May 22, 2022, respondent provided records that identified a shortage of \$61,104.30 that still existed as of March 31, 2022. Respondent corrected that shortage by May 13, 2022.

### **Trust Accounting Records and Procedures**

52. Respondent did not maintain copies of canceled checks for the trust account before the bar began its audit. He explained in his sworn statement that he had to obtain them from the bank after the bar asked for them.

53. Respondent did not identify the client or case number on numerous trust checks.

54. The journals respondent provided did not consistently identify the client for transactions.

55. In his sworn statement, respondent acknowledged that there were times he did not prepare client ledgers every month.

56. He also acknowledged that he did not reconcile the trust account correctly before the bar's audit.



## Trust Account Certifications

57. When respondent paid his annual bar dues in 2018, 2019, 2020, and 2021, he certified that he was in compliance with the trust account and property safekeeping rules.

## Opinion

58. It is my professional opinion that respondent was not in substantial compliance with the bar's rules governing trust accounts.

59. It is also my professional opinion that respondent misappropriated client funds and used them for his own benefit or the benefit of his firm.

FURTHER AFFIANT SAYETH NOT.

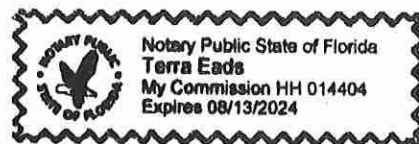
Matthew D. Herdeker

MATTHEW D. HERDEKER

SWORN TO AND SUBSCRIBED before me this 20<sup>th</sup> day of June, 2022.

Terra Eads

Notary Public



Print, type, or stamp commission name of notary public

✓ Personally known to me  
Produced the following identification  
Type of Identification produced: \_\_\_\_\_

## EXHIBIT B

**COPY**

1 IN THE SUPREME COURT OF FLORIDA

2

3 CONFIDENTIAL PROCEEDING BY THE FLORIDA BAR

4 UNDER THE RULES OF DISCIPLINE

5

6 TFB FILE NO. 2022-30,244 (9A)

7

8 \_\_\_\_\_/

9 SWORN STATEMENT OF BRADLEY NEPHASE LAURENT

10 DATE: APRIL 22, 2022

11 REPORTER: KIMBERLY ROBERTS

12 PLACE: THE FLORIDA BAR

13 1000 LEGION PLACE

14 SUITE 1625

15 ORLANDO, FLORIDA 32801

16

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21

22

23

24

25



## APPEARANCES

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Jan Wichrowski, Esquire

The Florida Bar

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ON BEHALF OF THE RESPONDENT, BRADLEY NEPHASE LAURENT:

Warren Lindsey, Esquire

Lindsey and Ferry, P.A.

1150 Louisiana Avenue

Suite 2

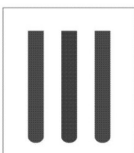
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Also Present: Matthew Herdeker, Auditor



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## STIPULATION

The sworn statement of Bradley Nephase Laurent taken at  
The Florida Bar, 1000 Legion Place, Suite 1625, Orlando,  
Florida 32801 on Friday the 22nd day of April 2022 at  
approximately 9:25 a.m.; said sworn statement was taken  
pursuant to the Florida Rules of Civil Procedure. It is  
agreed that Kimberly Roberts, being a Notary Public and  
Court Reporter for the State of Florida, may swear the  
witness.



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1 PROCEEDINGS

2 COURT REPORTER: Okay. We are now on the  
3 record. Mr. Laurent, will you please raise your  
4 right hand? Do you solemnly swear or affirm that  
5 the testimony you're about to give will be the  
6 truth, the whole truth, and nothing but the truth?

7 THE WITNESS: Yes.

8 COURT REPORTER: Thank you, sir.

9 DIRECT EXAMINATION

10 BY MR. QUINN:

11 Q All right. Good morning, Mr. Laurent.

12 A Good morning.

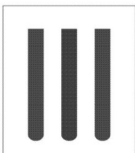
13 Q Can you just say -- I know we -- you just  
14 showed her the ID, but can you just say and spell your  
15 name --

16 A Yes.

17 Q -- for the record?

18 A Yeah, Bradley Laurent, B-R-A-D-L-E-Y, Laurent,  
19 L-A-U-R-E-N-T.

20 Q All right. And let me tell you a little bit  
21 how this is going to go. Usually ask some questions  
22 about your background, your firm, and things like that.  
23 I'm going to go into your trust account briefly, and  
24 then we'll just start going through this exhibit, and  
25 the way these -- this tends to go in this trust account



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1 stuff, there's like, "Look at page this," and, "go back  
2 and look at page this," so that's -- there's going to be  
3 a lot of that going on, okay?

4 A Okay.

5 Q But first off, let me just ask you how you --  
6 how are you feeling today?

7 A I -- I feel okay, I guess.

8 Q Yeah.

9 A Yeah.

10 Q Are you on any kind of medications, or you  
11 have any kind of illnesses that might affect your  
12 ability to answer the questions truthfully here today?

13 A No.

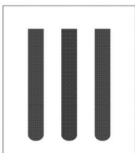
14 Q Okay. Can you give us your record Bar e-mail,  
15 phone, and mailing address, please?

16 A E-mail is bnl@fighting, F-I-G-H-T-I-N-G 4ulaw,  
17 L-A.com, and a phone number should be 407, I think 928-  
18 4704. And the address is 8615 Commodity Circle, Unit 6,  
19 Orlando, Florida 32819.

20 Q All right. And has your -- not so much  
21 worried about your physical address, but has your e-mail  
22 address and your phone number changed in the last, say,  
23 two, three years?

24 A No.

25 Q Okay. Now, this isn't the first time we've



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1 met. You were here on March 28th for a sworn statement;  
2 is that right?

3 A That's correct.

4 Q And ultimately, we didn't take your sworn  
5 statement because you signed a petition for testimony  
6 revocation.

7 A That's correct.

8 Q And I watched you sign it, you and your lawyer  
9 at the time signed it.

10 A That's correct.

11 Q And did you file that petition for testimony  
12 revocation the next day, which would've been March 29th  
13 with the Supreme Court?

14 A Yes.

15 Q And then on April 8, 2022, did you withdraw it  
16 from the Supreme Court?

17 A Yes.

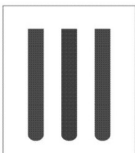
18 Q And can you tell us why you withdrew it?

19 MR. LINDSEY: Objection, attorney-client  
20 privilege.

21 MR. QUINN: Okay.

22 BY MR. QUINN:

23 Q Without going into anything you may have told  
24 your lawyer, or anything your lawyer may have told you,  
25 what are your personal reasons for withdrawing it?



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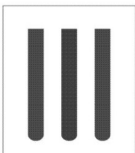
1           A     My personal reasons for withdrawing it is  
2 because I felt that I shouldn't have entered it. I felt  
3 like I should've gone through with the sworn statement  
4 at the time. My reasons for entering it were more for  
5 me not wanting to put my clients, my firm, my family,  
6 and everyone through -- going through this whole ordeal.  
7 And so, that was my initial reason for doing it, but  
8 after considering all of those things, I changed my  
9 mind.

10          Q     Okay. And I ask this of every attorney. Can  
11 you in a nutshell kind of give us a brief summary of  
12 your legal career, kind of where and when you graduated  
13 from law school, places you've worked, things you've  
14 done until now?

15          A     I graduated -- I went to law school at  
16 Washburn University --

17          Q     Uh-huh.

18          A     -- in Topeka, Kansas. I graduated in 2003 --  
19 the spring of 2003. I attended law school for two-and-  
20 a-half years. I started working at a public defender's  
21 office after graduating law school in 2003. I passed  
22 the Bar in 2005, and continued to work for the public  
23 defender's office, eventually went into private practice  
24 in 2006. Initially when I went into private practice, I  
25 went out with -- it was a total of five of us.



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1 Q And it's five what?

2 A Five attorneys.

3 Q Oh, five attorneys? I see.

4 A Yes. And I went out with some attorneys that  
5 were already in private practice, and the plan was for  
6 me and my current partner to just join them in practice,  
7 and we were just supposed to be -- you know, one of the  
8 practicing attorneys. We weren't supposed to be running  
9 the firm, or anything like that.

10 Q Uh-huh.

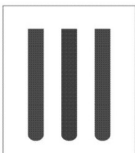
11 A So I started at the public defender's office,  
12 and I was there for about three years. And then we  
13 started this firm, and it was at the time called  
14 McClain, Day, Haynes, Laurent, and Figueroa. And that  
15 lasted for about seven or eight months.

16 Q Okay. Then what happened?

17 A After I invested a ton of money into the firm,  
18 which was not initially the plan, it didn't work out,  
19 and me and my current partner were left with a lot of  
20 the bills, and the investment, and left trying to figure  
21 out how to run the firm.

22 Q And so did you -- is that when you and Mr.  
23 Haynes went in practice together, seven or eight months  
24 after you went into this five person --

25 A Yes.



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1 Q Okay.

2 A But we were left with the firm.

3 Q Oh, okay. So the others -- the other three  
4 names dropped off, and it was just you and Mr. Haynes at  
5 that point?

6 A Yeah.

7 Q So did the firm then become -- what -- the  
8 name of the firm it is now?

9 A Yes.

10 Q Haynes and Laurent PA? And so that would've  
11 been in 2007?

12 A In 2007, yeah.

13 Q Okay. And you knew -- and when you say, "the  
14 PD's office," is that up the street here at the 9th  
15 Circuit?

16 A Yes, the Orlando public defender's office.

17 Q Okay.

18 A Ninth Circuit.

19 Q And when you say that's Carlus Haynes --

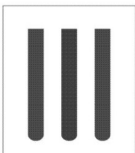
20 A Yes.

21 Q And his name is spelled C-A-R-L-U-S?

22 A Yes.

23 Q Okay. And you knew him from public defender's  
24 office?

25 A No.



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1 Q Oh, okay.

2 A We actually went to law school together.

3 Q Oh, okay.

4 A He was a year ahead of me. So we've been --

5 Q Got you.

6 A -- friends since law school.

7 Q Okay. So that was Washburn?

8 A Yes.

9 Q Okay. Do you have any prior disciplinaries

10 with the Bar?

11 A Never.

12 Q Never? You -- you're board certified?

13 A No.

14 Q What type of practice -- and has it just been

15 -- as far as partners, you and Mr. Haynes since 2007?

16 A Yes.

17 Q Okay. What type of law do you two practice --

18 or does you firm practice?

19 A Mostly criminal, personal injury, civil

20 rights. We used to do some other areas, like real

21 estate and employment, and family law, but our primary

22 areas are civil rights, personal injury, and criminal

23 law.

24 Q Okay. So it's kind of the three main areas --

25 A Yeah.



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1 Q -- and there might be a couple of minor other  
2 cases that you do, but you focus on criminal law,  
3 personal injury, civil rights.

4 A Yes.

5 Q Can you give us kind of a percentage of, you  
6 know, how much criminal, how much PI cases, how many  
7 civil rights cases, just rough -- just -- obviously it's  
8 just going to be rough represent --

9 A I would say probably 30 percent of each.

10 Q Oh, and then the ten percent is kind of the  
11 little extras we kind of eluded to?

12 A Well, I would say probably about 33 percent of  
13 each, okay, so it's spread evenly.

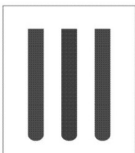
14 Q On third each.

15 A Yeah.

16 Q All right. And is there a partner? Does Mr.  
17 Haynes mostly handle criminal, and you mostly handle  
18 personal injury, or how does that -- how do you guys  
19 divide that up?

20 A Yeah. Mr. Haynes handles mostly the criminal  
21 cases, and I handle the personal injury and the civil  
22 rights, but we try all of our big cases together.

23 Q Okay. So, if you have like a personal injury  
24 cases, or you -- if there's a personal injury case that  
25 comes into the firm, are you the one that would



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1 primarily handle it?

2 A Yes.

3 Q And does he enter an appearance if -- say if  
4 you file a complaint, and say it's here in Orange  
5 County, and you file a complaint to the client, does he  
6 also enter an appearance, or does he just come along if  
7 there's a trial, like you --

8 A If it's a big case, then he'll assist me with  
9 it.

10 Q Okay. So it -- like if it's going to trial  
11 kind of thing.

12 A Yeah.

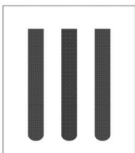
13 Q Okay. And -- but you're going to go -- you're  
14 the one who's primarily going to do the negotiation and  
15 the, you know, negotiating with, I guess, probably  
16 insurance companies.

17 A Yes.

18 Q Okay. And you're probably going to be the one  
19 that does the mediations and the depositions, and things  
20 like that?

21 A Yes.

22 Q Okay. And approximately how many -- we just  
23 talked about percentage, but approximately how many  
24 clients -- and we'll just say, you know, now how many  
25 clients does Lane -- Haynes and Laurent, PA have?



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1 A I would say maybe about 150.

2 Q Okay. And do you have any associates?

3 A No.

4 Q Okay. So the only two lawyers at Haynes and  
5 Laurent are Haynes and Laurent; that right?

6 A Yes. We had someone that -- but they never  
7 practiced. They just worked off-and-on as a paralegal,  
8 but they -- never as an attorney.

9 Q Oh, okay. So was this someone who had maybe  
10 gone to law school, but hadn't passed the Bar?

11 A They passed the Bar, but they just wanted to  
12 work as a paralegal.

13 Q Oh, okay. And what's that person's name?

14 A Ebony.

15 Q Ebony.

16 A Yeah.

17 Q Does she have a last name?

18 A Eizel.

19 Q And how do you spell that?

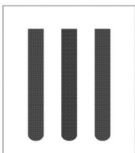
20 A E-I-Z-E-L?

21 Q Sounds like a reasonable guess. And when did  
22 she work for you?

23 A Off-and-on, maybe 2021.

24 Q Oh, okay. Recently then.

25 A Yeah.



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1 Q And how long did she work for you?

2 A She comes in every so often just to help out,  
3 but she, you know, answers the phones, things like that.

4 Q Okay. Is that her primary duty, is just to  
5 kind of answer the phone?

6 A Yeah.

7 Q Does she do legal research and things like  
8 that?

9 A No.

10 Q Okay. All right. Other non-lawyer assistants  
11 -- like how many non-lawyer assistants do you have at  
12 Haynes and Laurent, or have had, let's say from 2017,  
13 on, if there's some that left before now?

14 A I mean, off-and-on --

15 Q Uh-huh.

16 A -- you know, maybe -- I mean, I can't tell you  
17 -- I mean, we've had several.

18 Q Uh-huh, several?

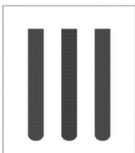
19 A Yeah, uh-huh.

20 Q And just -- we'll say -- let's say in 2017.  
21 How many did you have in 2017, if you can remember?

22 A I can't remember. It -- I didn't --

23 Q More than one, more than two?

24 A Yeah, definitely. I mean, but I can't  
25 remember how many, because we've had a lot of turnover.



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1 Q Okay.

2 A Yeah.

3 Q Well, can you -- let's see if you can come up  
4 with some names. If you can give us the names of -- and  
5 I understand maybe you don't remember exactly when they  
6 left, and when they came on during that period of time,  
7 but can you give us the names of the non-lawyer  
8 assistants that worked for Haynes and Laurent, say  
9 starting in 2017 until now? And spell them, please, if  
10 you can.

11 A Ron Wade.

12 Q Okay. What did Mr. Wade do?

13 A Case manager.

14 Q Case management, okay.

15 A Grace Rojas.

16 Q Grace Rojas. And what did Ms. Rojas do?

17 A She -- case management.

18 Q Case management.

19 A Bernadette Prietto.

20 Q Bernadette -- you said Trio?

21 A Prietto.

22 Q Oh, Prietto.

23 A Yeah.

24 Q And then I'll take a stab at it -- is it P-R-  
25 I-E-T-O?



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1 A P-R-I-E-T-T-O.

2 Q T-T-O, two --

3 A Yeah.

4 Q -- Ts. Okay. And what did Ms. Prietto do?

5 A She did -- like answer the phones, paralegal

6 work.

7 Q Okay. So, kind of a receptionist/paralegal?

8 A Yeah.

9 Q Any others?

10 A Michelle Sierra.

11 Q Michelle Sierra, okay. What did Ms. Sierra

12 do?

13 A A paralegal.

14 Q Paralegal? Okay. Any others? Ron Wade,

15 Grace Rojas, Bernadette Prietto, Michelle Sierra, any

16 others?

17 A Not that I can remember their names, no.

18 Q Okay. Well, there may be more that you

19 don't --

20 A Yeah.

21 Q -- remember names?

22 A Definitely the --

23 Q If you can remember the names -- any after

24 today, can you just shoot us an e-mail --

25 A Yeah.



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1 Q -- or something to let us --

2 A Absolutely.

3 Q -- know? And if you could, how many of those  
4 -- of these four people that you've named, at least, how  
5 many of them still work for Haynes and Laurent?

6 A Only Ron Wade.

7 Q Only Wade --

8 A Yeah.

9 Q -- still works here? Okay. So -- and so how  
10 many do you have right now, other than Ron Wade?

11 A There's Kayvaughn (phonetic).

12 Q Okay.

13 A And I don't recall her last name.

14 Q Kayvaughn?

15 A Yeah.

16 Q Last name unknown?

17 A Yeah.

18 Q And when did -- what does she do, Kayvaughn?

19 A She's a paralegal.

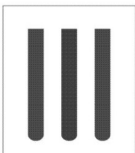
20 Q Paralegal?

21 A Yeah.

22 Q Okay. And so -- is it right now, you have  
23 two?

24 A Yeah.

25 Q Okay. Is that about how many you typically



1 have, you have two or three?

2 A Yeah, two --

3 Q Okay.

4 A -- typically.

5 Q And they've kind of come and gone during that  
6 period of time we talked about, 2017 --

7 A Yeah.

8 Q -- to now?

9 A And like, Kayvaughn doesn't really do anything  
10 for me.

11 Q Oh, okay.

12 A She -- yeah, she primarily works for Mr.  
13 Haynes, though.

14 Q Who supervises them primarily between you and  
15 Mr. Haynes?

16 A Like, I work -- Ron works with me.

17 Q Oh, okay.

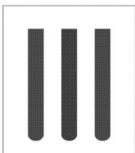
18 A Yeah. Kayvaughn works with Mr. Haynes.

19 Q Oh, I see. So --

20 A Yeah.

21 Q -- you kind of -- okay. And -- okay. And I  
22 ask this of everyone who comes in here, but have you  
23 ever been arrested since law school? I only care about  
24 since law school.

25 A I've never been arrested, ever.



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1 Q Okay, good. I always ask this, too. Are you  
2 -- and not counting the -- obviously cases you're a  
3 lawyer in, but are you a plaintiff or defendant in any  
4 civil cases, say in the last five years?

5 A No.

6 Q Okay. Now, in your a petitioner in  
7 disciplinary revocation, you said that you suffered from  
8 significant health issues that required you to be absent  
9 from the office at times. So can you tell me what your  
10 medical problems were during, say, the 20 -- I think  
11 you're talking about, in this -- and I'm looking -- it  
12 has a specific period of time, but say from 2017, 2018  
13 on --

14 MR. LINDSEY: Mr. Quinn, we brought a --

15 MR. QUINN: Oh.

16 MR. LINDSEY: -- summary from --

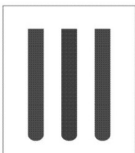
17 MR. QUINN: Okay.

18 MR. LINDSEY: -- of his medical thing for you  
19 to have that.

20 MR. QUINN: Oh, okay. Is this -- well, okay.  
21 Let me ask some questions, and then we'll -- I don't  
22 have time to --

23 MR. LINDSEY: I know. I just thought --

24 MR. QUINN: -- read this, but I appreciate  
25 that. Thank you. And just for the record, we just



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1 got handed from Mr. Lindsey -- it looks like a --  
2 kind of a letter written by maybe a treating  
3 physician.

4 BY MR. QUINN:

5 Q But if you could just kind of in a nutshell  
6 tell us what your significant health issues were, when  
7 they started, et cetera, and what your symptoms were.

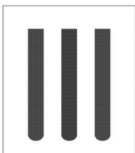
8 A The prior -- I'm not sure when they actually  
9 started, but having -- just feeling not too well  
10 throughout 2019.

11 Q But when in 2019 did it start; do you  
12 remember?

13 A I don't -- probably early-2019, late-2018. I  
14 guess just working so much, I hadn't been really taking  
15 care of myself the way I should. And so, I -- in  
16 October, things really got bad. I just wasn't -- I  
17 couldn't -- essentially, I had no energy. My vision was  
18 really bad. I was constantly going to the bathroom. I  
19 was getting sick a lot in 2019, just like not being able  
20 to get out of the bed, and just having a lot of pain in  
21 my stomach, and just having a lot of different problems  
22 in that regard, just having problems functioning.

23 Q Okay. And when you said, "October," you mean  
24 October 2019 --

25 A Yes.



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1 Q -- October 2019?

2 A And so --

3 Q So did you see a doctor?

4 A Finally I went to go see a doctor.

5 Q And when was that; do you remember? It

6 might --

7 A October 29th --

8 Q Okay. That's when you went --

9 A -- 2019.

10 Q Okay. I see. And what -- and it's probably

11 in this letter, but what was the name of the doctor?

12 A I went to an urgent care.

13 Q Oh, urgent care?

14 A Yeah.

15 Q Okay, for AdventHealth, Orlando Health?

16 A Yeah. And so, when I went to the urgent care,

17 just -- when a doctor saw me, figuring that I was, you

18 know, pretty overweight at the time --

19 Q Uh-huh.

20 A -- he checked my blood sugar level.

21 Q Okay.

22 A And at the time, it was like over 400.

23 Q Okay. And is that -- I'm assuming that's not

24 good. What's a --

25 A It's not good, and I had no clue what it meant



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1 at the time, either --

2 Q Okay.

3 A -- because I didn't -- you know, I had no  
4 clue.

5 Q Yeah. I'm ignorant --

6 A -- yes.

7 Q -- of stuff like that. What is like a normal  
8 blood sugar level?

9 A It's supposed to be less than 100.

10 Q Okay, I see.

11 A And so, at that time he told me that he could  
12 either call the ambulance, or I could drive myself to  
13 the emergency room, so I opted to drive myself to the  
14 emergency room, and they put me on a heart monitor, and  
15 started to give me IV, and they were -- told me that  
16 they were concerned that I might have a heart attack or  
17 a stroke.

18 Q Okay.

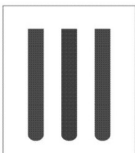
19 A And --

20 Q And which hospital was this?

21 A Dr. Phillips.

22 Q Dr. Phillips, okay.

23 A And so, I spent the day in the hospital, most  
24 of the day, until they could get my blood sugar level  
25 down with the IV bags.



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1 Q Okay.

2 A And they monitored my heart to make sure I  
3 wasn't having a stroke. And then, they wanted me to  
4 remain in the hospital, which I had refused to do,  
5 because I didn't want my family to worry about me.

6 Q Uh-huh.

7 A And they told me I needed to go and see a  
8 specialist at that -- you know, right away.

9 Q Did you see a specialist?

10 A Yes. I did.

11 Q And what's the name of the specialist?

12 A It was for -- I guess diabetes. I forgot what  
13 they --

14 Q Oh, like a -- okay.

15 A And so --

16 Q Someone -- a diabetes doctor.

17 A Yeah.

18 Q A doctor who specializes -- okay.

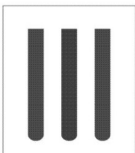
19 A And so I went --

20 Q You don't remember the name of the specialist?  
21 It might be on this thing. I just haven't had a chance  
22 to -- if you --

23 A Yeah. I -- it was a internal medicine doctor.

24 Q Internal medicine?

25 A Yeah.



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1 Q Okay. And that's -- was that someone at Dr.  
2 Phillips?

