

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MARK ALAN KAMILAR,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-70,407 (11C)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Mark Alan Kamilar, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2020-70,407(11C).

3. On or about November 21, 2022, the Supreme Court of Florida found probable cause in The Florida Bar File No. 2020-70,407(11C).

4. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is not represented by counsel in this matter.

5. The disciplinary measures to be imposed upon respondent are as follows:

- A. Public reprimand by publication;
- B. Completion of Ethics School within six months of the Court's order approving the Consent Judgment and payment of the \$750.00 fee associated with attendance at this program; and
- C. Payment of The Florida Bar's costs.

6. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

- A. From 2012 to 2020, respondent was retained by attorney Scot Strems and The Strems Law Firm, P.A. ("SLF") to represent Mr. Strems and other SLF attorneys in bar proceedings.
- B. From 2016 until July 2018, Christopher Aguirre worked as an attorney at SLF. During this time, bar grievances were opened against Mr. Aguirre, and respondent undertook his representation in those proceedings.

C. In July 2018, Mr. Aguirre ended his employment at SLF, pursuant to a separation agreement drafted by respondent. This agreement included a promise that Mr. Aguirre would reasonably assist SLF in cases with which he had become familiar during his employment.

D. At the time that Mr. Aguirre left SLF, respondent remained counsel of record in the pending bar proceedings.

E. In late 2018, SLF sought attorney's fees in a case that had purportedly been handled by Mr. Aguirre during his employment at the firm.

F. SLF engaged respondent to contact Mr. Aguirre and request that he complete and sign an attorney's fee affidavit drafted by the firm.

G. On December 18, 2018 and January 16, 2019, respondent e-mailed Mr. Aguirre requesting that he review and complete the affidavit, and inviting changes if necessary.

H. Mr. Aguirre made no response to these e-mails of December 18, 2018 and January 16, 2019.

I. On January 29, 2019, respondent sent a third e-mail to Mr. Aguirre. This e-mail read, in relevant part:

Chris:

I write this email as a last effort to attempt to resolve this before it moves in unfortunate directions.

I wrote you on December 18, 2018 and January 19, 2019 advising of the need for your assistance in closing out cases at The Strems Law Firm.

This is required both by the wording of the Resignation Agreement as well as the general requirements of practicing law in Florida.

Again, please review the attached affidavit and either make any changes or advised what can be done to address the Court's questions.

In the absence of hearing from you before the end of the week The Strems Law Firm will be left with no choice but to pursue other options against you accordingly.

J. Mr. Aguirre responded to this e-mail that same day. In this e-mail, he characterized respondent's prior e-mail as a threat "to secure false testimony." Mr. Aguirre declined signing the affidavit, calling it "false" and "inflammatory," and asserting that he (Mr. Aguirre) had no knowledge regarding the contents of the affidavit.

K. At this time (January 2019), respondent was still counsel of record for Mr. Aguirre in two pending bar grievances.

L. Respondent did not withdraw from Mr. Aguirre's pending Bar matters until June 6, 2019 and October 16, 2019.

7. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

8. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

9. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

10. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of

good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

11. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

12. In support of this consent judgment, respondent provides the following in mitigation:

- a. 3.3(b)(4) – timely good faith effort...to rectify the consequences of the misconduct. Respondent immediately ceased the effort to secure Mr. Aguirre's affidavit and later withdrew from the two Bar cases with no prejudice to Mr. Aguirre.
- b. 3.3(b)(5) – full and free disclosure to the bar or cooperative attitude toward the proceedings. Respondent cooperated fully in The Florida Bar's investigation and in the resolution of the matter.
- c. 3.3(b)(7) – character or reputation. Respondent has performed substantial volunteer services over the course of his career for numerous non-profit organizations benefitting the US Olympic Committee, youth athletic

organizations, athletes with disabilities, and Goldstar families.

- d. 3.3(b)(13) – remoteness of prior offense. In or around May 2010 respondent received an admonishment for minor misconduct from the grievance committee for a violation of Rule 4-1.8(b). Respondent has no