3 A AdventHealth.

4 Q Oh, AdventHealth? I see.

5 A And so I went right away, --

6 Q Uh-huh.

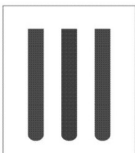
7 A -- after checking out of the hospital. And  
8 they checked my A1C, and it was at a 12, almost a 13,  
9 and they said it should've been, like, at a 5.

10 Q Oh, okay.

11 A And so, at that point they figured that I was  
12 a type 2 diabetic, and it probably had gone untreated  
13 for a while. And at the time, I was about 360 pounds.

14 Q Uh-huh.

15 A And so, they wanted to run a bunch of tests,  
16 and I ran -- they ran a bunch of tests on me, checked my  
17 organs, and things like that. And they discovered that  
18 my liver and my kidneys were not functioning properly. I  
19 had fatty tissue on my liver, and there was some  
20 problems with my kidneys. They ran some bloodwork, and  
21 discovered that my cholesterol was like at 1,000.  
22 Cholesterol's supposed to be at like 50. My blood  
23 pressure was through the roof. So, they essentially  
24 told me that if they couldn't figure something out, that  
25 I was probably going to die --



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1 Q Okay.

2 A -- because my organs were failing, and they  
3 had to figure out some kind of plan of action. And they  
4 said that it was more than likely because of the weight,  
5 and I obviously wasn't -- wasn't taking care of myself,  
6 and I had let it, you know, get out of control.

7 Q Uh-huh.

8 A And they said they were going to have to put  
9 me on all kinds of medication --

10 Q Uh-huh.

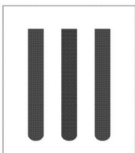
11 A -- the insulin, and everything, and obviously  
12 I was having issues with my vision, and they said  
13 because of the blood pressure, and the blood sugar  
14 levels, and everything, and worrying about my heart, and  
15 the stress levels, that I was going to need to, you  
16 know, take some time off of work, and just not have any  
17 type of stress going on, or anything like that, because  
18 they were really concerned that, you know, I could have  
19 a stroke.

20 Q Okay. And let me just interject. Did you --  
21 is that the only time you were in the hospital, or were  
22 there other hospital stays?

23 A That was the only time I was in the hospital.

24 Q Okay.

25 A There was many hospital -- I mean, there was



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1 many doctor's appointments --

2 Q Okay. And --

3 A -- following that.

4 Q I'm sorry. And then did -- you said you  
5 missed work. Can you tell us what -- how much work you  
6 missed, and when it -- and when those times were, what  
7 months?

8 A Oh, after -- yeah, after that I was not  
9 working very much.

10 Q When you say, "not working very much," were  
11 you going into the office, or were you staying home?

12 A I was staying home a lot.

13 Q Okay. And how long did you stay home?

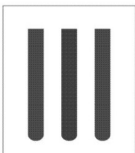
14 A Following that, I was probably home, I would  
15 say -- I stayed home as much as I could, other than  
16 court appearances.

17 Q Okay. So you were still able to go to court?

18 A Yeah. I -- I didn't want my clients to  
19 suffer.

20 Q Were you still handling things, like  
21 depositions, and --

22 A If I had depositions, I would -- anything that  
23 had to do with, you know, my clients, or court  
24 appearances, depositions, I would take care of. But  
25 outside of that, I tried to stay out of the office,



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1 because I worked a lot. I mean --

2 Q Uh-huh.

3 A -- I worked a lot.

4 Q Were you able to work remotely from home?

5 A I did, but not as much -- I tried not to.

6 Q All right. And how long did this period of  
7 time last where this was kind of going on, where you  
8 were mostly home --

9 A -- almost about two years.

10 Q Okay. But it's also -- I mean, October -- I  
11 think we said it was October 2019, right, is when this  
12 kind of started?

13 A Yeah.

14 Q So COVID hits March of 2020. Pretty much  
15 everyone's staying home, right?

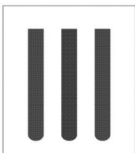
16 A Oh, yeah.

17 Q Yeah. So what's going on during COVID? Is  
18 everyone in your firm at home?

19 A No.

20 Q Okay. What -- so what's -- how's your firm --  
21 how did your firm handle COVID? Did they work remotely,  
22 or how does that work?

23 A No, everybody still came in. Our firm is --  
24 the -- the office is pretty big, and so they were able  
25 to spread out.



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1 Q Did you meet with clients during this period  
2 of time?

3 A During COVID?

4 Q Well, during -- from October 2019 on?

5 A No.

6 Q You didn't meet with any clients?

7 A No.

8 Q So if you signed settlement statements, it was  
9 not with the client present?

10 A No, uh-uh.

11 Q No client present for settlement statements.  
12 Did you communicate with clients on the phone?

13 A Yeah.

14 Q Okay. So you were able to do that?

15 A I would meet with them over the phone, or Zoom  
16 while they were in the office. And during COVID, I  
17 didn't meet with clients at all. My doctors were  
18 concerned about -- you know, with me being a type 2  
19 diabetic at that point, they didn't --

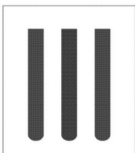
20 Q Right.

21 A -- really want me around people.

22 Q And you were also able to communicate with,  
23 say, insurance companies, Opposing Counsel --

24 A Yes.

25 Q -- on cases? How many cases -- well, let's



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1 just ask this: From October 2019 on, how many  
2 complaints did you file for clients in, say, personal  
3 injury cases, or civil rights cases?

4 A Oh, I -- I don't know. I filed a -- I filed a  
5 few complaints.

6 Q And is it 20, 25? I've eyeballed it on -- I  
7 just don't remember the --

8 A Yeah.

9 Q -- I can look them up, but --

10 A I'm not sure.

11 Q Does it sound about right?

12 A It could be, because -- especially with the  
13 civil rights cases, you got statute of limitations on a  
14 lot of those cases.

15 Q What --

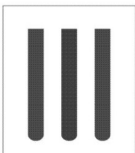
16 A And even on the personal injury cases, statute  
17 of limitations issues.

18 Q What courts do you file complaints in? Is it  
19 just here in Orange County, or do you -- federal court,  
20 things like that?

21 A Federal court, Orange County. A lot of cases  
22 in federal court.

23 Q So when you say, "federal," is that Middle  
24 District of Florida?

25 A Middle District. I might have a few -- or had



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1 a few in the Northern District.

2 Q What -- I probably should've asked this  
3 earlier. What district courts are you members of -- are  
4 you a member of, federal courts?

5 A Middle, Northern, Southern.

6 Q Okay. And do you file cases -- probably  
7 obviously Middle District, but in all three of those  
8 districts?

9 A Yeah.

10 Q Okay. And then you also -- for state court  
11 cases, do you file them here in Orange County, or are  
12 there other counties where you might also file cases?

13 A There's other counties.

14 Q Okay. So during this time when you're  
15 suffering from diabetes, you're still able to  
16 communicate with Opposing Counsel, and insurance  
17 companies, and so forth --

18 A Yes.

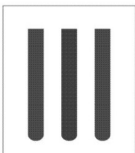
19 Q -- right? You're able to file cases with the  
20 various courts, and if the hearings are scheduled in  
21 these courts, you're able to attend them?

22 A Yes. But I mean --

23 Q And I know there's COVID going on, but --

24 A Yeah, uh-huh.

25 Q -- if there's a hearing, and it's either on



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1 Zoom, or in-person?

2 A Yes, but I can tell you that I haven't been to  
3 an in-person hearing in a very long time.

4 Q Okay. But you're still able to do the  
5 hearings if the judge schedules them on Zoom, and so  
6 forth?

7 A Yes.

8 Q And if it's -- if there is an in-person  
9 hearing, do you just not go, or do you send someone else  
10 from your firm?

11 A I just haven't had one --

12 Q Okay.

13 A -- in a very long time.

14 Q How many trials have you had since October of  
15 2019?

16 A I don't think I've had one since then.

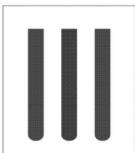
17 Q No trials? How many court appearance -- I  
18 know you said that there's been court appearances, but  
19 how many court appearances would you say you've had  
20 since October of 2019?

21 A I don't think I've had any, but I can't tell  
22 you for sure.

23 Q How about depositions?

24 A Maybe -- maybe one.

25 Q Maybe one?



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1 A Yeah, maybe one. It was maybe on, like a  
2 injunction.

3 Q Okay. Like a motions hearing kind of thing?

4 A Yeah.

5 Q How many depositions would you say you've  
6 attended -- either taken or attended since October of  
7 2019?

8 A Oh, I've attended quite a few recently.

9 Q When you say, "quite a few," is that -- I  
10 mean, can you kind of ballpark that, as far as the  
11 number?

12 A I would say about maybe 20.

13 Q 20? How about mediations? How many  
14 mediations have you attended since October of 2019?

15 A Probably at least -- maybe five to ten.

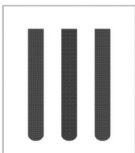
16 Q Okay. And so, five to ten mediations, and --

17 A Mostly recently.

18 Q So we eluded to settlement statements earlier.  
19 So if a client settles a case, and you sign the  
20 settlement statement, you would do that from home? How  
21 would that -- how'd that work?

22 A Yeah, or I would come in, maybe after  
23 everybody's left, or something like that.

24 Q Okay. And I think earlier we -- you'd talked  
25 about the client wouldn't be there, you would sign it.



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1 And then who goes over it with the client?

2 A I could -- I would go over it with them over  
3 the phone. I talk to my clients quite often. Most of  
4 my clients have my cell phone number.

5 Q Okay. Would you think your illness would've  
6 been noticeable to, say, your clients or Opposing  
7 Counsel? Like what -- did -- were you physically unable  
8 to -- if you attended a mediation, did you have trouble  
9 handling that mediation?

10 A I don't believe I had a lot of mediations  
11 during COVID.

12 Q That's just an example. Say deposition,  
13 and ---

14 A Oh, yeah.

15 Q -- anything where you're interacting with your  
16 client, or Opposing Counsel that you think it --

17 A I would say that probably before I -- I don't  
18 think my illness was noticeable, but I think that they  
19 could tell that I wasn't in the greatest physical shape.

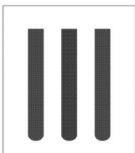
20 Q Okay. And I mean --

21 A Uh-huh.

22 Q -- earlier you mentioned the 360 pounds.

23 A Yeah.

24 Q You can tell -- okay. And did Mr. Haynes  
25 cover for you on any of those cases, the personal injury



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1 cases?

2 A No.

3 Q Okay. Did any other lawyer cover for you? Did  
4 you, you know, refer, or have any other lawyer from  
5 another firm come in and assist you?

6 A No.

7 Q And are you familiar with Chapter 5 of trust  
8 accounting rules, rules regulating the Florida Bar?

9 A Yes.

10 Q Have you taken any CLEs on trust accounting  
11 rules, say in the last -- we'll say from 2017 on?

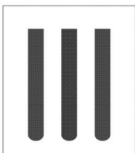
12 A In the last six months, I have.

13 Q Last six months? Okay. About how many CLEs  
14 would you say you've taken on trust accounting rules in  
15 the last six months?

16 A Two.

17 Q Okay. Two classes, all right. Now, on your  
18 petition of disciplinary revocation, you also wrote --  
19 it says, "Petitioner over relied on firm staff to handle  
20 the office accounting with less than adequate  
21 supervision." So we -- earlier I think we talked about  
22 -- Ron Wade is kind of the non-lawyer assistant that  
23 works with you. Is that the firm staff you're talking  
24 about? Was it Mr. Wade?

25 A Yeah.



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1 Q So you over relied on Ron Wade. And let me  
2 read what was written here again. Can't remember off  
3 the top of my head. So it says, "Petitioner over relied  
4 on firm staff." You're referring to Mr. Ron Wade that  
5 you over relied on?

6 A Yeah.

7 Q And you -- says here, "to handle the office  
8 accounting with less than adequate supervision." What  
9 did you mean by that? Like what was he doing  
10 specifically for the office accounting?

11 A I would rely on him to help me with the  
12 calculations on the settlement statements, and to let me  
13 know, you know, how much fees we had. So he would do a  
14 lot of those calculations for me --

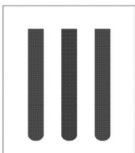
15 Q Well --

16 A -- which I would not, you know, normally do,  
17 or I would do a better job of double-checking, and  
18 things like that.

19 Q Okay. So when it comes to a settlement  
20 statement, say it's -- is it typical 33 -and-a-third-  
21 percent, or something is the -- is that the typical  
22 contingency Haynes and Lawrence [sic] charges --  
23 Laurent?

24 A Sort of.

25 Q Okay. So Mr. Wade would maybe look at the fee



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1 agreement, and then there's probably medical providers,  
2 and things like that. He would kind of prepare the  
3 settlement statement? Is that what his job was?

4 A Yeah.

5 Q Okay. And then you would review it, and I  
6 guess, sign it, and then the client would sign it,  
7 right?

8 A Yes.

9 Q Okay. Was he doing anything with regard to  
10 your firm trust account? Was he filing? Was he  
11 depositing things? Was he withdrawing things? Was he  
12 doing ledgers, reconciliations, anything like that?

13 A No. He would let me know how much fees we had  
14 total. So he could let me know if, you know, we had 20  
15 or \$30,000 in fees total that was left in the trust  
16 account, but he wouldn't reconcile it specifically, so  
17 if we had settled, you know, two or three cases or four  
18 cases, he would say, you know, "We have, you know, this  
19 amount of fees --"

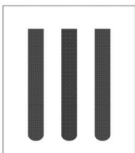
20 Q Yeah.

21 A -- you know, "left to --"

22 Q Was --

23 A -- "take out." And so, I would know that's  
24 how much fees we had.

25 Q Okay. So you relied on him to do the



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1 calculations? I'm trying to --

2 A Yes.

3 Q Okay. And so -- but he's not the one who's  
4 personally taking fees out of the trust account,  
5 correct?

6 A No.

7 Q So --

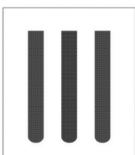
8 A Absolutely not.

9 Q -- the earned fees, you do that. And I know  
10 we're going to go over your firm plan in a second. But  
11 as far as supervising him -- and you said that you  
12 didn't -- without adequate supervision. So what did you  
13 mean by you no longer gave him adequate supervision?

14 A Well, normally I was the one that would always  
15 make sure and double-check, because I would never --  
16 before that, I would always double-check the settlement  
17 statements. I would be the one that calculated the  
18 fees. And so, for a while, I was relying on him to do  
19 those things.

20 Q Okay. And when a -- say a check comes in --  
21 USAA sends you a check for \$50,000 as a settlement, and  
22 it comes into the firm. I assume it gets mailed to the  
23 firm, or something along those lines. Who deposits  
24 that?

25 A Sometimes I would deposit it, but sometimes I



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1 would have him deposit it. It would just depend --

2 Q Okay. Just --

3 A -- on if I could get there to, you know, get  
4 the check and deposit it.

5 Q Did Mr. Wade have access to your trust  
6 account?

7 A No. He couldn't go into the trust account --

8 Q Okay. And --

9 A -- other than depositing checks, no.

10 Q -- have any access to the trust account  
11 records, online -- through online banking, or anything  
12 like that?

13 A No.

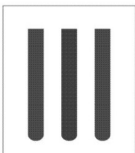
14 Q Okay. And he -- obviously he didn't sign  
15 checks for you?

16 A No.

17 Q He didn't make any kind of electronic  
18 transfers?

19 A No.

20 Q All right. We're to the exhibits, Mr.  
21 Laurent. And this is where it gets really slow, I  
22 think. We're going to try not to make it too slow, but  
23 the -- if you could just -- we're going to look at the  
24 first page of your -- of these exhibits, which is your  
25 trust accounting plan. I'm going to ask you some



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1 questions about your trust account, all right? How many  
2 trust accounts do you either you or Haynes and Laurent  
3 have?

4 A We have one. I know we had another one a long  
5 time ago, but we never really did anything with it.

6 Q Is it -- is that one closed, or is it still  
7 open?

8 A Yeah.

9 Q Okay. So as we sit right now -- let's ask  
10 from, say, 2016 on. Has there just been that one firm  
11 trust account?

12 A Yeah.

13 Q And is that Wells Fargo, and the last four is  
14 7593?

15 A Yes.

16 Q Do you -- when was that opened; do you  
17 remember?

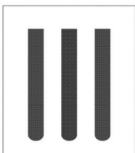
18 A It was opened when -- well, I can't tell you  
19 exactly when it was opened, because it wasn't opened by  
20 me.

21 Q Oh, who opened it?

22 A It was opened by Jeffrey Day, I believe.

23 Q So and he -- and I know you reeled off the  
24 names. Was he one of the five --

25 A Yes.



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1 Q -- lawyers? Okay. So how did it become your  
2 and Mr. Haynes's trust account?

3 A When they left the firm, and the firm was  
4 pretty much left with us.

5 Q Okay. So did you go to the bank and make sure  
6 it all got -- made sure it was Haynes and Laurent IOTA  
7 trust account?

8 A I -- yeah. I believe that's what happened  
9 back in, I guess, 2007, when they left.

10 Q It looks like 2007 is -- my notice, 2007 --  
11 did you -- who signed signature cards? Was it you and  
12 Mr. Haynes?

13 A I believe it was me and Mr. Haynes. I believe  
14 it was me and Mr. Haynes that signed signature cards --

15 Q Okay. Any --

16 A -- back then.

17 Q -- anybody else have signature cards on that  
18 trust account?

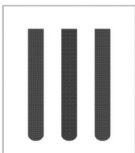
19 A I don't know if Mr. Haynes has a signature  
20 card on the trust account.

21 Q Okay.

22 A I think it's just me.

23 Q Okay, possibly just you. And what is the  
24 trust account used for?

25 A Just used mostly for settlements or cost,



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1 deposits.

2 Q Okay. And I think we talked about this, just  
3 -- but the signatories -- as you remember, you --  
4 obviously you are, and you're not sure if Mr. Haynes is.

5 A Yeah. I don't believe Mr. Haynes is.

6 Q All right. Now, who is responsible for the  
7 trust account?

8 A Just me.

9 Q Okay. Does Mr. Carlus Haynes have any  
10 responsibilities regarding the trust account?

11 A No.

12 Q So it -- and again, we -- earlier you  
13 mentioned he mostly does criminal defense type cases in  
14 your firm?

15 A Yes.

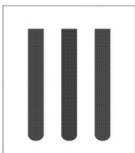
16 Q Right? And that -- and those type cases, are  
17 they -- fees are usually, you know, flat fees up front,  
18 or something along those lines?

19 A Yes.

20 Q So whenever he gets a fee in a criminal  
21 defense case, it's probably earned upon receipt, it  
22 doesn't go on the trust account?

23 A Yeah.

24 Q Okay. Let's look at page 1. This is a trust  
25 account plan that you provided to the Bar. And it says



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1 -- and we don't have to go through every single, you  
2 know, little line here, but let's -- the upshot is,  
3 looks like you're responsible for doing everything,  
4 right? You got -- all the trust account checks -- you -  
5 - got to be signed by you, deposit slips must be  
6 reviewed by you, electronic transfers must be prepared  
7 and authorized by you, monthly reconciliations, you.  
8 Annual reconciliations, it says, "Completed by Bradley  
9 Laurent and reviewed by bookkeeper Lysander Thorpe." And  
10 that's L-Y-S-A-N-D-E-R T-H-O-R-P-E. And it says,  
11 "Lysander Thorpe audits the firm's trust account  
12 annually." When did you hire -- is it Mr. or Ms.  
13 Thorpe?

14 A Mister.

15 Q Mister. Okay. So when did you hire Mr.  
16 Thorpe?

17 A Ever since we took over the firm.

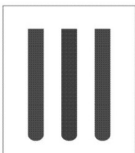
18 Q Okay. So back in 2007?

19 A Yes.

20 Q And so, has he been your firm bookkeeper ever  
21 since then?

22 A Yes.

23 Q And so he -- if I can gather from this trust  
24 account plan, he doesn't do anything monthly -- on a  
25 monthly basis, but at the end of the year he goes back



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1 and checks it?

2 A Yes.

3 Q And you review all the annual reconciliations,  
4 though, and you approve them, right?

5 A Yes.

6 Q And -- okay. It says here, "Any questions  
7 related to the firm trust account should be addressed to  
8 you," Bradley Laurent, right?

9 A Yes.

10 Q Okay. Now, are you the only one who makes  
11 deposits in a trust account?

12 A No.

13 Q Okay. So you earlier said Mr. Wade could make  
14 deposit?

15 A Uh-huh.

16 Q And how does he do that? Does he just -- is  
17 there a stamp? Do you guys have a stamp for the -- to  
18 endorse it?

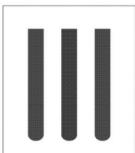
19 A Yes.

20 Q Okay. So -- and who has access to that stamp?

21 A Anyone.

22 Q And how do you instruct Mr. Wade -- first of  
23 all, let me ask you this: Does Mr. Haynes deposit any  
24 money in the trust account?

25 A No.



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1 Q Okay. So it's just Mr. Wade. If it's someone  
2 who's not you, is it just Mr. Wade?

3 A Mr. Wade or if it's another staff member there  
4 -- but mainly Mr. Wade.

5 Q But what would be the other -- who would be  
6 the other staff?

7 A No, I mean just throughout the years.

8 Q Oh, I see.

9 A I mean --

10 Q So -- well, just since 2017, say --

11 A Yeah.

12 Q -- it's just been you and Mr. Wade?

13 A Mr. Wade.

14 Q And he doesn't obviously write any checks out  
15 of the account, right?

16 A No.

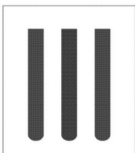
17 Q What about online transfers? Does Mr. Wade  
18 have any involvement in online transfers?

19 A No.

20 Q Okay. So it's just you for checks, just you  
21 for online transfers.

22 A Right.

23 Q All right. Let's just take a look at page --  
24 this is going to be kind of a slow slide through these,  
25 but do you remember receiving this letter? It's page 2,



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1 Bate stamped 2, October 28, 2021. We requested a bunch  
2 of trust account records from you. Do you see that?

3 A Yes.

4 Q And do you see item 3 on there where we ask  
5 for cancelled checks front and back?

6 A Yes.

7 Q Before we asked for those canceled checks, did  
8 you maintain them?

9 A No.

10 Q No? Okay. So I mean, are you aware of the  
11 rules -- the trust accounting rules we talked about  
12 earlier, require you to maintain the canceled checks?

13 A No.

14 Q You didn't know that?

15 A No.

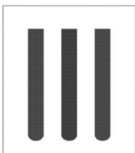
16 Q So when we asked for these canceled checks,  
17 did you have to go to the bank and get them?

18 A No, not the ones that you-all requested. I  
19 had had access to them.

20 Q You did? All right.

21 A Yes.

22 Q Let's look on pages 4 to -- copies of canceled  
23 checks. Let's just kind of look through them. And the  
24 clip -- you might have to move that clip on the upper  
25 left corner because it's covering up something.



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1           A     Yeah. I have access, I guess, for the last  
2 two years of canceled checks --

3           Q     Okay. Now, when you say you have access, do  
4 you have them at your firm, or do you -- when you say  
5 you have access, can you go to your online checking  
6 account, or online trust account and get them?

7           A     Yeah.

8           Q     Is that -- okay. So if you look in the upper  
9 left corner here, it says, "October 28, 5:23 p.m." Is  
10 that when you went and got the canceled checks pursuant  
11 to the request on October 28, 2021?

12          A     Yes.

13          Q     Did you look at all the cancel -- so you  
14 didn't actually physically have them at your firm?

15          A     No.

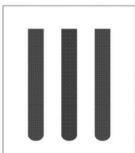
16          Q     Okay. And this same thing happens on December  
17 9th. We also sent you a check. If you look on -- or  
18 sent you a letter. It's on page 24 and 25. Do you see  
19 that?

20          A     On which page?

21          Q     Bates Stamp 24 and 25.

22          A     Okay.

23          Q     And do you think maintaining them -- do you  
24 think it -- have -- being able to go to the bank and get  
25 them is maintaining the canceled checks?



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1 A I would say no.

2 Q Okay. Do you think you should physically have  
3 the canceled checks located at your firm, or available  
4 to you?

5 A Yes. And when we first, I guess, had the  
6 account, we -- they used to send them to us.

7 Q Okay.

8 A And I guess they stopped doing that, but yeah.

9 Q So you weren't physically maintaining copies  
10 of canceled checks, front and back, in your trust  
11 account records, or with your trust account records?

12 A No.

13 Q Okay. So on this letter, December 9, 2021, we  
14 ask you again for canceled checks from a different time  
15 period, and then it -- the next 26 through 45, you  
16 provided these canceled checks. Is this going to be  
17 kind of the same answer? Because it looks like that  
18 they were printed December 14, 2021. Is that the date  
19 you went to the bank and got them?

20 A I didn't go to the bank, but I --

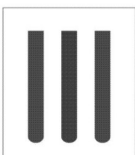
21 Q -- online?

22 A Yeah. No, I -- yeah, I contacted them.

23 Q You contacted the bank? So you had to --

24 A Which -- I'm sorry, which --

25 Q I'm sorry. Page -- Bates stamp 26.



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1 A Okay. And which checks are these?

2 Q These are pursuant -- checks you provided  
3 pursuant to this letter on December 9th --

4 A Yeah.

5 Q -- 2021. Okay. These are the ones you  
6 provided?

7 A Yeah. I went online and got those.

8 Q Okay. So you didn't physically have these  
9 checks available to you at your firm?

10 A No.

11 Q Okay. And so, you weren't maintaining the  
12 physical copies of the checks with your trust account  
13 records?

14 A No.

15 Q Okay. As we sit here today, are you  
16 maintaining physical copies of your canceled checks  
17 front and back, say before January 2020? Do you have  
18 those checks?

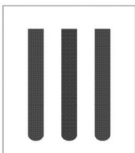
19 A Which ones?

20 Q Say before January 2020, canceled checks,  
21 front and back, physical copies at your firm, or  
22 available to you?

23 A Do I have them now?

24 Q Well, yeah.

25 A Yeah, I have them now.



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1 Q And that's -- includes before January 2020?

2 A Yes.

3 Q Going back to 2019, 2018?

4 A Yes.

5 Q Okay. So you've gotten physical copies since  
6 we sent you these letters?

7 A Yes.

8 Q Okay. How far back did you go and get the  
9 physical copies?

10 A I have them as far back as 2018.

11 Q Okay.

12 A And I requested them as far back as 2017.

13 Q Well, let's look at some of these. Do you  
14 have page 26 there?

15 A Yeah.

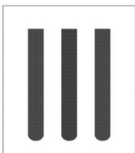
16 Q And do you see in the memo line it doesn't  
17 say, "client?"

18 A Yes.

19 Q And are you aware that the rules require you -  
20 - and if you can look on page 27. I think most of these  
21 don't say a client. What rules require you to identify  
22 a client on the check?

23 A I'm not aware that the rule requires that.

24 Q Okay. So you're not doing that? You're not  
25 generally doing that, identifying the client on the



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1 checks that you write out of your trust account?

2 A I did do that on a lot of the checks, but I  
3 wasn't aware that the rule required it, but I did do it.

4 Q Okay. And -- but there were some checks  
5 obviously you didn't do it?

6 A Yes.

7 Q Okay. Say from January 2018 to present, were  
8 you the only one responsible for preparing the journal -  
9 - the -- a journal?

10 A Oh, I didn't know you were finished with your  
11 question.

12 Q No, I'm saying --

13 A I'm sorry.

14 Q Yeah. Were you the only one who was  
15 responsible for preparing the journal pursuant to the  
16 trust account plan?

17 A Yes.

18 Q Okay. So you were -- were you doing those  
19 journals?

20 A From 2018?

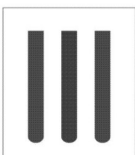
21 Q January 2018 on?

22 A Yes.

23 Q You were doing the ledgers?

24 A Yes.

25 Q Monthly reconciliations?



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1 A Yes.

2 Q Monthly comparisons?

3 A Yes.

4 Q And did you maintain all those documents  
5 before the Bar asked for them?

6 A Yes.

7 Q Okay. So who prepared the trust records you  
8 provided to the Bar?

9 A Julia Pallasso helped me with some of those  
10 records, but I had prepared -- I had the records already  
11 using the LegalFuel software. It's just that the way I  
12 inputted the records weren't the greatest.

13 Q Now, what do you mean by that? Were the  
14 records in compliance?

15 A They were in -- well, they were in what I  
16 thought compliance, but some of the stuff that I'd  
17 entered, I entered, like, backwards.

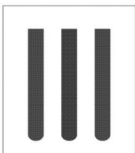
18 Q Okay. Well --

19 A Uh-huh.

20 Q -- and so, when did you hire Ms. -- is it  
21 Pallasso? When did you hire Julia Pallasso? When did  
22 you hire her?

23 A I believe it was in October.

24 Q So it that kind of when we -- you got the NSF,  
25 and we sent you the letter? I think that's the first --



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1 A Yes.

2 Q -- the case got opened. And what did she do  
3 for you as far as these trust records?

4 A She helped me to, you know, make sure that my  
5 records were accurate, and that I was inputting them in  
6 correctly.

7 Q Okay.

8 MR. LINDSEY: Here's the letter that -- I just  
9 got it from Ms. Pallasso that --

10 MR. QUINN: Oh.

11 MR. LINDSEY: -- says that he is in substantial  
12 compliance with the --

13 MR. QUINN: Okay.

14 MR. LINDSEY: -- rules now, and it --

15 MR. QUINN: We'll --

16 MR. LINDSEY: -- gives a summary of what she  
17 did, just so you'd have it. I just got it --

18 MR. QUINN: Okay.

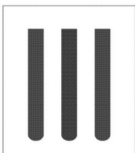
19 MR. LINDSEY: -- I think yesterday.

20 MR. QUINN: Okay. Well, we'll put it with the  
21 medical --

22 MR. LINDSEY: Okay --

23 BY MR. QUINN:

24 Q And but what is Ms. -- I don't know that --  
25 know her name. What is Ms. Pallasso's background? Like,



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1 how did you find her to hire her?

2 A She was recommended to me.

3 Q Oh, okay.

4 A And she knows how to, I guess, reconcile the  
5 trust accounts, and I mean, she has experience in that,  
6 which a lot of bookkeepers don't.

7 Q Right. We asked -- let's go back to Bates  
8 stamp 24. This is the letter we sent you on December  
9 9th. And do you see that?

10 A Yes.

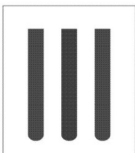
11 Q On the bottom, you know, we ask you for all  
12 these things, ledgers, reconciliations, comparisons from  
13 January 1, 2020 to April 31, 2021, and we asked for them  
14 on -- "Please provide them to us on or before December  
15 20, 2021," right?

16 A Yes.

17 Q Do you see on the bottom? We show that you  
18 actually did provide them on February 10, 2021. So, can  
19 you tell us why you were -- let's see if I can do the  
20 math - one-and-a-half-months late on providing those  
21 ledgers, reconciliations, and comparisons to us?

22 A Well, we -- I had to gather a lot of the  
23 information.

24 Q Well, did you have those comparisons,  
25 reconciliations, and ledgers available to you to provide



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1 to the Bar?

2 A Not all of it. They weren't input in there  
3 correctly, and some of the stuff hadn't been put in  
4 there. I had most of it, but not all of it. And --

5 Q So were there months or periods of time  
6 missing, or there was just -- they were prepared  
7 incorrectly?

8 A Some of it was prepared incorrectly, and some  
9 of the stuff hadn't been put in yet, a few of them. And  
10 they were not in there correctly. I wasn't -- I thought  
11 I was putting it in there correctly --

12 Q Uh-huh.

13 A -- and I thought I was reconciling --

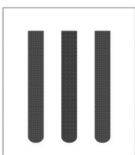
14 Q Uh-huh.

15 A -- the information correctly, but I wasn't,  
16 even though I thought I was. A lot of the stuff, I was  
17 doing incorrectly, which, you know, Ms. Pallasso was  
18 showing me how I was doing it incorrectly.

19 Q But were you in compliance with the trust  
20 accounting rules, would you say, in how you were doing  
21 the ledgers -- the reconciliations, the comparisons?

22 A I thought I was, but based on what Ms.  
23 Pallasso showed me, I wasn't.

24 Q Okay. And do you have those reconciliations  
25 ledgers and so forth going back six years as we sit here



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1 right now?

2 A I have most of them, yeah.

3 Q So you do have them? If we asked you for  
4 them, could you provide them?

5 A Yeah. I could provide what I have, yeah.

6 Q All right. Let me switch gears and ask you  
7 about -- did you have a shortage in your trust account?

8 A Yes.

9 Q Okay. And you understand a shortage is -- you  
10 know there's a certain amount of money that has to be in  
11 your trust account for all the people that might make  
12 claims on that trust account, the clients, and the  
13 medical providers, and if they all showed up at the same  
14 time, we'd be able to pay them all at the same time from  
15 the money in the trust account, right?

16 A Yes.

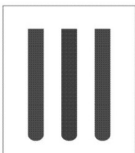
17 Q So how much was the shortage?

18 A I'm not sure the exact number right now. I  
19 want to say it was about -- hmm, maybe -- might've been  
20 one -- it might've been 120, because it was shortages at  
21 different times.

22 Q Uh-huh.

23 A So I'm trying to look at the -- total it up.  
24 It might've been 120.

25 Q 120,000?



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1 A Yeah.

2 Q All right. And it just occurred to me just  
3 now, but when you came in here for the sworn statement  
4 before, and I couldn't remember, but we had provided the  
5 exhibits. Did you leave with an exhibit?

6 A No, I didn't.

7 Q Okay. I didn't think you did, but we wound up  
8 tossing everything --

9 A Yeah.

10 Q -- and I couldn't remember. Okay.

11 MR. LINDSEY: I don't -- I never -- I don't  
12 have any of them.

13 MR. QUINN: No. I'm just -- you weren't even  
14 here so --

15 MR. LINDSEY: You're fine.

16 MR. QUINN: I just -- it just occurred to me.

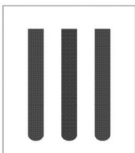
17 A No. I didn't take any exhibits, no.

18 BY MR. QUINN:

19 Q Okay. Well, let -- so there was a shortage,  
20 and you say it was probably about 120,000. And when did  
21 this shortage start?

22 A I want to say -- it's just -- in the 2020 is  
23 where I think the counter tracked it, in 2020.

24 Q Well, since this Bar case has started, have  
25 you gone back and looked --



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1 A Yeah.

2 Q -- to see when the shortage started?

3 A Uh-huh.

4 Q So when -- if you've been looking for it, can  
5 you tell us when you think it started?

6 A Around July of 2020.

7 Q July 2020. And so, if we look at your trust  
8 account records before July we're not going to see any  
9 shortages?

10 A I don't believe you'll see any shortages based  
11 on that. Think it started around July of 2020.

12 Q Okay. Well, what caused it in July of 2020?

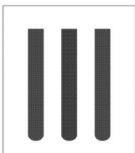
13 A From what I can tell, it looked like there was  
14 a client in which they didn't pay the client. For some  
15 reason, we was supposed to pay the client, and the  
16 client didn't want to get paid, or something, and Mr.  
17 Wade thought those were fees, and he kept -- he  
18 calculated those as fees. And that started like a  
19 snowball effect, from what I can tell. And that's  
20 what --

21 Q Okay. Do you remember the client's name?

22 A I think it's Pimento (phonetic), or something  
23 like that.

24 Q Pimento, like the --

25 A Yeah.



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1 Q -- I was going to say like the bean, but I  
2 can't remember if pimento's a bean.

3 A I think it's Pimento -- Jasmine Pimento.

4 Q I mean, I'm going to take a stab at P-I-M-E-N-  
5 T-O; does that seem familiar?

6 A (No verbal response)

7 Q Is that how you -- I'm just --

8 A Yeah.

9 Q -- guessing at the spelling.

10 A Yeah.

11 Q Does it sound right, though?

12 A I mean, I can get the name. I'm just -- I  
13 think that's the name.

14 Q So this was a personal injury client?

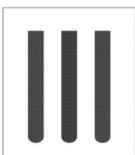
15 A Yeah.

16 Q Personal injury client? And so, let's see if  
17 I can understand. It sounded like there was some  
18 confusion over -- because you would've gotten a check or  
19 something from an insurance company --

20 A Yeah.

21 Q -- for some lump sum. Some portion of it is  
22 supposed to be your fees. There's probably a -- you  
23 know, some goes to medical providers, and then Mr. Wade,  
24 what did he do that caused a problem?

25 A They're -- he should've gave her her



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1 settlement check. She didn't want it for some reason. I  
2 was never told about it, and he then forgot that she  
3 didn't want the check, and he started calculating that  
4 money as fees. And so, that kind of started a snowball  
5 effect at that point.

6 Q And so is his -- it sounded like from your  
7 testimony earlier, that he was responsible -- kind of  
8 preparing the settlement statement and breaking it down.  
9 So did he put wrong numbers on the settlement statement?  
10 Is that what happened?

11 A No. The numbers were fine.

12 Q Okay. So how did -- and he's not responsible  
13 for withdrawing any money.

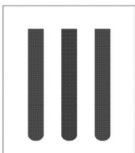
14 A No. But he is responsible for issuing the  
15 checks, what I -- once I write them.

16 Q Oh, okay. So you wrote the check, and the  
17 settlement statement was right.

18 A Yeah.

19 Q And then he -- and then what did he do that  
20 was -- that's caused the problem?

21 A He didn't issue the checks, and then he kept  
22 calculating that money as fees. And so, when I would  
23 say, "Hey, how much attorney's fees do we have, you  
24 know, left to, you know, move over," he would say, you  
25 know, "We've still got, like, 40, 50,000," and I'd say,



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1 "Okay," and so I would know that we have that much money  
2 to move over for attorney's fees. So I would know,  
3 Okay. I could still move this amount of money over.

4 Q Okay. Do you remember when that settlement  
5 was for, I want to say Mr. Pimento?

6 A I want to say it was in July --

7 Q July, so the same --

8 A -- of 2020.

9 Q -- month, July? So when you do a  
10 settlement ---

11 A And I think that's her name. And I --

12 Q Oh, it's a her?

13 A Yeah.

14 Q Oh, I'm sorry.

15 A I believe that's her name. I --

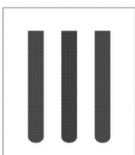
16 Q We --

17 A -- I'll get the name.

18 Q I think we have those --

19 A Yeah.

20 Q -- we have records from that period, so we  
21 could probably puzzle through and figure it out, at  
22 least from ledgers. So, when you do a settlement  
23 statement -- we'll just use Ms. Pimento for an example.  
24 Check comes in from State Farm, or whatever. You're  
25 going to settle it out. You do a settlement statement



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1 with Ms. Pimento. The numbers are accurate, and you're  
2 saying there was a confusion -- why wouldn't -- if the  
3 check is -- goes out to Ms. Pimento, and she doesn't  
4 accept it, would you also at the time that this  
5 settlement statement is signed, withdraw your fees, say  
6 it's a third of whatever State Farm paid?

7 A Yeah.

8 Q Okay. So you should've gotten the fees -- or  
9 the third, or whatever it is from this Pimento  
10 settlement. And then you're saying that Ms. Pimento  
11 didn't want the check?

12 A Yeah. She didn't want the check.

13 Q So how did that -- so --

14 A It --

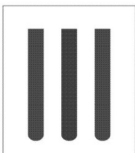
15 Q -- that would've left more money in your trust  
16 account than should've been in there, so why did that  
17 cause a shortage?

18 A It caused a shortage because that money  
19 shouldn't have been calculated as fees. Because later  
20 on, he was saying that those were fees --

21 Q Oh.

22 A -- and they weren't fees.

23 Q Oh, so then it was withdrawn later on, and you  
24 still owed money to Ms. Pimento. How many -- well,  
25 okay. So, do you remember how much your settlement was



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1 for?

2 A I believe her settlement might've been for  
3 about 65,000.

4 Q Okay. So I mean, if you're -- and we don't  
5 know what medical providers, or what was going on, but  
6 say a third of it's going to go to you, and you did get  
7 that, right?

8 A Yeah.

9 Q And then --

10 A I -- well, I believe we got the fees. I don't  
11 -- I can't remember if we took our fees out, or not  
12 right away on her case.

13 Q Okay.

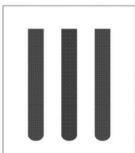
14 A Yeah.

15 Q So she -- say she's owed 40,000 -- and  
16 whatever it is, we'll say 40 because it's even number.  
17 She doesn't accept the check. It stays in the account,  
18 because if it's not negotiated -- and then she -- the  
19 money's still in the trust account, and then you're  
20 saying somehow Mr. Wade thought that was fees, and then  
21 did you withdraw it then as fees because he told you it  
22 was fees?

23 A Yeah. But not right away.

24 Q Not right away? When did you withdraw it?

25 A He calculated it as fees, and at some point we



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1 withdrew the fees later on, and so that just continued  
2 to cause a snowball effect. And that happened -- it  
3 didn't only happen in -- well, her case was the only one  
4 where she didn't accept fees, but he miscalculated on a  
5 few of the cases, so --

6 Q So he miscalculated -- and again, it's this --  
7 on the settlement statements he's miscalculating how  
8 much the fee is?

9 A He's miscalculating how much fees we have left  
10 to take out. So when I would ask him, "Hey, you know, I  
11 need to know how much fees we have that, you know, can  
12 be moved over," he would tell me, "Okay. Well, we still  
13 have, you know, 20,000 fees, and/or 25,000 in fees that  
14 could be moved over," and I would say, "Okay," and I was  
15 relying on him to tell me that.

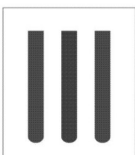
16 Q Does he have access to the ledgers and the --

17 A No, he doesn't.

18 Q -- So how does he -- so you're saying like in  
19 general, he's saying there should be -- regardless of  
20 the client, there should be 20, 30,000 in fees. You can  
21 go ahead and take that out.

22 A Yeah, but he's not giving me that solid  
23 number. So, he's the one that prepares the closing  
24 statements, and --

25 Q Right.



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1           A     -- he would keep track of how much attorney's  
2 fees we have. So if he has -- you know, if I settled  
3 like three or four cases, and let's say it was \$26,000  
4 in fees from those cases, he would know, "Okay. We've  
5 got \$26,000 in fees in those cases." A lot of times I  
6 would tell him, "Well, I moved over this amount in  
7 transfers," and so he would keep track of that, and know  
8 that, "Okay. Well, you know, we still have this amount  
9 in fees that you haven't written checks for." And so --

10          Q     Well, why is he keeping track? I mean,  
11 wouldn't you know that, though, from doing the ledgers,  
12 and the recon -- wouldn't you know how much --

13          A     I would know, but I wasn't doing the ledgers  
14 as often as I should've been --

15          Q     Okay.

16          A     -- during that time period.

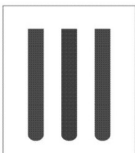
17          Q     So your health problems didn't cause a  
18 shortage until July of 2020.

19          A     Yeah.

20          Q     Right? So, the stuff starts happening with  
21 your health until July of 2020 --

22          A     Yeah.

23          Q     -- right? So, the stuff starts happening to  
24 your health, but there's no effect on your trust account  
25 until July of 2020.



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1 A Yeah.

2 Q Okay.

3 A Right, and that's when I tracked it, but I  
4 wasn't handling the -- as far as the closing statements,  
5 and things like that. I stopped kind of handling those  
6 -- the calculations once I got sick. I wasn't --

7 Q Okay. Because I was --

8 A -- I was relying on him.

9 Q Okay. Because -- well, is he -- he's not  
10 doing the ledgers or the comparisons, though --

11 A No.

12 Q -- or anything like that?

13 A No.

14 Q He doesn't -- I mean, he wouldn't know how to  
15 do that, right?

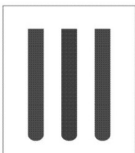
16 A He -- no.

17 Q So --

18 A Uh-huh.

19 Q -- when you're do -- like say that happens in  
20 July of 2020, and then you do a ledger the next month,  
21 shouldn't you have realized when you added it all up  
22 that there was a shortage?

23 A I wasn't keeping up with the ledgers as often  
24 as I should've. So I wasn't doing them like every month  
25 as I should've been doing them, once I got sick.



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1 Q And how often were you doing them?

2 A Probably every few months, I would try to, you  
3 know, update them as best as I could.

4 Q Okay. So -- and the shortage happened in July  
5 2020. When's the next time you remember you did a  
6 ledger comparison, where you went over the trust account  
7 and filled out the --

8 A I couldn't tell you exactly when was the --  
9 you know, after July of 2020 when I actually went back  
10 in and updated it.

11 Q Well, did it happen in 2020? Did it happen  
12 from July 2020 until the end of the year that you did a  
13 -- you know, you went back, and you looked at the books,  
14 and you went, and you did a reconciliation, a ledger,  
15 and so forth?

16 A I don't recall when I did it in 2020, yeah.

17 Q Well, the next time you did it -- did you  
18 notice there was a shortage?

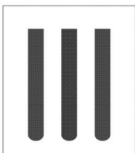
19 A No.

20 Q You didn't notice? Can you explain why you  
21 didn't notice there was a shortage if there was a  
22 shortage?

23 A No.

24 Q Okay.

25 A I didn't notice there was a shortage until



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1 after this incident occurred in 2021.

2 Q Okay. So that's kind of my next question  
3 because I think you -- in some document you sent us you  
4 told us you became aware of the trust accounting  
5 problems in October 2021; is that right?

6 A That's correct.

7 Q So even though you're -- and you may not be  
8 doing them every month, but even though you're doing  
9 some ledgers, reconciliations, and so forth, and looking  
10 at the trust account between July of 2020 and October of  
11 2021, you never noticed there was a shortage?

12 A No.

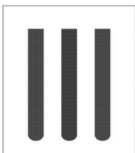
13 Q Okay. Well, let's look at the ledgers that  
14 you provided. Look up -- it's on page 46 and 48. Does  
15 this look familiar? It's like a ledger card that you  
16 provided us. It has to do -- this is the October 2021  
17 ledger card. Does that look familiar? I'll give you a  
18 chance to look at it. Does this look like the ledgers  
19 that you were preparing? And I'll add it -- this was  
20 provided to us in February of 20 -- I want to say 2022.

21 A Yeah. These are the ones that Julia helped  
22 me --

23 Q Okay.

24 A -- prepare, yeah.

25 Q Okay. So Julia -- did she prepare the



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1 ledgers, or did she help you?

2 A She prepared these --

3 Q Okay. And she --

4 A -- with the information that I was able to  
5 provide to her.

6 Q Okay. So she prepared them, and she was -- I  
7 think you said she was hired in October of 20 -- so  
8 sometimes after October of 2021 she prepared the October  
9 2021 ledger?

10 A Uh-huh.

11 Q And you understand from the ledger that the  
12 positive -- any positive balance on that right side,  
13 that money should be in the trust account, right?

14 A Yes.

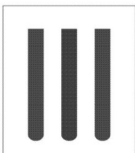
15 Q And just as an example, let's look at Jesus  
16 Gonzalez's on page 46. Do you see him right in the  
17 middle? He's got a few entries in there.

18 A Yes.

19 Q All right. This looks like \$30,000. You go  
20 to the right. \$30,000 supposed to come in for Mr.  
21 Gonzalez as a deposit, and I'm assuming a settlement,  
22 and then once your fees and so forth are taken out,  
23 there should be \$20,030.50, right?

24 A Yes.

25 Q And that should be in the account.



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1 A Yes.

2 Q No matter what's happening with the - if --  
3 that's his money, no matter what's happening with the  
4 other clients and their money, there should be  
5 \$20,030.50 in there for Mr. Gonzalez, right?

6 A Yes.

7 Q All right. Let's look at your monthly  
8 comparison, which is on page 49. All right. Does this  
9 look familiar? This was also provided to us in February  
10 of 2022.

11 A Yes.

12 Q Okay. And this is -- it has all the clients  
13 and so forth that should have money in your trust  
14 account?

15 A Yes.

16 Q Okay. Who provided this one, or who prepared  
17 this one? Is that Ms. Pallasso again?

18 A Yes.

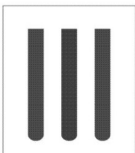
19 Q And did -- she prepared it after -- I'm just  
20 assuming after October of 2021?

21 A Yes.

22 Q It also shows -- a comparison also shows the  
23 ledger balance is along the right, right?

24 A Yes.

25 Q Okay. Do you see Mr. Gonzalez -- we'll just



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1 use him in the -- Jesus Gonzalez that there's -- you see  
2 the \$20,030.50 also reflected on this?

3 A Yes.

4 Q Okay. And that appears in the credit side, so  
5 there should be \$20,030.50 in the trust account, right?

6 A Yes.

7 Q And if you look at the bottom, if you add up  
8 all the balances, on the very bottom right says,  
9 "\$228,174.18," right?

10 A Yes.

11 Q So that's how much should be in your trust  
12 account, right? If you -- that's all the client money  
13 you should be holding in your trust account added  
14 together, should equal \$228,174.18, right?

15 A Yes.

16 Q Okay. And that's what should be in there on  
17 October 31, 2021.

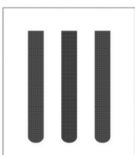
18 A Uh-huh.

19 Q Okay? You agree?

20 A Yeah.

21 Q Okay. Let's look at your statement, 50. It's  
22 the next page. All right. And this is your October 31,  
23 2021 IOTA trust account statement, right, the October  
24 statement for your firm trust account, right?

25 A Yes.



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1 Q It is? On page 51, Mr. Laurent.

2 A Yep.

3 Q All right. Do you see that on the very  
4 bottom, there's \$14,883.37?

5 A Yeah.

6 Q Okay. So the balance ledger -- you can go  
7 back and look at the ledger. It says there's supposed  
8 to be \$228,000. We're going to -- I'm just going to  
9 round it to the nearest, \$228,000 in your trust account,  
10 right?

11 A Yeah.

12 Q Okay. And your -- but your trust account  
13 statement shows \$14,883.37.

14 A Yeah.

15 Q Okay. So, is that a shortage of approximately  
16 \$213,000?

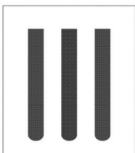
17 A Yeah.

18 Q Okay. And I think we talked about -- you  
19 know, you talked about Ms. Pimento's kind of snowball. I  
20 mean, how did it snowball to \$213,000?

21 A Just the miscalculations of the fees, just  
22 kept -- I guess it kept happening.

23 Q And again, this is Mr. Wade's telling you how  
24 much you can take out of your trust account?

25 A Yeah. But I mean, it's not Mr. Wade's



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1 responsibility. I mean, it's ultimately my

2 responsibility. I should've been --

3 Q Okay.

4 A -- checking and not relying on Mr. Wade.

5 Q Okay.

6 A It's something that I should've been double-  
7 checking.

8 Q Okay. Let's look at -- there are more  
9 ledgers, and they're going to be on page 53 to 74. These  
10 are ledgers that go -- it starts January 3rd -- the  
11 January -- portions of ledgers from January 2020 on I  
12 guess up until October of 2021, right? And you can just  
13 look at them. It's 53 to 74.

14 A Okay.

15 Q And so who -- did Ms. Pallasso help you with  
16 these ledgers? Did she prepare them?

17 A Yes. Well, we prepared them together.

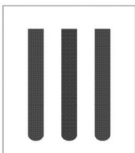
18 Q Okay. And were they prepared after the Bar  
19 asked for them?

20 A Yeah.

21 Q So you weren't preparing ledgers before the  
22 Bar asked for them?

23 A No, I had ledgers before, but we prepared  
24 these --

25 Q Yeah.



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1           A     -- in order to make sure that they were  
2 accurate.

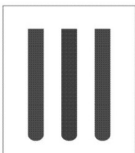
3           Q     Okay. So the ledgers -- the previous ledgers  
4 were not accurate, or weren't prepared sufficiently?

5           A     Yeah. We wanted to make sure that everything  
6 was accurate, that the numbers that we made -- we wanted  
7 to make sure that the account was completely accurate.

8           Q     Okay. What is the purpose -- and you can just  
9 look on page 53. We're going to go through a few of  
10 these ledgers. These are the monthly ledgers for, you  
11 know, a year-and-a-half after we started looking at your  
12 trust account in October of 2021. What is the ZX on  
13 allocated funds? What does that mean? If you look on  
14 page 53, you see there's a -- and I don't think this is  
15 the entire ledger. This is just the portion of it that  
16 has the ZX on allocated funds. What is the ZX on  
17 allocated funds reference mean here? What is that?

18          A     I believe those are maybe funds that were not  
19 taken out yet, like a -- or not -- maybe funds that I  
20 hadn't -- attorney's fees that hadn't been taken out  
21 yet.

22          Q     Well, shouldn't those be notated under the  
23 specific client that those fees are coming out of? In  
24 other words, shouldn't there -- shouldn't all the  
25 references in your ledger card involve specific clients



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1 -- specific settlements of specific clients? And I'll  
2 ask it a different way. Is there any way to tell what  
3 clients this unallocated funds section on the ledger --  
4 which clients this applies to?

5 A I guess we couldn't figure it out.

6 Q Okay. You think -- every payment from a trust  
7 account has to be associated with a particular client,  
8 right?

9 A Yeah.

10 Q Okay. And so it -- so, you can't tell from  
11 looking at this ledger what client is connected to these  
12 unallocated funds, can you?

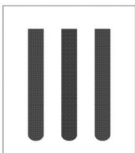
13 A Yeah. I guess we couldn't figure those out.

14 Q And so -- and so why are there payments -- and  
15 let's just look at page 53, for example. Do you see  
16 under the ZX on allocated funds, it says, you know,  
17 there's a check for \$819.02, says, "attorney's fees."  
18 And there's three checks that go out to Haynes and  
19 Laurent during -- this would've been January of 2020,  
20 and they're not connected to any client, right?

21 A Yeah.

22 Q So why are there payments going out of the  
23 trust account, and not connected to any client?

24 A It -- like I said, when we were doing it, it  
25 was supposed to be fees that we had already earned, and



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1 it should've been going to specific clients.

2 Q Okay. And it -- and you said we were doing  
3 it, you say you and Mr. Wade were doing it, or you and  
4 Ms. Pallasso --

5 A No.

6 Q -- it's when you were --

7 A Me and Mr. Wade.

8 Q Okay.

9 A Yeah.

10 Q And so, you created this section of the ledger  
11 to kind of identify what payments are coming out of the  
12 trust account that aren't associated with any client?

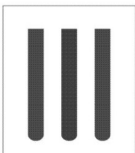
13 A Yeah.

14 Q Okay. And if you look on 53, this is just a  
15 January 2020 section of the ledger that involves the ZX  
16 on allocated funds. You see how it's negative -- has a  
17 negative balance?

18 A Yeah.

19 Q And if you look through these -- I think it  
20 goes to page 74. So it's like there's a month for every  
21 single one page. Here it's to October of 2021. It's  
22 negative every month. In other words, there's a  
23 negative balance in the ZX unallocated funds section of  
24 the ledger.

25 A Yeah.



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1 Q Right? And it grows. If you look -- let's  
2 start in October -- start on 53, October -- it's -- I'm  
3 sorry, January 31, 2020. See how it's minus \$43,648.05?

4 A Yeah.

5 Q And we'll just randomly go to 59 -- well, I  
6 probably didn't -- we'll go to one that's easier to  
7 find, page 60, August 31, 2020.

8 A Uh-huh.

9 Q Do you see ZX on allocated funds towards the  
10 bottom?

11 A Yes.

12 Q Now it's minus \$72,306.

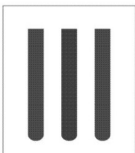
13 A Yes.

14 Q Okay. So why is that growing?

15 A It's growing because once the negative balance  
16 started, it continues to be negative until it's  
17 corrected, so --

18 Q Let me ask it this way: Are the payments that  
19 are being attributed to the unallocated funds, or  
20 whatever you want to call it, unallocated fund section  
21 of this ledger, are those payments coming out of your  
22 trust account contributing to the shortage? In other  
23 words, growing the shortage?

24 A Yeah, because until that one negative payment  
25 has been corrected, every month that you write something



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1 from that -- from the trust account, it's going to  
2 continue to be negative because of that -- from where we  
3 started at that negative point.

4 Q Okay. And so, when you're paying money, I  
5 guess, to Haynes and Laurent out of this trust account  
6 attributed to this -- unallocated funds, it's money  
7 that's not attributed to any client, and therefore every  
8 check that goes out is increasing the shortage? Does  
9 that make sense?

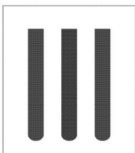
10 A Yeah.

11 Q Okay. And earlier you testified that your  
12 shortage started in July of 2020 when there was -- and  
13 I'm going to remember her name, Ms. Pimento -- there was  
14 a mistake by Mr. -- I forget your assistant's name,  
15 Dunn? Is it Dunn?

16 A Ron.

17 Q Ron -- made a mistake with Ms. Pimento's  
18 settlement. But we'll go back and look at -- just  
19 randomly go back -- we can go back to 53, I think, which  
20 is the start of this. I'm trying to find one I've  
21 highlighted so I don't have to go around and look. But  
22 if you go back and look -- we'll just go back to January  
23 of 2020, and when we looked at before, at 53. Do you  
24 see how that's negative?

25 A Yeah.



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1 Q So does that shortage already exist before  
2 July of 2020?

3 A And according to this, yeah.

4 Q Okay. So there -- so you think the shortage  
5 started before -- now that you're looking at this, and  
6 you have an unallocated funds section of your ledger  
7 card that shows minus \$43,648 not attributed to any  
8 clients, you think that you had a shortage before July  
9 of 2020?

10 A Yeah.

11 Q Okay. So it wasn't your non-lawyer assistant  
12 and you making a mistake in July of 2020. It must've  
13 happened earlier than that, right?

14 A Yeah.

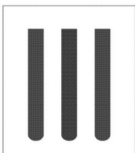
15 Q All right. And how did you -- once you  
16 identified the shortage, how did you -- what did you do  
17 about it? And then we'll say in October of -- you say  
18 October of 2021 you identified the shortage. When --  
19 what did you do about it?

20 A As soon as I identified the shortage, I made  
21 sure I put the money back.

22 Q Okay. And when you say, "put the money back,"  
23 the money -- where did you get the money to put it back?

24 A My personal funds.

25 Q Personal funds? Was it all your personal



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1 funds?

2 A Some of it was my personal funds. Some of it  
3 was law firm funds. But most of it was my personal  
4 funds.

5 Q Okay. And turn to page 75 to 80, please.  
6 We'll just start at 75. I warned you that this is how  
7 it goes. We're going to be digging through these bank  
8 statements, and so forth. All right. This looks like  
9 your operating account. Does this look familiar,  
10 operating account November 2021, operating account for  
11 Haynes and Laurent PA?

12 A Yeah.

13 Q Okay. It's your -- I think it's Wells Fargo,  
14 and the last four is 9860.

15 A Yep.

16 Q Do you see on -- let's look on page 76.

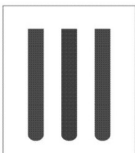
17 A Yes.

18 Q Do you see on November -- I think it's the  
19 very top, November 1st under transaction history on page  
20 76, it shows a wire I think, or something, \$60,000 going  
21 into your operating account?

22 A Yes.

23 Q Okay. And that is from the Adams Law  
24 Association?

25 A Yes.



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1 Q Who made the transfer?

2 A That's a personal -- that was a personal  
3 transfer to me that I had put directly into our  
4 operating account.

5 Q Well, what is the Adams Law Association?

6 A That is actually a friend of mine.

7 Q Okay. Is it -- it's a John W. Adams from  
8 Valrico, Florida?

9 A That is correct.

10 Q Okay. And did you also attend Washburn  
11 University Law School with him?

12 A Yes. I did.

13 Q And I guess Mr. Haynes also? Were you-all all  
14 buddies back in Washburn?

15 A Well actually, me and Mr. Adams attended high  
16 school together.

17 Q Oh, okay. So you go even further back.

18 A Yeah.

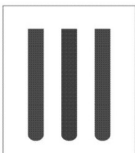
19 Q So did he loan you the money to help cover the  
20 shortage?

21 A Yeah, sort of.

22 Q Well what do you mean, "sort of?"

23 A It's -- we -- yeah, he loaned me the money.

24 Q Okay. And so, if you're needing to replace  
25 the shortage in your trust account, and you have to get



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1 a loan or a friend to give you 60,000 -- either it's a  
2 loan or a friend helping you out, that means that money  
3 is spent, right?

4 A Yeah, but I say, "sort of," because it was  
5 just loaned to me until I got the money from a line of  
6 credit.

7 Q Okay. But is this -- was this \$60,000, was  
8 this used to help replenish the trust account?

9 A Yeah.

10 Q Okay.

11 A And it's already been paid back to him.

12 Q Okay. But at the time, though, when you  
13 needed to replenish the trust account, you didn't have  
14 the money available to you without this \$60,000, right?

15 A Yes. I did. I just wanted to pay it back  
16 right away.

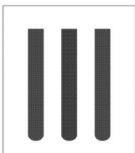
17 Q Oh, okay.

18 A And I was getting the line of credit from one  
19 of my properties.

20 Q All right. Let's look at the ledger. That is  
21 page 81. Yep. There it's Bates stamped 81. You see it  
22 there?

23 A Yeah.

24 Q Okay. This is your ledger card from December  
25 of 2021. If you look under ZZ law firm funds, which is



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1 kind of -- it's there towards the bottom, do you see a  
2 December 21st credit of \$35,727.43? Do you see that?  
3 It's like the -- ZZ law firm. It's the second line  
4 under --

5 A Yeah.

6 Q Okay. You see that? It says, "deposit to  
7 correct account," it's kind of -- the account was kind  
8 of cut off. Is --

9 A Yeah.

10 Q Okay. Was that one of the deposits to correct  
11 the shortage in the trust account?

12 A Yeah.

13 Q And what was the source of that money?

14 A When was that, 12-21?

15 Q That would've been -- yep, December 21, 2021.  
16 What was the source of that money?

17 A That was -- came from my personal money.

18 Q Personal money?

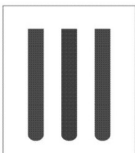
19 A Yeah.

20 Q When you say, "personal money," not from an  
21 operating account, not from a payroll account, but like  
22 your personal checking account?

23 A I believe --

24 Q -- or savings, or --

25 A I believe so, but I might -- I think it -- I



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1 transferred it from my personal operating account, I  
2 believe.

3 Q You say a, "personal operating account?" Is  
4 it a --

5 A I mean personal --

6 Q Okay.

7 A I'm sorry. My personal checking account.

8 Q Okay. So as we sit here right now, do you  
9 think you know -- considering that you pointed out that  
10 there was a shortage occurring before July of 2020, when  
11 you thought the shortage started, as you sit here right  
12 now, are you confident you know what the total shortage  
13 is?

14 A No.

15 Q Okay. Is it possible it exist --

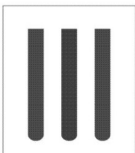
16 A I know I paid -- as the shortages were  
17 discovered --

18 Q Uh-huh.

19 A -- I paid them. So whenever I -- a shortage  
20 was discovered, as we were going through the account, I  
21 paid it right away, so --

22 Q And so you --

23 A -- I don't recall what the total was, but I  
24 just made sure that every time a shortage was  
25 discovered, I made sure I paid it right away.



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1 Q Is it possible that there's still a shortage  
2 in the account?

3 A No.

4 Q Have you instructed -- is it Ms. Pallasso?  
5 Have you instructed her to go back -- how far? How far  
6 have you instructed her to look in the --

7 A I've gone back as far as 2015.

8 Q Uh-huh. Okay. And you're confident that  
9 there's no shortage in the account --

10 A No.

11 Q -- anymore --

12 A No.

13 Q -- or at least the one that hasn't been  
14 replenished?

15 A Nope.

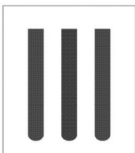
16 Q Okay. Turn to page 82 to 85, please. And  
17 these are two settlement statements. One's for Mr.  
18 Kenneth Kambeitz, K-A-M-B-E-I-T-Z, and one is for  
19 Jonathan Keen, K-E-E-N. These look like two -- look  
20 like you signed them both.

21 A Yes.

22 Q Okay. And I guess the client signed them  
23 both?

24 A Yes.

25 Q Okay. And it looks like the date of accident



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1 is the same. Were they in the same car or something?

2 A Yes.

3 Q They got -- okay. That makes sense. And  
4 obviously you signed them. Are you were involved in  
5 both these cases? Were these your cases?

6 A Yeah.

7 Q And you negotiated the settlement amount and  
8 so forth?

9 A Yeah.

10 Q And you obviously prepared, or at least signed  
11 the settlement statement.

12 A Yeah.

13 Q And if you look on 82 -- page 82, 14,000 on  
14 the bottom is owed to the client, right? That's Mr.  
15 Kambeitz?

16 A Kambeitz, yeah.

17 Q Kambeitz, is that how you pronounce it?

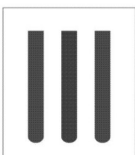
18 A Yeah.

19 Q Okay. And 84, Mr. Keen is owed \$11,033.07.

20 A Yeah.

21 Q Okay. And if you look at the top it says that  
22 the -- Mr. Kambeitz -- the amount -- the settlement  
23 amount that you received from the insurance company was  
24 \$25,000, and for Mr. Keen it was \$20,000, right?

25 A Yes.



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1 Q Okay. Let's look at the deposit tickets for  
2 this. That's on 86 and 87. That look like the -- that  
3 one's 86 through 89. Looks like Mr. Kambeitz is  
4 \$25,000, and then the check from Liberty Mutual is the  
5 next page, \$25,000. Those look familiar to you?

6 A Yeah.

7 Q Okay. So these are the two settlements?

8 A Yeah.

9 Q One's for 20,000 for Keen, and one's 25,000  
10 for Kambeitz, right?

11 A Yeah.

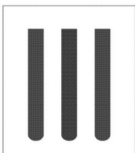
12 Q And the checks -- let's look at your trust  
13 account bank statement for 90 and 91, please. Well,  
14 let's look at 90 so you can confirm it is the June 30th  
15 -- and that those were deposited June 2, 2021, right? If  
16 you'll look on page 86, deposit slip says, "June 2nd."

17 A Yeah.

18 Q Okay. All right. And is page 90 your IOTA  
19 bank statement for the trust account for your firm,  
20 Haynes and Laurent?

21 A Yes.

22 Q Okay. Let's look on page 91 please. And you  
23 see towards the top, this looks like June 2nd. See  
24 where it says, "deposits, credits on June 2nd, 20,000  
25 and 25,000?"



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1 A Yeah.

2 Q Okay. Were those the two settlements -- the  
3 receipt of the settlements for Mr. Keen and Mr.  
4 Kambeitz?

5 A It looks like it.

6 Q Okay. All right. And then, did you make  
7 those deposits?

8 A Yeah.

9 Q Okay. And one of them says a, "mobile  
10 deposit." Does anyone else have any authority to make  
11 mobile deposits in that account?

12 A No.

13 Q So that had to be you, right?

14 A Yeah.

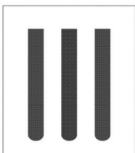
15 Q Okay. Do you use your phone to do it, to -- I  
16 know they can do that now.

17 A Yeah.

18 Q Okay. All right. All right. And then you  
19 wrote a check -- you wrote checks to them pursuant to  
20 the settlements we -- settlement statements that we saw  
21 on page 92? You see that, 92 and 93?

22 A Yeah.

23 Q Are these the two checks that you wrote, one  
24 to Mr. Keen, one to Mr. Kambeitz pursuant to those  
25 settlement statements that we've looked at?



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1 A Yeah.

2 Q And a check number for Mr. Keen is 3518,  
3 right? And Mr. Kambeitz is 3517, so I guess you wrote  
4 them sequentially on the same date, August 6, 2021?

5 A Yeah.

6 Q And that's your signature on both of them?

7 A Yes.

8 Q And it says -- this memo line is, "personal  
9 injury settlement?"

10 A Yes.

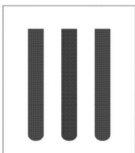
11 Q And these are obviously -- there are for the  
12 settlements. In other words, these are the money the  
13 client's entitled to receive, and these are checks to  
14 the client to pay out what they're entitled to receive  
15 from the settlement, right?

16 A Yes.

17 Q Let's look at your August 2021 trust account  
18 statement. That's page 94. Is that your August 20 --  
19 August 30 -- August 2021 trust account bank statement  
20 for your attorney trust account?

21 A Yes.

22 Q Okay. If you turn to page 95, do you see --  
23 it's about a -- I'm going to say a third of the way  
24 down. Do you see those two checks we just talked about,  
25 check 3517, 3518? One clears on August 6, one clears on



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1 August 9th, right?

2 A Yes.

3 Q Okay. And those are the Keen and Kambeitz  
4 payments to the clients, as pursuant to the settlements,  
5 right?

6 A Yes.

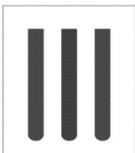
7 Q So from June 2nd, when you deposited the money  
8 into the account, until this money went out, at least  
9 until August 6, there should've been at least 25,000 in  
10 your trust account, right -- one of -- Mr. Keen is owed  
11 11,033, and Kambeitz is owed 14,000, right?

12 A Yes.

13 Q Okay. So, money comes in. No matter what's  
14 happening with other clients in the trust account, there  
15 has to be at least 25,000 for these two guys in your  
16 trust account, right?

17 A Yes.

18 Q Let's go back and look at your June bank  
19 statement, which is page 91. And this is the trust  
20 account -- the June 30th trust account bank statement.  
21 And if you look towards the bottom, this is page 91,  
22 towards the bottom of the transaction history, do you  
23 see where the amount begins -- starting on, it looks  
24 like June 16th, the amount begins to fall below 25,000.  
25 Do you see that? It's 22,790, and it goes to 20,790.78,



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1 18,000, so where by the end of the month, it's \$14,290?

2 A Yes.

3 Q Okay. So do you agree then that the balance -  
4 - you'd have to be holding at least -- regardless of  
5 what's happened with other clients, but for Mr. Keen and  
6 Kambeitz, you have to be holding at least \$25,000 in  
7 your trust account, all the way until August 6th, from  
8 June 2nd, -- you can see actually on this same page when  
9 the money went in, that it's now fallen below that  
10 number?

11 A Yeah.

12 Q Okay. On June 30th there's a check, 3491. Do  
13 you see that? It's -- that's third to the last page.

14 A Yeah.

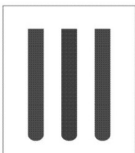
15 Q That caused the balance to fall even further.  
16 It was already below 25,000, but that caused it to fall  
17 all the way down to 14,000?

18 A Yeah.

19 Q Was that -- let's -- check number 3491, let's  
20 go to page 97, please. Okay. Is that a check that you  
21 wrote out of the trust account, that's check number  
22 3491?

23 A Yeah.

24 Q June 30th for \$4,000 -- so is that the same  
25 check that we just looked at the record of in your bank



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1 statement -- bank statement? Is that your signature on  
2 the check?

3 A Yes.

4 Q Did you deposit that into your operating  
5 account?

6 A I assume so, yeah.

7 Q So if you deposit this in your operating  
8 account, doesn't this money include what is owed to Keen  
9 and Kambeitz? In other words, isn't this money money  
10 that belongs, or at least that Mr. Keen and Mr. Kambeitz  
11 had an interest in?

12 A Yeah.

13 Q Yeah, okay. And you're rely -- are you the  
14 one that deposited it in the operating account?

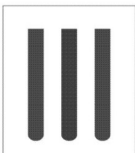
15 A Yeah. It would've been me.

16 Q Okay. Now, what was the purpose of this? It  
17 says, "attorney fees." Why is there no client  
18 referenced on this check?

19 A Because it would've just been a total of fees  
20 that we had that we were entitled to.

21 Q Okay. And is this -- this check is dated June  
22 30th. Is this somehow connected to the Pimento thing  
23 that you were talking about?

24 A No. It would've just been fees that at the  
25 time was calculated fees that we were -- should've been



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1 entitled to.

2 Q Okay. And it's not connected to any client?

3 A It would've been connected to a client. I'm  
4 not sure which client.

5 Q Well, let's --

6 A It would've maybe been to Kambeitz, or it  
7 could've been another client. I'm not sure which  
8 client.

9 Q Let's look on page 70. And let's go back in  
10 time a little bit where we've been looking at, but we'll  
11 look back at your ledgers. Do you see on the bottom of  
12 -- it's the ZZ law firm funds ledger entry, the very  
13 last item. It's June 30, 2021 check. It said, "3491,"  
14 check number 3491 to Haynes and Laurent --

15 A Yes.

16 Q -- for attorney's fees. Was that the same  
17 check?

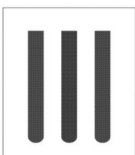
18 A Yes.

19 Q So is it connected on this ledger to any  
20 client?

21 A Not on that ledger, no.

22 Q So it's -- this is a payment for attorney's  
23 fees to your operating account that's not associated  
24 with any settlement that you know of?

25 A Not on this ledger, no.



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1 Q Okay. Any ledger -- is there going to be any  
2 ledger where it's going to be connected to anything?

3 A I'm not sure.

4 Q Okay. Let's go to your operating account,  
5 it's 98. See it there --

6 A Yeah.

7 Q -- 98? Okay. Is that -- this is your  
8 operating account for Haynes and Laurent. It's the one  
9 that ends in 9860.

10 A Yeah.

11 Q Do you see on page 101, there is a mobile  
12 deposit. It's at the very bottom of 101 --

13 A Yeah.

14 Q -- mobile deposit for \$4,000; is that the same  
15 deposit, June 30th deposit, that is, the 4,000 that we  
16 were just looking at for the 3491 -- check number 3491?

17 A It should be.

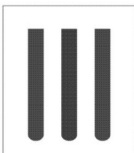
18 Q Okay. So did you -- you're the only one who  
19 can make mobile deposits in this account?

20 A No.

21 Q Well, who else can make a mobile deposit in  
22 your operating account?

23 A Well, Mr. Haynes can make a mobile deposit  
24 into our operating account.

25 Q Okay. Did he make one for this?



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1           A     I mean, I don't know. I -- it should be that  
2 number, but I'm not the only one that can make deposits  
3 to our operating account.

4           Q     Speaking specifically about -- if you wrote  
5 the check --

6           A     But I would say -- not to interrupt you,  
7 but ---

8           Q     Oh, no. Go ahead.

9           A     I believe that's me.

10          Q     Okay.

11          A     Yeah.

12          Q     Okay. I mean, you wrote the check --

13          A     Yeah.

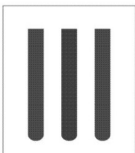
14          Q     -- the check number 3491 for 4,000 June 30th,  
15 and it shows up in your operating account.

16          A     Yeah.

17          Q     Okay. Let's look at the July 2021 operating  
18 account. It starts on page 103. And is this your July  
19 bank statement for your operating account for your firm?

20          A     Yes.

21          Q     Okay. Let's look on page 104. Do you see a  
22 transfer on July 1st from this account -- from the  
23 operating account? On June 30th, the money went in. You  
24 got to go through -- we just went back and looked at  
25 June's bank statement for the operating account, but do



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1 you see that it looks like the money is coming out,  
2 \$4,000, online transfer to the Haynes and Laurent, PA  
3 business checking account?

4 A On what day?

5 Q July 1st. I'm sorry. It's the third entry  
6 down.

7 A Yes.

8 Q Online transfer to the law offices of Haynes  
9 and Laurent, PA, business checking account. And who  
10 made that transfer the next day?

11 A It probably was me.

12 Q Okay. Who handles payroll for the firm?

13 A I do.

14 Q You do? Does anyone else write checks out of  
15 payroll?

16 A No.

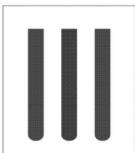
17 Q And I probably should've asked this earlier.  
18 Are your employees -- are they on a salary, or are they  
19 hourly?

20 A Hourly.

21 Q Hourly, okay. So you handle all that  
22 yourself?

23 A Well, Mr. Thorpe.

24 Q Oh, but he does the -- and he does that every  
25 month, or does he --



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1 A Twice a month.

2 Q So Mr. Thorpe does the -- does payroll?

3 A Yeah.

4 Q Now does he -- he doesn't write checks for  
5 payroll, does he? He just -- does he set it up, or how  
6 does that work?

7 A He sends me the checks and then I just -- I  
8 issue them.

9 Q Okay. But that -- the 9857, that is your  
10 firm's payroll account, right?

11 A I believe so, yes.

12 Q Okay. So the -- so we got \$4,000 going from  
13 operating to payroll on July 1st, right?

14 A Yes.

15 Q All right. And do you see on July 2nd there  
16 is another \$1,000 transfer to the 9857 account, the  
17 payroll account? It's about -- it's a -- I don't know,  
18 like, four down or something, July 2nd, online transfer  
19 to law offices of Haynes and Laurent, PA, business,  
20 9857, \$1,000?

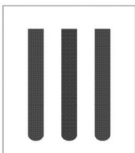
21 A Yeah.

22 Q Okay. Who made that transfer?

23 A Probably me.

24 Q Probably you?

25 A Yeah.



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1 Q Okay. And what's the purpose of your payroll  
2 account?

3 A To pay the employees.

4 Q Okay. Is that the only purpose?

5 A Pretty much, yeah.

6 Q You pay taxes out of there, too?

7 A Employee taxes.

8 Q Okay. Employee taxes. And I've never had  
9 employees, but is that like FICA, or things -- I don't  
10 know what you have to --

11 A Yeah. Just the -- your employee's taxes.

12 Q So the money you transferred from operating to  
13 payroll was for that purpose, to pay employees and  
14 potentially taxes, right?

15 A Yeah. Just the employee taxes.

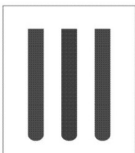
16 Q All right. That same page, July 1, 2021, do  
17 you see a check for 3805 clearing on July 1st? It's in  
18 between the two entries we were talking about. See it,  
19 3805, check 20 -- \$2,800?

20 A Yeah.

21 Q Okay. Let's look at that image of the check.  
22 And it's 3805. Keep that in mind. We'll go to page  
23 108.

24 A Yep.

25 Q Okay. Is that a check that you wrote out of



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1 the operating account?

2 A Yes.

3 Q And that's your signature on it?

4 A Yes.

5 Q It says, "rent, tax."

6 A Yes.

7 Q Okay. Who -- what is Washburn Investments?

8 A It's our company.

9 Q Yes, I should say, "Washburn Investments,  
10 LLC." And when you say, "our company," is that you and  
11 Mr. Haynes?

12 A Yes.

13 Q So what does Washburn Investments, LLC do?

14 A It owns our office.

15 Q Oh, I see. So you pay rent to that entity to  
16 use the office, is that how it works?

17 A Yes.

18 Q Okay. Do you have other tenants, I guess,  
19 would be the --

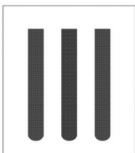
20 A Not right now.

21 Q Oh, okay. Are -- who are the principals of  
22 Washburn Investments, LLC?

23 A Me and Mr. Haynes.

24 Q Okay. Anyone else?

25 A No.



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1 Q And would you agree then that we've seen how  
2 the balance dropped, you know, the check was written,  
3 the 4,000 was after the balance started to drop below  
4 25,000, which is what you're supposed to be holding for  
5 Keen and Kambeitz. So would you agree then that a  
6 portion of the settlement proceeds that were supposed to  
7 go to Mr. Keen and Mr. Kambeitz was used for operating  
8 and payroll expenses, and also, looks like to pay rent?

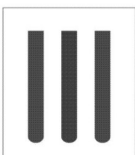
9 A I would say that those were believed to be  
10 attorney's fees, not that they were used just to pay  
11 rent and employee expenses.

12 Q Okay. But we had seen how you had to have at  
13 least \$25,000 in your trust account. The check for  
14 4,000 was written out of the account when the balance  
15 had already dropped below 25,000, so would you agree  
16 that that was money that is supposed to be held for Mr.  
17 Keen and Mr. Kambeitz, and you've used it now for  
18 payroll and potentially rent and tax?

19 A I mean, once it was trans -- moved to the  
20 operating account, that's what it was used for, but it  
21 was transferred as what we believe to be attorney's  
22 fees.

23 Q Okay. And did any of those payments benefit  
24 Mr. Kambeitz or Mr. Keen?

25 A No.



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1 Q Did they -- did you have their permission to  
2 use their settlement money for those purposes for --

3 A No.

4 Q Okay. All right. Let's go to page 109.

5 MR. QUINN: How are we doing on time? Not bad.

6 Q Page 109, we're going to talk about a  
7 different settlement for Mr. Alvon Spikes. This looks  
8 like a settlement statement, and you handled this  
9 yourself?

10 A The settlement statement?

11 Q Right, for Mr. -- did you handle Mr. Alvon  
12 Spikes's case?

13 A Yeah. I handled his case.

14 Q And you signed the settlement statement of  
15 110?

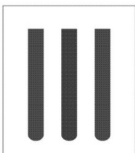
16 A Yeah.

17 Q Okay. And it looks like -- we'll just go to  
18 the first page. Looks like you got 35,000 in from one -  
19 - probably an insurance company, and after everything is  
20 deducted out, Mr. Spikes is supposed to get \$13,070.52  
21 after all that's deducted out, right? That's his money?

22 A Yes.

23 Q Okay. Let's go to page 111 and 112, please.

24 And is this -- you -- deposit -- the deposit tickets on  
25 111, and the actual check from -- looks like State Farm



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1 -- State Farm was the insurance company for 35,000.  
2 That's the settlement money for Mr. Alvon Spikes, right?  
3 A That's correct.  
4 Q All right. And it actually says on the check  
5 to your trust account for -- on behalf of Alvon Spikes.  
6 A Yes.  
7 Q Right? Okay. Let's look at your bank  
8 statement. And it's 113 to 114, and that's your trust  
9 account again. This is July 2021 trust account for  
10 Haynes and Laurent, right?  
11 A Yes.  
12 Q Okay. Look on July 19th. Look on page 114 --  
13 July 19th. I think we can see that the 35,000 from  
14 State Farm is deposited, right?  
15 A Yes.  
16 Q You see that?  
17 A Uh-huh.  
18 Q Okay. Who made that deposit? That would be  
19 you?  
20 A Probably was me. I mean, I don't know.  
21 Q Okay. Probably you?  
22 A Yeah.  
23 Q And it could've been who else again?  
24 A It could've been Mr. Wade.  
25 Q All right. Let's see the check from Mr.

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1 Spikes. This is on 115. You see that, on Bates stamp  
2 115?

3 A Yes.

4 Q And this is a check, and you wrote this check?

5 A Yes.

6 Q It says" personal injury settlement,  
7 \$13,000."" I'm going to say it right at some point,  
8 \$13,070.52."

9 A Yes.

10 Q All right. And so, that's the proceeds that  
11 Mr. Spikes is due from the settlement from State Farm,  
12 right?

13 A Yes.

14 Q And it's dated October 5, 2020.

15 A Yes.

16 Q Right? And it's check number 3557?

17 A Yes.

18 Q And again, I think you said you signed it,  
19 right?

20 A Yes.

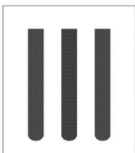
21 Q Let's look at your October 2020 --

22 A -- 2021.

23 Q 2021, sorry.

24 A Uh-huh.

25 Q So October 2021 -- I'll get that right.



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1 October 5, 2021 is when the check is dated, right?

2 A Yes.

3 Q All right. Let's look at the October 2021  
4 trust account bank statement, and that's the next page,  
5 116. Oh, wait. Hang on a second. Let's go back to  
6 113. I'm sorry. I overshot. 113 is the trust account  
7 for July bank statement, right? Oh, wait. I'm sorry.  
8 I'm -- let's look at the October -- and I'm going to get  
9 this right eventually, October of 2021 bank statement.  
10 That's at 116.

11 A Okay.

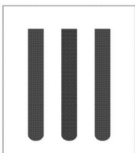
12 Q I told you it's a slide through these  
13 documents when we're doing these things. All right.  
14 This is your October 2021 trust account bank statement,  
15 right?

16 A Yes.

17 Q Okay. Let's look on 117. And earlier we had  
18 looked at Mr. Spikes's check, was 3557 for \$13,070.52;  
19 do you see it reflected on here on October 6? It's kind  
20 of right in the middle.

21 A Yes.

22 Q Okay. So, the money went into your trust  
23 account on July 19th, at least the State Farm check was  
24 deposited on July 19th, and the money paid out to Mr.  
25 Spikes was on October 6. Would you agree that you had



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1 to have at -- regardless of what's happening with other  
2 clients, et cetera, you had to have held at least  
3 \$13,000 in your trust account in the interim, between  
4 July when the money went in, and October 6, when the  
5 money came out, right?

6 A Yes.

7 Q Okay. Because that's Mr. Spikes's money,  
8 right?

9 A Yes.

10 Q Let's go back to 114. Do you see starting  
11 maybe about two thirds of the way down where it says,  
12 "July 23rd," do you see at that point going forward to  
13 the end of the month, the balance drops all the way down  
14 from 12 -- below 13,000, down to 12,097, and it keeps  
15 going down all the way until July 30th to just a little  
16 over \$2,000 -- \$2,063?

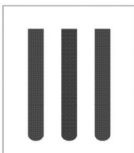
17 A Yes. I do.

18 Q Okay. So would you agree that money that is  
19 supposed to belong to Mr. Spikes has now been  
20 transferred out of the trust account?

21 A Yes.

22 Q And the account is short -- just -- I mean,  
23 regardless of what's happening with other clients, it's  
24 short for Mr. Spikes by \$11,000.

25 A Yes.



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1 Q Okay. Let's look at -- there's a check on  
2 here. It's like two items down from that date we were  
3 looking at, July 29th for \$6,000. It looks like it's  
4 check 3507.

5 A Yes.

6 Q OK. It's for \$6,000, and it drops the balance  
7 from 12,000 down to 6,000.

8 A Yes.

9 Q Let's look at a copy of that check. It's 119.  
10 Do you see that? It's 119.

11 A Yes.

12 Q Okay. Is that the same check as 3507? It's  
13 to Haynes and Laurent for \$6,000 out of your trust  
14 account?

15 A Yes.

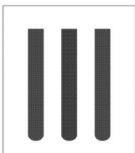
16 Q Right? And you signed the check?

17 A Yes.

18 Q And it's dated July 29th, which is what we  
19 just looked at, right? So -- and it says, "attorney's  
20 fees," so -- it doesn't have a client on here. What was  
21 the purpose of this check?

22 A It would have been for attorney's fees that we  
23 believe we were entitled to at the time.

24 Q Okay. But since you have to have been holding  
25 at least \$13,000 from Mr. Spikes in your trust account,



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1 would you also agree that this check included -- really  
2 it composed Mr. Spikes's money, money that Mr. Spikes is  
3 entitled to from the settlement he had?

4 A Yes.

5 Q Why isn't there a client referenced on this  
6 check?

7 A Because it would have been a part of the  
8 attorney's fees that we thought we were entitled to at  
9 the time.

10 Q And you don't know which client the attorney's  
11 fees would have been for?

12 A I couldn't tell you at this moment.

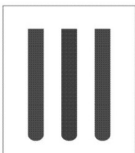
13 Q All right. Let's look on your operating  
14 account, 9860 operating account for July, and that is  
15 page 120. See on page 123 -- and would you agree that  
16 is your July 2021 bank statement for your law firm  
17 operating account?

18 A Yes. It is.

19 Q Okay. Let's look on page 123. You see this  
20 is -- you know, the check was written out of the trust  
21 on that date, 3507, and this is a deposit on the same  
22 date for \$6,000. Would you agree that that is the  
23 deposit of that \$6,000 check?

24 A Yeah.

25 Q And those -- looks like a mobile deposit. And



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1 is that -- are you the one making that mobile deposit?

2 A More than likely, yes.

3 Q And using -- used your phone to make that?

4 A Yes.

5 Q Okay. Let's look at the operating account,  
6 which is 124 for August, which is the next month. And  
7 that is the -- a copy of your August 2021 Wells Fargo  
8 operating account, right, 9860?

9 A Yes.

10 Q Okay. On August 2, 2021, do you see on the --  
11 on page 125, about three down, it says, "online transfer  
12 to Law Offices of Haynes and Laurent, business  
13 checking?" It's the 9857 account.

14 A Yes.

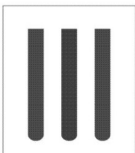
15 Q Okay. That's also your payroll account,  
16 right?

17 A Yes.

18 Q And we talked about this earlier, that's --  
19 that payroll is used to pay your employees and their  
20 payroll taxes, right?

21 A Yes.

22 Q And again, let's look on -- there's another  
23 check here. And if you look on August 2nd also, there's  
24 a check for \$2,800, just says, "check," but it's check  
25 number 3813 that also had cleared that account.



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1 A Yes.

2 Q Okay. Let's look at a copy of that check on  
3 page 129. Who made the transfer on August 2nd with the  
4 \$2,300 transfer? It says, "online transfer to payroll  
5 account."

6 A That would have been more than likely me.

7 Q You? Okay. All right. Let's look at the  
8 check, and we're just looking at -- for check number  
9 3813 for \$2,800 coming out of -- this is payroll, I  
10 believe -- operating, rather -- coming out of operating.  
11 So again, Washburn Investments, LLC, that's -- you and  
12 Mr. Haynes own that, and it's for rent and tax it says,  
13 right?

14 A Yes.

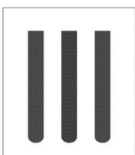
15 Q And is this signed by you?

16 A Yes.

17 Q So did you use a portion of Alvon Spikes's  
18 money, since the trust account dropped well below  
19 13,000, which you had to have held in there for Mr.  
20 Spikes, to pay your rent, and taxes, payroll?

21 A It -- again, it would have been money that we  
22 believed we were entitled to as attorney's fees, but  
23 yeah, it would have been from the operating account to  
24 the payroll account.

25 Q Okay. All right. Let's go to page 130, 131.



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1 We're going to talk about another one of these  
2 settlements for Lindsey. I don't know if you remember  
3 Lindsey Price.

4 A Yes.

5 Q All right. And is that male, female, Lindsey?

6 A Female.

7 Q Female, okay. So Ms. Price's settlement, and  
8 we're looking at the front page, on page 130, and this  
9 is some -- a settlement statement that you signed,  
10 right?

11 A Yeah.

12 Q Is that a personal injury case?

13 A Yeah.

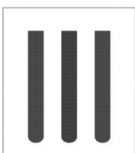
14 Q It says, "auto accident." So, looks like  
15 their settlement was for \$40,000, and after everything's  
16 deducted out, attorney fees, it looks like in the 50130  
17 she's due \$21,752.87.

18 A Yeah.

19 Q You would agree with that?

20 A Yes.

21 Q Okay. You can look at the deposit ticket. I'm  
22 sure you kind of know the drill by now. We're going to  
23 look at the deposit tickets, and it's 40,000 from USAA  
24 is on 133. Oh, that's the check. The deposit ticket's  
25 on 132. Do you see that?



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1 A Yes.

2 Q Okay. And August 5, 2021, it's deposited into  
3 the trust account on a deposit slip, right? It says,  
4 "Price."

5 A Yes.

6 Q Okay. And if we look at your trust account  
7 for August 2021, we can see on page -- and this is your  
8 trust account bank statement for August of 2021, right,  
9 on page 134?

10 A Yes.

11 Q Okay. If we look on August 5th, we can see  
12 that 40,000 going into, right, on transaction history,  
13 page 135, the Price -- Lindsey Price settlement is for  
14 40,000. You can see it going in on August 5th, right?

15 A Yes.

16 Q Who made that deposit, of the 40,000?

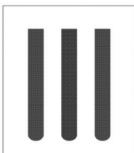
17 A I'm not sure.

18 Q Who could it have been?

19 A Me or Mr. Wade.

20 Q Let's look at the deposit slip. So, he would  
21 go down to the bank and do deposit slips? If you look  
22 on page 132, does that look like your handwriting or his  
23 handwriting?

24 A Even if it's -- it looks like my handwriting,  
25 but that doesn't mean that he wouldn't have been the one



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1 that took it down.

2 Q Oh, okay. You might've filled out the deposit  
3 slip and then told him to go take it down?

4 A Yeah, because it -- I could -- a lot of times  
5 I come in after hours.

6 Q Okay. Well, we can see the deposit going in  
7 on August 5th, right, on this Bates stamp 135.

8 A Yeah.

9 Q And it's the 40,000 from the insurance --  
10 company, USAA insurance company for Ms. Price. Let's  
11 look at your ledger from Ms. Price. It's on page 137.  
12 And do you see that? She's towards the bottom,  
13 alphabetically. It says, "Price, Lindsey?"

14 A Yeah.

15 Q Okay. And we don't see a disbursement for her  
16 of her -- she's due \$21,752.87, but on this ledger, we  
17 don't see a disbursement for her, right?

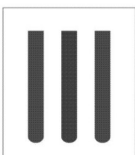
18 A Yes.

19 Q But it looks like attorney's fees were taken  
20 out that were due, and it's 40,000, and makes sense to  
21 be \$13,333.33, right?

22 A Yes.

23 Q Has she been paid her proceeds?

24 A Not yet. Well, she's been paid, but she  
25 hasn't cashed the check yet.



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1 Q Okay. From August of 2021?

2 A Yeah.

3 Q She hasn't cashed the check?

4 A Yeah. Everybody's been paid, but -- or cashed  
5 their check, but she hasn't cashed her check yet.

6 Q Okay. Well, if there's 21,000 -- if she's due  
7 at least \$21,000 from the settlement, there should be at  
8 least \$21,000 in your trust account to cover her money,  
9 right?

10 A Yeah.

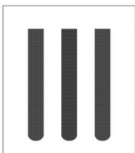
11 Q Let's look at your August 2021 bank statement,  
12 which is page 135. We'll go back to that a little bit.  
13 August 12th, if you go across the August 13th, do you  
14 see that the balance in our trust account has dropped  
15 now below \$20,000? It's down to \$16,000.

16 A Yeah.

17 Q Okay. So it keeps dropping. It drops below  
18 the amount -- regardless of what's happening with other  
19 clients in your trust account, you -- the money -- the  
20 \$21,000 you need to be holding for Ms. Price, it's not  
21 in your trust account, right?

22 A Yeah.

23 Q And that within, oh, about a week, August 5th,  
24 the money goes in, and the balance drops down below the  
25 amount that needs to be in there by August 13, so within



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1 a week, you are using some of those settlement proceeds,  
2 right?

3 A Yeah.

4 Q By August 23rd, the balance drops all the way  
5 down to \$5,681.85. Do you see that?

6 A Yes.

7 Q Okay. So you agree that you're short just for  
8 Ms. Price, not any other client, but just her, in your  
9 trust account, you're short about \$16,000?

10 A Yes.

11 Q Okay. Let's look at August 13th. I see a  
12 check for 3527, payable for \$4,000.

13 A Yes.

14 Q Okay. And it caused the balance to drop down  
15 to \$16,000 in your trust account?

16 A Yes.

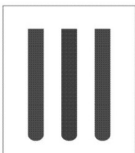
17 Q And you had to have at least 21,000 in there  
18 for Ms. Price, right?

19 A Yes.

20 Q And on page 138 -- well, let's see. That's  
21 check number 3527. If you look on page 138, you see  
22 check number 3527.

23 A Yes.

24 Q Is that the check that caused that balance to  
25 drop down below \$20,000?



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1 A Yes.

2 Q Okay. It's payable, and we've kind of been  
3 through this before. It's signed by you, right?

4 A Yes.

5 Q For \$4,000 to Haynes and Laurent?

6 A Yes.

7 Q It went into your operating account? Is that  
8 what this stamp is?

9 A Yes.

10 Q Okay. And it says, "attorney's fees." It  
11 doesn't say, "client," on it.

12 A Yes.

13 Q Now, if you had to have at least \$21,000 in  
14 there for Ms. Price in your trust account, and you wrote  
15 this check, and it caused the balance -- or it happened  
16 while the balance was below 21,000 do you agree that you  
17 sent some of your settlement proceeds that were due to  
18 Ms. Price to your operating account with this check?

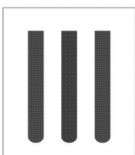
19 A Yes.

20 Q Okay. And do you remember what the purpose of  
21 the check was?

22 A Attorney's fees.

23 Q Attorney's fees? And there's no client for  
24 this?

25 A No, not listed on the check.



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1 Q Okay. Let's look at your operating account,  
2 124. We've already been through this, but 124 -- going  
3 back to look at your August 2021 operating account, and  
4 it's 124. That is your August 2021 operating account,  
5 right, for Haynes and Laurent?

6 A Yes.

7 Q Okay. If you'd look on page 126, do you see a  
8 mobile deposit of \$4,000? It's about a quarter of the  
9 way down on the page, mobile deposit, \$4,000?

10 A Yes.

11 Q Is that the check that we'd looked at earlier,  
12 3527?

13 A Yes.

14 Q Okay. And again, it's a mobile deposit. Did  
15 you use your phone to make that deposit?

16 A Yes.

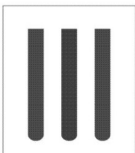
17 Q Did you see on August 13th there is a check  
18 for -- let's see. There's an online transfer for \$7,000  
19 to the 9857 payroll account. Do you see that? It's  
20 about two lines farther down, same day, August 13?

21 A Yes.

22 Q Okay. Who made that transfer?

23 A That would've more than likely been me.

24 Q Been you? Okay. And August 16th, so another  
25 two lines farther down, there's another online transfer



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1 to the payroll account for \$2,600. Do you see that?

2 A Yes.

3 Q Is that also made by you?

4 A Yes.

5 Q So would you agree, Mr. Laurent, that a  
6 portion of Ms. Price's settlement proceeds were used to  
7 fund your operating and payroll expenses and went to  
8 your payroll account to do that?

9 A Again, those are fees that at the time we  
10 thought we were entitled to.

11 Q Did any of those payments benefit Ms. Price?

12 A No.

13 Q Did Ms. Price give you her permission to use  
14 those funds -- her settlement funds for operating and  
15 payroll expenses?

16 A No.

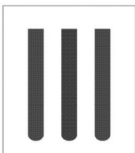
17 Q Let's go back to that settlement from Ms.  
18 Price, settlement statement's on page 130. There it is,  
19 \$13,333.33 is the amount of attorney's fees that you  
20 were due on a \$40,000 settlement, right?

21 A Yes.

22 Q Okay. Let's look at the ledger card from Ms.  
23 Price.

24 A Yes.

25 Q It's 137. And we looked at this earlier. Do



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1 you see that? It's just, like, two thirds of the way  
2 down --

3 A Yes.

4 Q -- Price, Lindsey? There's four different  
5 payments of attorney's fees. Do you see that? One's  
6 for 6,000, one's for 1,333.33, and one's for 4,000, and  
7 one's for 2,000.

8 A Yes.

9 Q Why are there four payments of attorney's  
10 fees? In other words, why isn't there just one -- you  
11 know, you've taken your attorney's fees from the Price  
12 settlement, why isn't there just one payment of  
13 \$13,333.33?

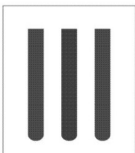
14 A We just -- sometimes we just take the payments  
15 at different times.

16 Q Well, when you issued these four payments, did  
17 you intend for all of them to be your attorney's fees,  
18 specifically for the Lindsey Price settlement?

19 A If we noted it on there, yes. If not, it  
20 would've just been when we have those total payment for  
21 fees.

22 Q Okay. When you were recreating these records,  
23 did -- were these payments attributed to Lindsey Price,  
24 just to make it add up to \$13,333.33?

25 A No. We were trying to figure out if they were



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1 for Lindsey Price, because sometimes we would take fees  
2 specifically for the client.

3 Q Uh-huh.

4 A And we just didn't note it for the client.

5 Q Let me see if I can understand. So, when  
6 you're going back and creating these records, or  
7 recreating these records, with -- and I forget her name.

8 Who -- what was her name again, it's --

9 A Julia.

10 Q -- Julia Pallasso, right? So you would see  
11 attorney's fees payments, and you weren't sure what  
12 client they were attributed to?

13 A Well, sometimes there would be notes that  
14 would state that it was for this particular client. It  
15 just wouldn't be noted on the check.

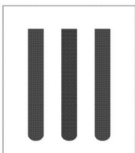
16 Q Okay.

17 A So --

18 Q And so you went through, and you found four  
19 checks that add up to \$13,333 and --

20 A No. Sometimes it would be noted that it was  
21 for that check -- I mean, for that client, but it wasn't  
22 noted on the check.

23 Q All right. So again, you -- earlier you  
24 testified that you knew you were short in July of -- I  
25 think you said 2021, right? Was it 2021 or -- July of



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1 2020 I think is when you said -- or, no. You learned  
2 you were short in October of 2021, right?

3 A In October.

4 Q Okay. And then -- and you believe now -- when  
5 you came -- when you first came in here you believed you  
6 were short in July of 2020 is when it started, right?

7 A Yes.

8 Q Let's look at the trust account bank statement  
9 for August 2021.

10 A And that's me looking at the records, is what  
11 I came up with.

12 Q Okay.

13 A Yeah.

14 Q But the July 2020 is when you believe it  
15 started, and --

16 A Yeah.

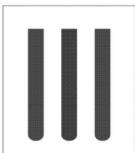
17 Q -- but when the first case was first opened in  
18 October of 2021, that's when you learned that there was  
19 a shortage?

20 A I learned in October, yes.

21 Q Okay. All right. Let's look at -- let's go  
22 back and look at 134 at your August 2021, IOTA trust  
23 account bank statement, right? All right?

24 A Uh-huh.

25 Q Okay. 135, the balance of your account -- see



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1 if I can find it here. Ahh, I see. On August 4, 2021,  
2 toward the top of the transaction history, can you see  
3 that the balance of that account is \$10,063.19 of your  
4 trust account, right?

5 A Where are you looking at?

6 Q At -- towards the top, August 4th, ending  
7 daily balance is -- there's a check that comes out for  
8 \$1,500. Right next to it, it says \$10,063.19.

9 A Yes.

10 Q Okay. So, and your trust account has a  
11 balance on that day of \$10,063.19, right?

12 A Uh-huh.

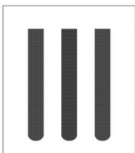
13 Q And then the next day, we've already talked  
14 about this, the Price -- Ms. Price's settlement goes in  
15 for \$40,000, right?

16 A Yes.

17 Q And we've gone over this. We don't need to go  
18 back and look at the deposit ticket, right? That's Ms.  
19 Price's settlement for 40,000 into your trust account.

20 A Yes.

21 Q Okay. August 6th and August 9th -- and we've  
22 already talked about the Keen and Kambeitz settlement.  
23 Do you see them here again on August 6th and August 9th,  
24 those checks cleared, \$11,033.07 and \$14,000? We can go  
25 back and look at those checks.



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1 A Yes, I see them.

2 Q Do we need to go back and look at those  
3 checks, or you remember those?

4 A No.

5 Q Okay. So that's the roughly 25,000 in  
6 payments to Keen Kambeitz that we've talked about  
7 earlier, right?

8 A Yes.

9 Q And you're the one who issued those checks?

10 A Yes.

11 Q Okay. And the checks were written for both of  
12 them -- and we can go back and look at them for August  
13 6, 2021.

14 A Yes.

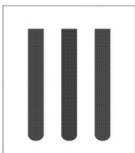
15 Q Okay. And those were payments of settlement  
16 proceeds on that date to Mr. Keen and Mr. Kambeitz,  
17 right?

18 A Yes.

19 Q So did you use money from the Price settlement  
20 to pay Mr. Keen and Mr. Kambeitz?

21 A According to this bank statement, yes.

22 Q Right, because if you had written those checks  
23 to Mr. Keen and Mr. Kambeitz, and had not received the  
24 Price settlement, right, they would have bounced. Both  
25 of them would've been NSF, right?



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1 A That's correct.

2 Q So the 40,000 hits your account from the  
3 settlement for Price -- Ms. Price, and then -- and it  
4 hits your account on August 5th, and checks are written  
5 on August 6th. So you issued -- would you agree the  
6 checks to Keen and Kambeitz one day after the \$40,000  
7 for the Price settlement hits that account?

8 A Yeah, according to the bank statements, yes.

9 Q Okay. And so the account was short, and those  
10 checks would've NSF'd had that \$40,000 for the Price  
11 settlement not arrived in the account, right?

12 A Well, I'm not sure because there's also a  
13 deposit here, I see.

14 Q Well, did you see that there's \$10,000,  
15 right --

16 A Yeah.

17 Q -- it balances on August 4th. You get 40,000  
18 in.

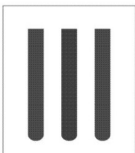
19 A Yeah.

20 Q There's two more that come out. And there's,  
21 see, there's a mobile deposit of 12,000 that still  
22 wouldn't have added up to --

23 A Yeah.

24 Q -- 22,000, so --

25 A You're correct.



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1 Q They would've NSF'd.

2 A Yeah. They would've.

3 Q Okay. Without the --

4 A Yeah. No, you're correct.

5 Q Okay. So did you use settlement money from

6 Price --

7 A Yes.

8 Q -- to pay Keen and Kambeitz?

9 A You're correct. According to this statement,

10 yes.

11 Q Okay. And is it just a coincidence that you

12 wrote the checks to Keen and Kambeitz one day after the

13 40,000 hit that account?

14 A It actually is.

15 Q It is? So there -- you -- so it's just a

16 complete coincidence that those checks were written the

17 day after \$40,000 arrived in the account to cover the

18 amount of those checks --

19 A Yes.

20 Q -- to Keen and Kambeitz? So, you had no idea

21 that there was a shortage in the account?

22 A No.

23 Q All right. And on August 5th you were still

24 using unallocated funds checks to Haynes and Laurent.

25 You were still issuing unallocated funds checks to

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1 Haynes and Laurent from that unallocated funds ledger  
2 entry that we looked at before, and we can go back and  
3 look at 72, 74. Let's do that, actually.

4 A Which one?

5 Q Go back to Bates 72, --

6 A Okay.

7 Q -- 74. Is it after this -- after August 5th,  
8 which we were just looking at, August 5th was the  
9 deposit of that money, Lindsey Price.

10 A Yes.

11 Q Do you see -- well, just look at 74 is  
12 probably the easiest. You see how you're -- in the  
13 middle of the page ZX unallocated funds?

14 A Yes.

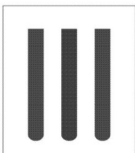
15 Q You were continuing to issue attorney fees  
16 checks out of the unallocated funds --

17 A Yes.

18 Q -- after that time? Okay. All right. Let's  
19 look at the trust account bank statement for July of  
20 2021, and that's 113 and 114. Now we're going back in  
21 time from what we talked about earlier, but -- and this  
22 is your IOTA account in July of 2021. We're at the bank  
23 statement on 113. Do you see it?

24 A Yes.

25 Q Okay. Let's look on page 114, and July 16th,



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1 it shows that the balance is \$1,097.38, right? Do you  
2 see that?

3 A Yes.

4 Q And then on July 23, 2021, a check for \$19,500  
5 -- oh, excuse me. Let's go back. On July 19th there's  
6 a deposit of \$35,000, right? Do you see that? It's  
7 middle of the page -- middle of the transaction history.

8 A Yes. I do.

9 Q And that's at -- and we've already talked  
10 about this. That's the Alvon Spikes.

11 A Yes.

12 Q Okay. And you're the one who issued and  
13 signed that check, right?

14 A Yeah.

15 Q Now the deposit is -- I'm sorry. The deposit  
16 for \$35,000 is the Spikes one, right?

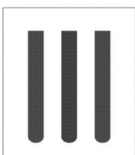
17 A Yeah.

18 Q I got that right. And then on July 23rd, a  
19 check clears for 3505; do you see that, number 3505 for  
20 \$19,500?

21 A Yes.

22 Q And that was a check to Martha Barreto. We  
23 can look at that check. It's on page 139 for \$19,500.  
24 Do you see that on page 139?

25 A Yes.



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1 Q This is the check that you wrote?

2 A Yes.

3 Q Signed by you? Is it for a personal injury  
4 settlement?

5 A Yes.

6 Q And Martha Barreto is a client?

7 A Yes.

8 Q And this was money that she was due from a  
9 settlement right?

10 A Yeah.

11 Q And it was written on July 19, 2021?

12 A Yes.

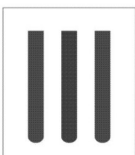
13 Q So if we go back -- I mean, we just looked at  
14 it. There was \$1,000 or so in the account. You got a  
15 deposit of \$35,000 because of the Alvon Spikes  
16 settlement. And on the same day of the deposit for  
17 Alvon Spikes's settlement went into the account, you  
18 wrote a check to Ms. Barreto for \$19,500, right?

19 A Yeah.

20 Q So you used funds from the Spikes settlement  
21 to pay Ms. Barreto, right?

22 A Yeah, according to this -- the bank statement.  
23 That's correct.

24 Q And was the Barreto settlement any way related  
25 to the Spikes settlement?



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1 A No. It was not.

2 Q And if Mr. Spikes is -- whatever the insurance  
3 company was. I forget which one. If that \$35,000 on  
4 the Spikes settlement hadn't arrived in the account, you  
5 would not have been able to pay Ms. Barreto her  
6 settlement funds, right?

7 A No.

8 Q Because the balance was only a -- like a  
9 little more than \$1,000 before that \$35,000 showed up,  
10 right?

11 A That's correct.

12 Q And you issued the check to Ms. Barreto on the  
13 same day that the Alvon Spikes settlement hit your  
14 account.

15 A Yeah.

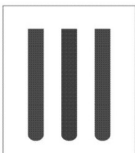
16 Q So, did you know the account was short July  
17 19, 2021?

18 A No.

19 Q So this is just a complete coincidence that  
20 you issued a check that -- it would've bounced other  
21 than Alvon Spikes's settlement showing up?

22 A It would've bounced if he would've went to the  
23 bank that day.

24 Q But why didn't you write the check for a day  
25 earlier than that? Why didn't you write a week earlier



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1 than that? Why did it happen to be written the same day  
2 that \$35,000 hit the account from the Alvon Spikes  
3 settlement?

4 A I don't know.

5 Q It's just pure coincidence?

6 A Yeah.

7 Q And you're still using unallocated funds  
8 checks. You're still issuing them according to the  
9 ledger, right, the attorney's fees?

10 A Am I still issuing them now?

11 Q No, I mean back then, right? You're  
12 continuing to use the unallocated funds in July of -- or  
13 after July 19, 2021, issuing checks --

14 A Yeah.

15 Q -- unallocated?

16 A I --

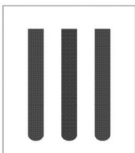
17 Q Okay.

18 A According to the -- yeah, according to the --

19 Q Okay.

20 A -- bank statements and the checks that we're  
21 looking at, yes.

22 Q Okay. Let's talk about this. We're getting  
23 to the end, hopefully soon. All right. Let's look at  
24 your April 2021 bank statement for the Wells Fargo 9860  
25 operating account. It's on 140.



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1 A 140?

2 Q Yeah, 140 -- Bates number 140.

3 A Okay.

4 Q You see that? And that's April 2021 operating  
5 account bank statement?

6 A Yes.

7 Q Okay. And that's for your Wells Fargo 9860  
8 account?

9 A Yes.

10 Q Okay. On April 6, 2021 -- let's go on page  
11 141. Be easier if we do this. On April 6, 2021,  
12 there's a \$12,000 transfer. Do you see that? It's --

13 A Yeah.

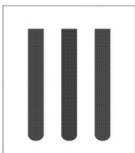
14 Q -- halfway down. From the payroll account,  
15 which is a little bit odd, considering that we've --  
16 previously we've seen everything going from the  
17 operating account to the payroll account, but there's a  
18 \$12,000 transfer from your 9857 payroll account to the  
19 Wells Fargo 9860 account, and that happens on April 6,  
20 right?

21 A Yes.

22 Q And who made that transfer?

23 A That would've been me.

24 Q Okay. And also on April 6, 2021, check 3797  
25 clears. Do you see that? It's the very next line on --



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1 it's on page 141. Do you see it? It's like halfway  
2 down. It's right after the online transfer from payroll  
3 to the operating account, and then there's a check  
4 written out of the operating account that clears the  
5 same day. Do you see that?

6 A Yeah.

7 Q Okay. You see that? It's for -- it's also  
8 for 12,000.

9 A Yeah.

10 Q It's like 12,000 goes in from -- comes from  
11 payroll, and then immediately same day, a check is  
12 written out of the operating account, right?

13 A Yeah.

14 Q Okay. And let's look at that check. It's  
15 page 144. And I want to make sure we get the number  
16 right, 3797 is -- according to the statement is the  
17 check number, and this is check number 3797 from the  
18 operating account, right?

19 A Yeah.

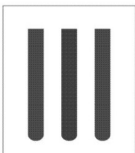
20 Q And you signed this?

21 A Yeah.

22 Q You filled out this check?

23 A Yes.

24 Q And it was deposited into your trust account,  
25 right?



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1 A Yes.

2 Q Okay. Because that's the stamp that has your  
3 trust account bank account number on it, right?

4 A Yes.

5 Q What was the purpose of the 3797 check?

6 A Mr. Wade had told me that we overpaid  
7 attorney's fees, in -- I think it was Liz Bailey's case,  
8 and so I put that money back into the trust account.

9 Q Did you check it at all to determine whether  
10 that was accurate?

11 A Yeah.

12 Q How did he know that?

13 A Yeah. I had -- when I checked it, I had  
14 calculated how much we had moved over from her case, and  
15 we did move over too much. It was \$12,000 too much.

16 Q And what was the name of the client?

17 A Liz Bailey.

18 Q Liz -- and last name's Bailey, B-A-I-L-E-Y.

19 A Y, yeah.

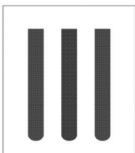
20 Q Liz, and is she a personal injury client?

21 A Yeah.

22 Q So when you say -- when -- do you know how  
23 much the settlement was for?

24 A Oh, I don't remember off the top of my head.

25 Q You don't remember?



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1 A Yeah.

2 Q So, do you remember how much the attorney's  
3 fees should have come out for Ms. Bailey? And --

4 A I don't remember off the top of my head.

5 Q You don't remember the specific one?

6 A Yeah. It was a big settlement.

7 Q All right. Well, let's look at the trust  
8 account because it looks like this is deposited into the  
9 trust account according to the stamp, right?

10 A Yeah.

11 Q And you would agree with that, \$12,000 goes --

12 A Yes.

13 Q -- back into the trust account? Let's look at  
14 145, and again, here's April 2021, attorney trust  
15 account bank statement, right, for your firm --

16 A Yeah.

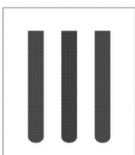
17 Q -- Haynes and Laurent? We can see on page 146  
18 -- we can see April 6, mobile deposit, \$12,000. Was  
19 that that same check that we looked -- just looked at,  
20 the Haynes and Laurent --

21 A Yes.

22 Q -- check to the -- that was deposited in the  
23 trust account?

24 A Yes.

25 Q Okay. And that's another mobile deposit. Did



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1 you use a phone to put that in there?

2 A Yes.

3 Q And April 8, 2021, a little bit farther down  
4 that page, you see an online transfer of 1,000 from the  
5 operating account into the trust account.

6 A Yes.

7 Q Do you see that? And who made that transfer?

8 A That probably would've been me.

9 Q Okay. And what was the purpose of that  
10 transfer?

11 A That was part of that overpayment.

12 Q The same one for Liz Bailey?

13 A Yeah.

14 Q So what -- how did that work? Did Mr. Wade  
15 come to you and say, "We're over. We overdid it from  
16 the attorney's fees for the Liz Bailey?"

17 A Yeah, and I remember when I went and checked  
18 it, it was -- he was still off.

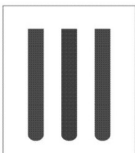
19 Q How did you check it?

20 A I was just looking at the attorney's fees, and  
21 I remember adding it up, and it was off --

22 Q And --

23 A -- still about 13 -- it was 13,000 that it was  
24 off.

25 Q And so are you talking about the -- on the



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1 settlement statement? I'm trying to figure out how it  
2 was off.

3 A Yeah. I was looking at the -- I think it was  
4 either the checks or the transfers, and I saw that he  
5 had added too much. So, when he was telling me to move  
6 it over, I was like, "Yeah, you told me to move over too  
7 much," so I had to correct it right away.

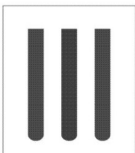
8 Q If you look on April 22nd in the trust account  
9 on 146 -- let's see if we have it here. You can see the  
10 balance drops to \$6,186, right?

11 A Yep.

12 Q Okay. So if that 13,000 hadn't been  
13 transferred into the trust account, the -- there were  
14 insufficient funds in the account to pay all of the  
15 checks that were written between the time of the mobile  
16 deposit and the time -- or if that 12 or \$13,000 hadn't  
17 been put into the trust account from -- at that time,  
18 all those checks would've been -- would've bounced, or  
19 at least they would've gotten to the point where they  
20 would've bounced if -- right before it was 6186, right?  
21 Because the balance drops to 9,000; do you see that?

22 A Yeah.

23 Q Okay. So those checks would've been no good  
24 once it started -- balance started dropping below  
25 \$13,000, right?



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1 A Yeah.

2 Q So were -- did you aware at that time that  
3 there was a shortage in the account, you had to transfer  
4 money back into the account to cover that shortage?

5 A No, but I knew we had to put that \$13,000 back  
6 for that client, and those checks might've even been for  
7 that client.

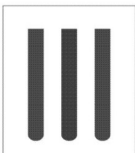
8 Q But you didn't know, though -- so -- but was  
9 the account short, though? I mean, the account would've  
10 been short if that money was in the wrong account,  
11 right?

12 A I didn't know the account was short, but I  
13 know that we had to put that money back for that  
14 particular client.

15 Q And we can look at 6874. You're continuing --  
16 let's go ahead and look at that. And you're continuing  
17 to issue checks out of your unallocated -- during this  
18 period of time. I believe it is October. I've got 74 -  
19 - again, we've looked at this before, but you're  
20 continuing to issue unallocated checks out of the  
21 unallocated checks fund?

22 A Yes.

23 Q Do you see that? Okay. So that's continuing  
24 to happen, issuing fee checks that are unallocated to  
25 any particular client?



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1 A Yes.

2 Q If you were told by Mr. -- your non-lawyer  
3 assistant that attorney's fees had been overpaid out of  
4 the account, shouldn't that have been a red flag for you  
5 to go back and look at the account?

6 A It -- well, no because I didn't think anything  
7 was wrong other than that particular client, so --

8 Q Are you getting these bank statements?

9 A We get bank statements, but I wasn't reviewing  
10 the bank statements to see if there was any issues.

11 Q If you had reviewed them, and you -- wouldn't  
12 you have noticed that if that \$13,000 doesn't go back  
13 in, the account's short?

14 A Possibly.

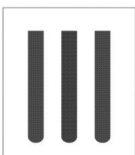
15 Q Okay. So you're not even reviewing the bank  
16 statements?

17 A I'm looking at them, but I'm not looking at  
18 them to see if there's shortages. I didn't see any  
19 shortages. If I would've noticed the shortages, I  
20 would've --

21 Q Well, you knew you --

22 A -- took care of it right away.

23 Q -- you knew that you had to put 13,000 back in  
24 there, is what he told you, and if you look -- and you  
25 look at your statement you can see the balance has



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1 dropped below 13,000 that month, so wouldn't that be an  
2 indication that without -- that \$13,000 isn't put back  
3 in there, there's a shortage.

4 A Yeah, and under normal circumstances, I  
5 would've noticed it. Under normal circumstances, I  
6 would've been --

7 Q What --

8 A -- looking at the account every month, and  
9 making sure that this wasn't happening.

10 Q All right. And what's -- what -- again,  
11 what's the nonnormal circumstance that we're dealing  
12 with?

13 A Me not being in the office as much as I  
14 normally would, me allowing him to help me do these  
15 things. I -- normally, I would be the one that take  
16 care of these closing statements myself. I would do the  
17 calculations myself. I would catch any errors. I would  
18 be reconciling, you know, every month. You know, --

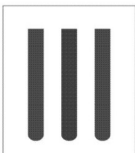
19 Q Did you --

20 A -- during this time period, I wasn't doing  
21 that.

22 Q What --

23 A It was a lot that I wasn't doing that I would  
24 normally do.

25 Q Did you make any effort to determine that



1 there were no shortages?

2 A Not the efforts that I would normally make.

3 Q Okay. And what are the efforts you would  
4 normally make?

5 A The efforts that I would normally make is I  
6 would be checking the accounts every month. I would be  
7 inputting the information, you know, as the settlements,  
8 you know, come in, like I do now.

9 Q Well, how were you -- let me -- and I know we  
10 talked about your medical problems at the very  
11 beginning, but how were you prevented from doing that?

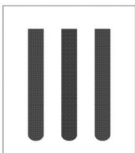
12 A I was prevented from doing it because at the  
13 time, I was more worried about, you know, my health, and  
14 pretty much saving my life at that point in time. And I  
15 was trying to balance work and dealing with my health.

16 Q Uh-huh.

17 A And it was a lot, and, you know, I didn't do  
18 the things that I would normally do. You know, normally  
19 I wouldn't trust anyone to help me with these things,  
20 anyone.

21 Q Uh-huh.

22 A You know, I was taken completely out of what  
23 would normally be my comfort zone. And so, it -- that's  
24 my -- you know, I guess, my mistake that I made, but  
25 normally I would do these things by myself, and make



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1 sure that they were done correctly.

2 Q All right. So let me ask you this: Did you  
3 apply for a small business association loan in 2021?

4 A No.

5 Q You didn't apply for an SBA loan in 2021? Did  
6 anyone from Haynes and Laurent apply for an SBA loan?

7 A For a SBA loan?

8 Q Right, small business association loan,  
9 payroll protection. Was it payroll?

10 A We did PPP.

11 Q PPP, okay.

12 A Yeah.

13 Q We'll call it that.

14 A Yeah.

15 Q Is it PPP loan?

16 A Yeah.

17 Q And when did you --

18 A It wasn't a loan, but it was -- yeah, we got a  
19 PPP assistance.

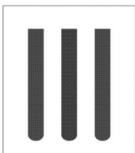
20 Q Okay. And what is PPP assistance?

21 A The payroll protection.

22 Q Yeah. What is -- what are the purposes of a  
23 PPP loan?

24 A It's to assist with your payroll.

25 Q With payroll. And are -- and did you fill out



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1 the application yourself?

2 A Yeah.

3 Q Can we get --

4 A And with the assistance -- with a -- our  
5 accountant.

6 Q Okay. And did -- can we get a copy of that  
7 loan application?

8 A Yeah.

9 Q Okay. Can you provide it to us within ten  
10 days?

11 A Oh, absolutely.

12 Q Okay. And how much was the loan for?

13 A Think maybe 30 or 40,000.

14 Q Okay. And does it say on the application what  
15 the --

16 A And I don't remember if it was 2021 or 2020,  
17 but yeah.

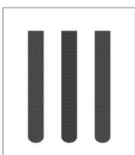
18 Q We'll look at some documents in a second that  
19 might help you remember. What are the permissible  
20 purposes for a payroll protection plan loan, PPP loan?

21 A Payroll and rent.

22 Q Payroll -- are there any other purposes it's  
23 permitted for?

24 A I'm not sure. We mostly used it for payroll.

25 Q On the application are there any -- you know,



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1 is there a list of what you're allowed to use it for?

2 A I think so.

3 Q Okay. Does it say on there any kind of  
4 warning on the application that if you don't use it for  
5 permissible purpose, it might be illegal or improper?

6 A Yeah.

7 Q Okay. Let's look on page 172, 173. And we  
8 haven't seen this account before, I don't believe. This  
9 is City National Bank, law offices of Haynes, Laurent,  
10 PA?

11 A Yeah.

12 Q Is this another operating account?

13 A Yeah.

14 Q Okay. And is this another operating account?

15 A Yeah.

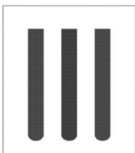
16 Q Okay. It is another operating account?

17 A (No verbal response.)

18 Q Do you have any other operating accounts other  
19 than the one we looked at before, the payroll account,  
20 the operating account we've looked at before, and the  
21 trust account?

22 A A charitable account, but we don't use it  
23 often.

24 Q A charitable -- where's the charitable account  
25 located at?



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1 A Through Wells Fargo. I believe we gave you --

2 Q Oh.

3 A -- copies of that, yeah.

4 Q Uh-huh, okay. So this is a -- like a second  
5 operating account?

6 A Yeah.

7 Q It's at City National Bank?

8 A Uh-huh.

9 Q If you look on the very first page, 172, it's  
10 a very small statement compared to some of the ones  
11 we've seen already. Do you see an SBA -- looks like a  
12 loan number go into your City National Bank operating  
13 account on March 24? And this would've been 2021?

14 A Yeah.

15 Q Do you see that? It's \$36,117.39.

16 A Yeah.

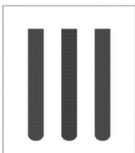
17 Q Okay. And who -- and you personally applied  
18 for this loan?

19 A Yes.

20 Q Okay. And you're the one who signed the loan  
21 application?

22 A Yeah.

23 Q Look on page 174. Is this -- I don't think  
24 you've probably seen this before, but does this have  
25 some of the details of the loan in it, PPS Law Office of



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1 Haynes and Laurent, PA, date approved March 20, '21?

2 A Yeah.

3 Q Does that still sound accurate, City National  
4 Bank of Florida?

5 A Uh-huh.

6 Q And I don't -- I quite frankly don't know. How  
7 do you -- do you apply for a PPS loan at a specific  
8 bank? Is it something -- is it government backed, or  
9 government funded? How does that work?

10 A You apply for it through a bank, and it's -- I  
11 guess it's government funded.

12 Q Okay. And it's -- is it for -- was it during  
13 the -- was it like a COVID thing?

14 A Yeah.

15 Q It's like -- oh, it was? Okay. So it was  
16 payroll protection for your employees during COVID?

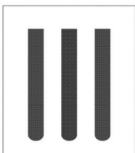
17 A Yeah.

18 Q Okay. And it also -- if you look on the  
19 bottom of 174 it has a forgiveness date. So does that  
20 mean that -- I mean, I guess it's a loan, but then the  
21 loan is forgiven, so you don't have to repay it back? Is  
22 that what that means?

23 A Yes.

24 Q All right. Let's go back and look at 173.

25 Well, let's go back and look at 172, because then we'll



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1 look at 173. Do you see on March 29th, five days after  
2 that -- and then that is the loan amount that goes into  
3 it on March 24th, right, the 36,117.39?

4 A Yep.

5 Q And do you see five days later, there's a  
6 check that goes out of the account for \$35,000 even,  
7 check number 10006?

8 A Yeah.

9 Q All right. Let's look on the next page, 173.  
10 Is that a copy of that check?

11 A Yeah.

12 Q Okay. And it says, "payroll."

13 A Yeah.

14 Q So did that go from your City National Bank  
15 account to your payroll account?

16 A Yeah.

17 Q And you signed this check yourself?

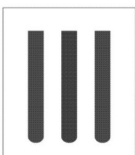
18 A Yeah.

19 Q And you issued it?

20 A Yeah.

21 Q Right? Let's look at your payroll account,  
22 175 and 176. Is this a copy of your March -- page 175,  
23 is this a copy of your March 2021 payroll account bank  
24 statements?

25 A Yep.



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1 Q Let's look on page 176. Do you see a deposit  
2 on March 26th of \$35,000?

3 A Yes.

4 Q Okay. And is that -- that's that same \$35,000  
5 that was the check we just looked at?

6 A Yes.

7 Q Okay. Let's look at the payroll account. On  
8 the April 30, 2021, so we're looking at the next month's  
9 payroll account, right? This is -- 177 is the next  
10 month's payroll account?

11 A Yeah.

12 Q Do you see on page 178 an online transfer for  
13 \$12,000 to the operating account from this payroll  
14 account?

15 A Yeah.

16 Q On April 6th, who made that transfer?

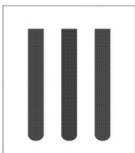
17 A It would've been me.

18 Q And let's look at the Wells Fargo operating  
19 account, because this is going to -- this is going from  
20 payroll to operating, right, this \$12,000?

21 A Yep.

22 Q Okay. So let's look at the operating account,  
23 179, the copy of the March -- or the April, excuse me,  
24 2021 operating account bank statement, right, 179?

25 A Yep.



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1 Q You agree with that? And if you look on 180,  
2 you can see the online transfer on April 6, \$12,000  
3 deposit, right?

4 A Yep.

5 Q And that's that same \$12,000 that we've been  
6 tracking from payroll to operating, right, 35,000 to  
7 payroll, and then 12,000 to operating, right?

8 A Yeah.

9 Q Okay. On April 6th, that same day -- actually  
10 very next -- same day that the money goes in, the 12,000  
11 goes out. Do you see that, on check number 3797?

12 A Yes.

13 Q And that is check number -- well, I said it,  
14 3797 on April 6th, right?

15 A Yep.

16 Q Let's look on page 183. This is a copy of the  
17 check that went out from your payroll.

18 A Yep.

19 Q And was this check deposited into your trust  
20 account?

21 A Yes.

22 Q And you wrote that check?

23 A Yes.

24 Q And we can go back and look at 145, 146, which  
25 is -- 145, we'll start there. This is the April -- do



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1 you see it on 145?

2 A Yeah.

3 Q It's your April IOTA account, attorney account  
4 bank statement, right?

5 A Yes.

6 Q Okay. And do you see -- and we've already  
7 actually talked about this, but do you see the deposit  
8 of \$12,000 on April 6? Is that that same \$12,000 that  
9 we've been tracking that went from the loan money to the  
10 payroll account, to the operating account, and now to  
11 the trust account?

12 A Yeah.

13 Q Okay. So that's that same chain of money,  
14 right?

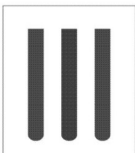
15 A Yes.

16 Q So, you deposited some of the loan proceeds  
17 from the PPP loan, about a third of them into your trust  
18 account, right?

19 A Yes.

20 Q Is that a permissible purpose for PPP loan?

21 A No, but it's not really the loan money going  
22 into there because there is money going that's being  
23 used for payroll throughout the year, so as long as that  
24 amount of money that's being used for the payroll  
25 throughout the year is used for payroll, it can be still



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1 considered part of that PPP loan.

2 Q But wasn't this money put in trust, though?

3 You don't pay payroll out of trust, would you agree?

4 A Yeah.

5 Q Was this money to cover a shortage?

6 A That money was used to cover a shortage. Yes.

7 It was.

8 Q Okay. So you -- would you agree you used -- I  
9 guess we'll call it, "government money," to cover a  
10 shortage in the trust account?

11 A I wouldn't agree to that.

12 Q You don't agree to that at all?

13 A No.

14 Q Even though we can show the money --

15 A You can track the money, but as long as that  
16 amount of money was used for the payroll, yeah.

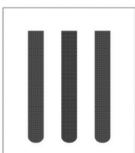
17 MR. QUINN: Okay. I'm going to see if we can  
18 get all these -- supposed to start from the top.

19 COURT REPORTER: Whatever you think.

20 MR. QUINN: All right. Let me see.

21 BY MR. QUINN:

22 Q How would you communicate with your non-lawyer  
23 sister -- non-lawyer assistant about how much attorney  
24 fees were available in the trust account, or how much --  
25 how would he communicate that to you? Was it by e-mail?



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1 A No, mostly over the phone, or in the office  
2 when I would come in after hours.

3 Q Okay. So he would just call you?

4 A Yeah.

5 Q Okay. So it's all oral?

6 A Yeah. We --

7 Q He would call you and he would say --

8 A -- would talk through the day, a lot about the  
9 cases and things like that.

10 Q And he'd give you a number --

11 A Yeah.

12 Q -- and then you'd just go take the money out.

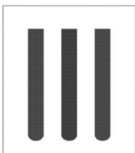
13 A Yeah.

14 Q Okay. And so, how would you and Mr. Wade  
15 decide when to issue the client checks? Would he just  
16 say, "Now," or would he say --

17 A No. It was mostly -- we would mostly wait a  
18 lot of times towards the end of the month.

19 Q Okay. Did you start feeling better? You went  
20 to see the doctor in October of 2019. Was there any --  
21 did there ever come a point in time when you started  
22 feeling better?

23 A I -- it wasn't about me feeling better. You  
24 know, it was a course of treatment. Essentially, I had  
25 to lose over 100 pounds, and get a lot of things right





1 in order to get my overall health right. And that took  
2 almost two years to do. And even right now, I'm pretty  
3 much back to great health, essentially, but that took a  
4 lot of work.

5 Q Did any judges or clients during that time  
6 complain about your inability to adequately represent  
7 clients?

8 A No, because -- I mean, fortunately at the time  
9 COVID had hit, and things slowed down a lot in terms of,  
10 you know, court appearance, and things like that. But  
11 what took a lot of my time was working out, and, you  
12 know, once I was able to get to a point where I could  
13 work out, it was a lot of working out and things like  
14 that. One of the things that I eventually was able to  
15 do is pretty much reverse the type 2 diagnosis, the type  
16 2 diabetes diagnosis. And that took a lot of work. It  
17 was a -- you know, a huge achievement for me to do, and  
18 that's something that I achieved, you know, this past  
19 fall. But it was very hard to do because initially they  
20 wanted me to do one of those geriatric -- those  
21 surgeries where you're --

22 Q Bariatric --

23 A -- bariatric surgeries, and I didn't want to  
24 do that. So I lost 130 pounds on my own, which was --  
25 it took a lot of work.



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1 Q Did your law firm revenue increase or decrease  
2 from 2017 to now, 2021, 2022?

3 A It decreased a little bit one of the years.

4 Q Is that because of COVID? I think everyone  
5 kind of had a --

6 A I would say for one of the years it was  
7 probably because of COVID, and then one of the years we  
8 -- it increased a little bit. I did my best to make  
9 sure none of the clients suffered as far as performance-  
10 wise. It was a balancing act, but I did my best to make  
11 sure none of my clients suffered performance-wise.

12 Q So you focused on your clients?

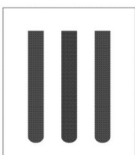
13 A I focused on my clients 100 percent. I fell  
14 short, obviously here, but --

15 Q That's my next question. You were -- did you  
16 -- you decided not to focus, or you didn't focus on the  
17 trust account?

18 A I -- it wasn't my intention. But that's --  
19 this is obviously where I fell short, and I fell short  
20 in other areas administratively as well. But I made  
21 sure my clients were taken care of 100 percent.

22 Q What other areas did you fall short  
23 administratively?

24 A I mean, I'm the one that pays everything, so  
25 some other bills were, you know, paid late, and things



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1 like that.

2 Q What bills?

3 A You know, just maybe like the electric bill,  
4 and stuff like that, might've been a few days late, so -  
5 - things of that nature.

6 Q So but you still managed to pay all those. And  
7 you're the one in the firm that writes the checks, or --  
8 I'm assuming goes online and does --

9 A Yeah.

10 Q -- handles all the utilities and things like  
11 that?

12 A Yeah.

13 Q Mr. Haynes doesn't do it?

14 A No.

15 Q And the lights stayed on at Haynes and  
16 Laurent, and rent was paid, and everything was taken  
17 care of --

18 A Yeah.

19 Q -- during this period of time?

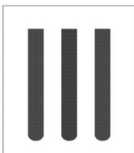
20 A Yeah.

21 Q Okay. And did your personal income increase  
22 or decrease, from say 2017 to now?

23 A No, I would say it decreased.

24 Q Decreased?

25 A Yeah.



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1 Q And I'm not going to ask you for any numbers,  
2 but percentage-wise, how much did it decrease?

3 A I didn't pay attention.

4 Q You didn't pay attention?

5 A No.

6 Q All right. We're just going to finish up with  
7 -- this is kind of a -- let's see. We're going to go  
8 back to 166. Do you remember when you pay your Bar dues  
9 every year -- and you've been paying your Bar dues every  
10 year too, right?

11 A Yeah.

12 Q So you haven't neglected that.

13 A No.

14 Q And you paid your Bar dues in June of 2020,  
15 right?

16 A Yeah.

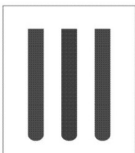
17 Q And in July of 2021 you paid your Bar dues.

18 A Yeah.

19 Q Summer of 2021 -- and do you remember when  
20 you're filling out your statement for the Bar dues,  
21 there's a block on there to check that you're in  
22 compliance with the trust accounting rules?

23 A Yeah.

24 Q All right. Were you checking that box that  
25 you were in compliance with the trust account rules?



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1 A Yes.

2 Q Okay. Were you in compliance with the trust  
3 account rules, if you need Ms. Pallasso?

4 A I thought I was. It's just like many  
5 attorneys do.

6 Q Okay. But the question, though, was: Were  
7 you?

8 A No.

9 Q You were not. Okay. So, if you were checking  
10 that box, were you aware when you were checking that  
11 box? And we can look. It's at 166 and 170. And you  
12 wouldn't have seen these forms necessarily before, but  
13 if you look on 167, do you see that?

14 A Yeah.

15 Q It says, "I'm in compliance with the trust  
16 account and property safekeeping rules."

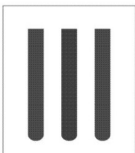
17 A Yes.

18 Q So you -- both years you were checking that.  
19 And at the time you checked that, were you aware that  
20 you were not?

21 A No.

22 Q Okay. So you checked that box and thought you  
23 were in compliance. What made you think you were in  
24 compliance?

25 A Because I was keeping the records as I thought



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1 I should be keeping them, and -- you know, not until  
2 I've gone -- not until going through this did I not know  
3 that I wasn't in compliance the way I should be.

4 Q Were you relying on anyone to tell you you  
5 were in compliance, anyone on your staff, any  
6 bookkeeper?

7 A No.

8 Q All right. How did you supervise Mr. Wade?

9 A What do you mean?

10 Q How did you supervise your non-lawyer  
11 assistant? In other words, were -- are you in daily  
12 contact with him, physical --

13 A Yes.

14 Q -- contact?

15 A Daily contact with him.

16 Q Did you give him instructions?

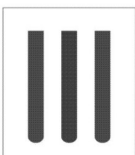
17 A Yes.

18 Q Okay. And do you under -- and is it your  
19 responsibility at the firm to supervise him?

20 A Yes.

21 Q Okay. All right. Oh, we're not done. I just  
22 thought we were, but we are not. Let's go to 160. All  
23 right. Do you see that? That is your IOTA account,  
24 your attorney trust account for February of 2021, right?

25 A Yes.



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1 Q And it looks like on page 161 --

2 A Yes.

3 Q -- and it shows that on February 3rd the  
4 balance is \$7,391.28. Do you see that? It's right  
5 before there's a big deposit on the 5th.

6 A Yes.

7 Q You see that? Okay. Then on February 5th,  
8 you had that big deposit of \$120,000, right? It's for  
9 the Casey Williams and David Ocasio settlements. Do you  
10 remember those?

11 A Yeah.

12 Q You can look on 162 --

13 A Yeah.

14 Q -- 163. It's a deposit slip for \$120,000. It  
15 says, "Casey Williams and David Ocasio."

16 A Yes.

17 Q Are you the one that deposited these items?  
18 And the checks are on the next two pages, 163 --

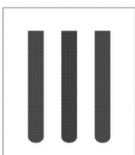
19 A I may have been, yeah.

20 Q May have been?

21 A Yeah.

22 Q Is there any reason to think you weren't the  
23 one that did that?

24 A It could've been me, but yeah, it's more than  
25 likely me. I don't know.



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1 Q Would it have been -- if it wasn't you, would  
2 it have been someone at your supervision --

3 A Yeah.

4 Q -- or direction?

5 A Uh-huh.

6 Q Okay. February 8th -- and look on page 161.  
7 There's a check for \$28,214.59, right?

8 A Yes.

9 Q And that's for -- look on page 165, Marie  
10 Martinez, right?

11 A Yes.

12 Q \$28,214, same check, 3393, dated February --  
13 this one's dated February 5th, but it clears on February  
14 8th, right?

15 A Yes.

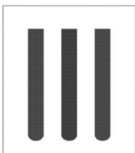
16 Q Okay. And you're the one who signed that  
17 check on page 165?

18 A Yes.

19 Q And it's dated like I said, February 5th to --  
20 personal injury settlement to Ms. Martinez right?

21 A Yes.

22 Q Okay. Did you use the funds from the Ocasio  
23 and Williams settlements to pay Ms. Martinez? And I  
24 think we've done this a couple of times, but you've  
25 got --



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1 A Well --

2 Q -- 7,300 -- and look on page 161.

3 A Yeah.

4 Q You got \$7,300. You can't write a check to  
5 Ms. Martinez for \$28,000, right?

6 A No, according to this bank statement, yes.

7 Q Okay. You can't write that check until  
8 120,000 comes in for the other two clients, right,  
9 Ocasio and Williams?

10 A Yes.

11 Q And so, if you had written that check for  
12 28,214 just four days earlier, it would have been NSF,  
13 right, potentially?

14 A Yep.

15 Q All right. So, did you use some of the  
16 settlement money from Ocasio and Williams to pay Ms.  
17 Martinez with that \$28,214 check?

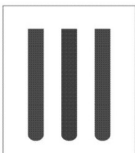
18 A Yes.

19 Q Was the Martinez settlement any way related to  
20 the Williams and Ocasio settlements?

21 A No.

22 Q And I think we've kind of already eluded to  
23 this, but if that \$120,000 hadn't hit the account, you  
24 couldn't have paid Ms. Martinez her \$28,000, right?

25 A No.



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1 Q You issued the check -- let's look on 165. You  
2 issued this check to Ms. Martinez on February 5, 2021,  
3 right, even though it clears on February 8th. Do you  
4 see that on 165?

5 A Yeah.

6 Q And that is the same day -- if you look on  
7 161, that that \$120,000 hits that account for the Ocasio  
8 and Williams settlements, right?

9 A Yeah.

10 Q So you issued the check to Ms. Martinez on the  
11 same day the \$120,000 was deposited into that account,  
12 and if you hadn't done that, the check would've NSF'd,  
13 right --

14 A Yeah.

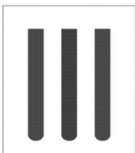
15 Q -- to Ms. Martinez? So, did you know at that  
16 time that the account was short because you were unable  
17 to pay the -- Ms. Martinez her money until \$120,000 from  
18 the other two clients got into the account?

19 A No.

20 Q And why did you not know it was short? I  
21 mean, just looking at this bank statement --

22 A I didn't know.

23 Q It's just a coincidence then, that \$120,000  
24 hits the account and you stroke a check to Ms. Martinez  
25 for \$28,000 on the same day, and if you had stroked that



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1 check the day before it would've NSF'd?

2 A I wouldn't call it, "coincidence." I just --  
3 I didn't know. I don't know what to call it. I'm --  
4 and I didn't know.

5 Q And let's look at 6674. This'll be the last  
6 thing we talk about.

7 A You said what?

8 Q 66 to 74. We're going back and looking at  
9 those ledgers.

10 A All right.

11 Q This'll be the last thing we talk about.

12 A You said page 66 or --

13 Q Yeah, Bates 66.

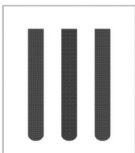
14 A All right.

15 Q Yeah. After this February 2021 bank statement  
16 we're looking at, you're continuing to write checks  
17 attributed to the unallocated funds that are on your  
18 ledger card. And if you look on just 68, the April 30th  
19 ledger card report, and you write a check for \$754.29  
20 out of that unallocated funds ledger entry, right?

21 A Yes.

22

23 Q And were you doing anything remotely like this  
24 to -- as far as ledgers to know that there was this  
25 unallocated funds that was running negative balances,



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1 and -- just on the April one it's minus \$86,000. Did  
2 you know that at the time if you were doing these  
3 ledgers?

4 A You talking about on page 66?

5 Q Yeah, or 68. Look at 68. That's April 2021.

6 A No.

7 Q So if you're doing these ledgers, you're not  
8 seeing that your unallocated funds are minus 86,000, the  
9 balance?

10 A No.

11 Q And you have no problem writing checks that  
12 are not attributed to any client out of the --

13 A I didn't --

14 Q -- attorney trust account?

15 A -- I didn't know at the time.

16 MR. QUINN: All right. I don't have any other  
17 questions. Well, maybe one more.

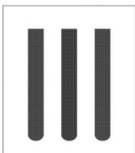
18 Q When you put that \$13,000 -- the 12,000 we  
19 looked at that looks like it came from the PPP loan, and  
20 the other 1,000, did you notify the bank -- or notify  
21 the Bar rather --

22 A No I didn't.

23 Q -- that you were short?

24 A I did not.

25 Q Because if you had to put the 13,000 into the



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1 account, transfer it all the way from one operating  
2 account to payroll, to operating, to the trust account,  
3 you had to replenish the money, did you think to notify  
4 the Bar?

5 A No. I did not.

6 MR. QUINN: All right. I don't have any --

7 Q Oh, why didn't you notify the Bar?

8 A I didn't know I had to.

9 Q Okay. You don't know you have to notify the  
10 Bar if there's a shortage?

11 A I didn't know at the time.

12 Q Okay.

13 A I know now, but I didn't know at the time.

14 Q Well, we might have one more. Oh, yeah. Have  
15 you -- I think we talked about this at the very  
16 beginning, but have you read chapter 5 --

17 A Yes.

18 Q -- of the trust --

19 A Yes.

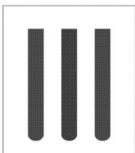
20 Q Okay.

21 A Several times now.

22 Q And when did you start reading it?

23 A I read it years ago, but not the way I read it  
24 here in the past few months.

25 Q Okay. So when you say, "years ago," like --



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1 when were you looking at -- I mean, you're responsible  
2 for -- I mean the trust plan -- when was the trust plan  
3 written? We'll go back to page 1. I don't know if I  
4 have it right here, but the firm trust plan that you  
5 provided it, when was that prepared?

6 A The one that we provided you-all?

7 Q Right.

8 A Yeah. I mean --

9 Q Well, when did you do that firm trust plan?

10 A I did it a while ago. I can't remember when.

11 Q Well, if you and Mr. Haynes are in -- going to  
12 private practice together in 2007 is -- did you have a  
13 firm trust plan back then?

14 A Yeah.

15 Q Okay.

16 A Yeah.

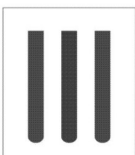
17 Q Okay. So -- and have you always been the one  
18 in charge of the trust account?

19 A Always.

20 Q Okay. So --

21 A Yeah.

22 Q -- and so as the person in the firm who's in  
23 charge of the trust account, did you read chapter 5 and  
24 familiarize yourself with the rules and trust accounting  
25 rules?



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1 A I -- yes, I read it back then, but it was  
2 never the plan for me to initially be the one to do  
3 this, but -- yeah, it just -- it was something that kind  
4 of fell in my lap.

5 Q Okay. But even -- I mean, it's either you or  
6 him, and --

7 A Yeah.

8 Q -- it falls in your lap, and you're  
9 responsible for what you --

10 A I'm definitely responsible for it, but --  
11 yeah.

12 Q Okay. So you did read the --

13 A Yeah, I read it.

14 Q Okay.

15 A And I'm very familiar with it now.

16 Q Okay. And did you take any CLEs on trust  
17 accounting, CLEs from the Bar?

18 A Yes.

19 Q You have? When did you take those CLEs, if  
20 you can remember?

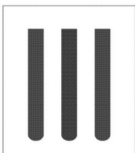
21 A Well, prior to the ones I took recently?

22 Q Yeah.

23 A I can't remember.

24 Q You can't remember?

25 A Yeah.



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1 Q So just -- I know earlier at the very start,  
2 you said the last six months you've taken some.

3 A Yeah.

4 Q Before that, you don't remember if you'd taken  
5 any?

6 A No.

7 Q Okay.

8 MR. QUINN: I think that's it for us --

9 MR. LINDSEY: Just a couple questions.

10 MR. QUINN: Sure.

11 CROSS EXAMINATION

12 BY MR. LINDSEY:

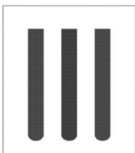
13 Q You said you've taken since this came up,  
14 within approximately the last six months or so, you've  
15 taken CLEs on how to properly take care of your trust  
16 account?

17 A Yes.

18 Q And as Bar Counsel had asked you about, if you  
19 had made mistakes in the past, do you pledge going  
20 forward that you will be extremely cautious, and  
21 careful, and pay phenomenally close attention to all the  
22 trust account rules, all of your obligations?

23 A Absolutely.

24 Q And have you ever -- you know, during any of  
25 these clients that Bar Counsel asked you about, have any



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1 of them ever complained to you about anything?

2 A No.

3 Q And you've never had a prior grievance?

4 A No.

5 Q And you are African American?

6 A Yes. I'm actually Haitian.

7 Q Is your partner African American?

8 A Yes, he is.

9 Q Did -- are you now having -- you said you've  
10 read chapter -- the appropriate chapter concerning trust  
11 accounts in the Florida Bar. You've read them several  
12 times recently?

13 A Yes.

14 Q And are you 100 percent complying with all the  
15 trust accounting rules now?

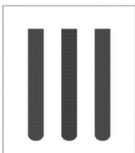
16 A Yes, absolutely.

17 Q And you pledge to do that in the future?

18 A Yes.

19 Q And you're still dealing with the diabetes,  
20 and all those conditions, right?

21 A Yes. I've thankfully overcome a lot of the  
22 initial diagnosis. I mean, through a lot of hard work,  
23 but I still deal with some of the symptoms. I'm not  
24 longer on insulin, which was a huge achievement, but  
25 yes, I still deal with some of the other stuff. But,



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1 you know, like I said, I've overcome a lot of the other  
2 stuff.

3 MR. LINDSEY: I don't have any other questions.

4 Thank you for letting us --

5 MR. QUINN: Okay. Can I just add a couple? I  
6 just thought of something.

7 REDIRECT EXAMINATION

8 BY MR. QUINN:

9 Q We looked at some of these settlements. I  
10 think it looks like Alvon Spikes would arrive in the  
11 account -- it's either -- I can't remember which, it's -  
12 - like say it's State Farm, \$40,000. When that hits  
13 your account, or you get that check, do you notify the  
14 client that you received that check?

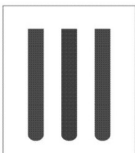
15 A Yes, absolutely.

16 Q Okay. Did the clients ever complain? Because  
17 it seems like it takes -- for some of them, it takes a  
18 couple months, or three months, or however before they  
19 get their check pursuant to the settlements. Do they  
20 ever complain that there's a -- too long a delay between  
21 the money showing up at your firm, and them actually  
22 getting a check in their hands?

23 A No.

24 Q No one's ever --

25 A They've never complained.



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1 Q No one's ever complained about that?

2 A No. And -- no, they've never complained. And  
3 since then -- and that's something that's -- that was an  
4 issue, you know, while I was dealing with everything,  
5 but since then, you know, I've changed things up to, you  
6 know, make sure that we can get things to them a lot  
7 faster. But sometimes we can't control that because of  
8 outstanding bills, and things of that nature.

9 Q All right. When you said, "that was an  
10 issue," do you mean back when you --

11 A When I was --

12 Q -- first got the diabetes diagnosis, or --

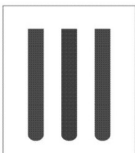
13 A Yeah.

14 Q Is that -- so it was an issue. Was there a  
15 problem then with clients, or was it a long delay  
16 between the money would come in from say, State Farm, or  
17 USAA, or whatever, and then the client getting the  
18 check?

19 A No. It was never a issue with the clients,  
20 but the delay was an issue with, you know, dealing with  
21 bills, and things like that.

22 Q Okay.

23 A But sometimes it's not something that you can  
24 control because you have to deal with the bills and  
25 things like that. And some of the delay, it's not



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1 because of bills. It could be because -- that you're  
2 dealing with additional money, and second policy, or if  
3 it's in litigation, you know, you're dealing with  
4 multiple parties. It's not always that we're the source  
5 of the delay, so --

6 MR. QUINN: No more questions from the Bar.  
7 Appreciate you-all coming, thank you so much. We  
8 budgeted three hours. We're actually five minutes  
9 under budget, which is I think pretty good unless  
10 you want -- you -- okay.

11 MR. LINDSEY: No, we'll stay under.

12 MR. QUINN: All right. I appreciate you-all  
13 coming. I guess we ask now, read or waive, would be  
14 the --

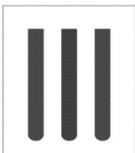
15 MR. LINDSEY: Yeah, he will read.

16 MR. QUINN: Want to read? He wants to read?  
17 And again, thank you-all for coming. It's a Friday.  
18 It was a long morning.

19 MR. LINDSEY: Thank you for your courtesy.

20 MR. QUINN: This trust account stuff is a --  
21 makes a very boring sworn statement, so I appreciate  
22 you hanging in there, Mr. Laurent, as we slogged  
23 through the --

24 COURT REPORTER: Sir, excuse me. Before I go  
25 off the record, did you need to order?



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1 MR. QUINN: Yeah. We're going to need to.

2 Yeah, thank you.

3 COURT REPORTER: All right. No problem.

4 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

5 (SWORN STATEMENT CONCLUDED AT 12:24 P.M.)

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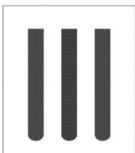
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## 1 CERTIFICATE OF OATH

2  
3 STATE OF FLORIDA

4 COUNTY OF ORANGE

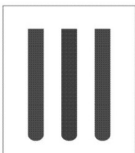
5  
6 I, the undersigned, certify that the witness in the  
7 foregoing transcript personally appeared before me and  
8 was duly sworn.9  
10 Identification: Produced Identification11  
12  
13 14  
15 \_\_\_\_\_  
16 KIMBERLY ROBERTS

17 Court Reporter, Notary Public

18 State of Florida

19 Commission Expires: 09/22/2023

20 Commission Number: GG 915521



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## C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, KIMBERLY ROBERTS, Court Reporter and Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did report the foregoing proceeding, and that said transcript is a true record of the said proceeding.

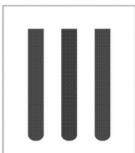
I FURTHER CERTIFY that I am not of counsel for, related to, or employed by any of the parties or attorneys involved herein, nor am I financially interested in said action.

Submitted on: May 20, 2022.



KIMBERLY ROBERTS

Court Reporter, Notary Public



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## EXHIBIT C


**Paycheck Protection Program  
Second Draw Borrower Application Form**

 OMB Control No.: 3245-0417  
 Expiration Date: 7/31/2021

<b>Check One:</b> <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> C-Corp <input checked="" type="checkbox"/> S-Corp <input type="checkbox"/> LLC <input type="checkbox"/> Independent Contractor <input type="checkbox"/> Self-Employed Individual <input type="checkbox"/> 501(c)(3) nonprofit <input type="checkbox"/> 501(c)(6) organization <input type="checkbox"/> 501(c)(19) veterans organization <input type="checkbox"/> Housing cooperative <input type="checkbox"/> Tribal Business <input type="checkbox"/> Other	<b>DBA or Tradename (if applicable)</b>	<b>Year of Establishment (if applicable)</b>
	Offices of Haynes & Laure	05/03/2006
	<b>Business Legal Name</b>	
	Law Offices of Haynes & Laurent PA	
<b>Business Address (Street, City, State, Zip Code - No P.O. Box addresses allowed)</b>		<b>NAICS Code</b>
8615 Commodity Circle, Orlando, FL, 32819-9071		922130
<b>Business TIN (EIN, SSN)</b>		<b>Business Phone</b>
[REDACTED]		407 9284704
<b>Primary Contact</b>		<b>Email Address</b>
Bradley Laurent		bnl@fighting4ulaw.com

<b>Average Monthly Payroll:</b>	\$ 17000	<b>x 2.5 (or x 3.5 for NAICS 72 applicants) equals Loan Request Amount (may not exceed \$2,000,000):</b>	\$ 36117	<b>Number of Employees (including affiliates, if applicable; may not exceed 300):</b>	5
<b>Purpose of the loan (select all that apply):</b>	<input checked="" type="checkbox"/> Payroll Costs	<input checked="" type="checkbox"/> Rent / Mortgage Interest	<input checked="" type="checkbox"/> Utilities	<input type="checkbox"/> Covered Operations Expenditures	
	<input type="checkbox"/> Covered Property Damage	<input type="checkbox"/> Covered Supplier Costs	<input type="checkbox"/> Covered Worker Protection Expenditures	<input type="checkbox"/> Other (explain):	
<b>PPP First Draw SBA Loan Number:</b>					
<b>Reduction in Gross Receipts of at Least 25% (Applicants for loans of \$150,000 or less may leave blank but must provide upon or before seeking loan forgiveness or upon SBA request):</b>	<b>2020 Quarter (e.g., 2Q 2020):</b>	<b>ANNUAL 2020</b>	<b>Reference Quarter (e.g., 2Q 2019):</b>	<b>ANNUAL 2019</b>	
	Gross Receipts:	\$ 205789	Gross Receipts	\$ 368244	

**Applicant Ownership**

List all owners of 20% or more of the equity of the Applicant. Attach a separate sheet if necessary.

Owner Name	Title	Ownership %	TIN (EIN, SSN)	Address
Bradley Laurent	CFO	50.0	[REDACTED]	4136 Magnolia Ridge Loop, Winter Garden, FL, 34787-5354
Carlus Haynes	CFO	50.0	[REDACTED]	6056 Chapeldale Drive, Orlando, Florida, 328290000

If questions (1), (2), (4), or (5) are answered "Yes," the loan will not be approved.

Question	Yes	No
1. Is the Applicant or any owner of the Applicant presently suspended, debarred, proposed for debarment, declared ineligible, voluntarily excluded from participation in this transaction by any Federal department or agency, or presently involved in any bankruptcy?		X
2. Has the Applicant, any owner of the Applicant, or any business owned or controlled by any of them, ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is (a) currently delinquent, or (b) has defaulted in the last 7 years and caused a loss to the government?		X
3. Is the Applicant or any owner of the Applicant an owner of any other business, or have common management (including a management agreement) with any other business? If yes, list all such businesses (including their TINs if available) and describe the relationship on a separate sheet identified as addendum A.		X
4. Is the Applicant (if an individual) or any individual owning 20% or more of the equity of the Applicant presently incarcerated or, for any felony, presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction? Initial here to confirm your response to question 4 →		X
5. Within the last 5 years, for any felony involving fraud, bribery, embezzlement, or a false statement in a loan application or an application for federal financial assistance, or within the last year, for any other felony, has the Applicant (if an individual) or any owner of the Applicant 1) been convicted; 2) pleaded guilty; 3) pleaded not guilty and contended; or 4) commenced any form of parole or probation (including probation before judgment)? Initial here to confirm your response to question 5 →		X
6. Is the United States the principal place of residence for all employees included in the Applicant's payroll calculation above?	X	
7. Is the Applicant a franchise?		X
8. Is the franchise listed in SBA's Franchise Directory? If yes, enter SBA Franchise Identifier Code here: _____		X





## Paycheck Protection Program Second Draw Borrower Application Form


### By Signing Below, You Make the Following Representations, Authorizations, and Certifications


I certify that:


- I have read the statements included in this form, including the Statements Required by Law and Executive Orders, and I understand them.
- The Applicant is eligible to receive a loan under the rules in effect at the time this application is submitted that have been issued by the Small Business Administration (SBA) and the Department of the Treasury (Treasury) implementing Second Draw Paycheck Protection Program Loans under Division A, Title I of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (the Paycheck Protection Program Rules).
- The Applicant, together with its affiliates (if applicable), (1) is an independent contractor, self-employed individual, or sole proprietor with no employees; (2) employs no more than 300 employees; or (3) if NAICS 72, employs no more than 300 employees per physical location; (4) if a news organization that is majority owned or controlled by a NAICS code 511110 or 5151 business or a nonprofit public broadcasting entity with a trade or business under NAICS code 511110 or 5151, employs no more than 300 employees per location.
- I will comply, whenever applicable, with the civil rights and other limitations in this form.
- All loan proceeds will be used only for business-related purposes as specified in the loan application and consistent with the Paycheck Protection Program Rules including the prohibition on using loan proceeds for lobbying activities and expenditures. If Applicant is a news organization that became eligible for a loan under Section 317 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, proceeds of the loan will be used to support expenses at the component of the business concern that produces or distributes locally focused or emergency information.
- I understand that SBA encourages the purchase, to the extent feasible, of American-made equipment and products.
- The Applicant is not engaged in any activity that is illegal under federal, state or local law.


For Applicants who are individuals: I authorize the SBA to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Act, as amended.


The authorized representative of the Applicant must certify in good faith to all of the below by **initialing** next to each one:


 The Applicant was in operation on February 15, 2020, has not permanently closed, and was either an eligible self-employed individual, independent contractor, or sole proprietorship with no employees, or had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC.


 Current economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant.


 The Applicant has realized a reduction in gross receipts in excess of 25% relative to the relevant comparison time period. For loans greater than \$150,000, Applicant has provided documentation to the lender substantiating the decline in gross receipts. For loans of \$150,000 or less, Applicant will provide documentation substantiating the decline in gross receipts upon or before seeking loan forgiveness for the Second Draw Paycheck Protection Program Loan or upon SBA request.


 The Applicant received a First Draw Paycheck Protection Program Loan and, before the Second Draw Paycheck Protection Program Loan is disbursed, will have used the full loan amount (including any increase) of the First Draw Paycheck Protection Program Loan only for eligible expenses.

 The funds will be used to retain workers and maintain payroll; or make payments for mortgage interest, rent, utilities, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures as specified under the Paycheck Protection Program Rules; I understand that if the funds are knowingly used for unauthorized purposes, the federal government may hold me legally liable, such as for charges of fraud.

 I understand that loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, covered utilities, covered operations expenditures, covered property damage costs, covered supplier costs, and covered worker protection expenditures, and not more than 40% of the forgiven amount may be for non-payroll costs. If required, the Applicant will provide to the Lender and/or SBA documentation verifying the number of full-time equivalent employees on the Applicant's payroll as well as the dollar amounts of eligible expenses for the covered period following this loan.

 The Applicant has not and will not receive another Second Draw Paycheck Protection Program Loan.

 The Applicant has not and will not receive a Shuttered Venue Operator grant from SBA.

 The President, the Vice President, the head of an Executive department, or a Member of Congress, or the spouse of such person as determined under applicable common law, does not directly or indirectly hold a controlling interest in the Applicant, with such terms having the meanings

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provided in Section 322 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act.

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The Applicant is not an issuer, the securities of which are listed on an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

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The Applicant is not a business concern or entity (a) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or (b) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China.

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The Applicant is not required to submit a registration statement under section 2 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612).

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The Applicant is not a business concern or entity primarily engaged in political or lobbying activities, including any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents.

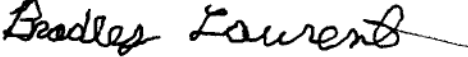
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I further certify that the information provided in this application and the information provided in all supporting documents and forms is true and accurate in all material respects. I understand that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under 18 U.S.C. 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 U.S.C. 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a federally insured institution, under 18 U.S.C. 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000.

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I acknowledge that the Lender will confirm the eligible loan amount using required documents submitted. I understand, acknowledge, and agree that the Lender can share any tax information that I have provided with SBA's authorized representatives, including authorized representatives of the SBA Office of Inspector General, for the purpose of compliance with SBA Loan Program Requirements and all SBA reviews.

DocuSigned by:



Signature of Authorized Representative of Applicant

2021-03-11

Date

CFO

Title

Bradley Laurent

Print Name

**City National Bank of Florida  
100 SE 2<sup>nd</sup> Street  
Miami, Florida 33131**

**Disbursement Instructions  
Paycheck Protection Program Loan ("PPP Loan")**

SBA Loan #: **8607**

SBA Loan Name: **LAW OFFICES OF HAYNES & LAURENT P A**

Date: **03/23/2021**

Loan Amount: \$ **36,117.39**

Borrower: **LAW OFFICES OF HAYNES & LAURENT P A**

Operating Company: **LAW OFFICES OF HAYNES & LAURENT P A**

Lender: City National Bank of Florida, a national banking association

Borrower authorizes Lender to disburse the Loan Amount, as follows:

BENEFICIARY: **LAW OFFICES OF HAYNES & LAURENT P A**

BANK NAME: City National Bank of Florida

CNB ACCOUNT NUMBER: **6354**

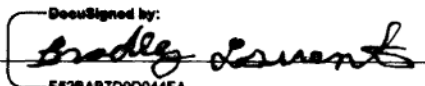
VERIFY CNB ACCOUNT NUMBER: **6354**

**Hold Harmless. In the event, that Borrower, for the sake of convenience, business need, or otherwise herein directs the Loan Amount be disbursed to a third party (i.e., Account listed above is not in the name of Borrower), then for and in consideration of the Bank accommodating Borrower, as provided for herein, the Borrower agrees that it shall forever indemnify and hold harmless Bank, its employees or agents, against all losses, claims, damages (including actual, consequential and punitive damages), costs, judgments, and expenses (including reasonable attorneys' fees) as they may be incurred or finally awarded as a result of funding the Loan Amount into a different bank account.**

Executed on: 3/23/2021

**Borrower:**

Name of Borrower: **LAW OFFICES OF HAYNES & LAURENT P A**

Signature: 

DocuSigned by:

E52B487D00044EA...

Name of Signatory: **BRADLEY LAURENT**

Title of Signatory: Authorized Representative of Borrower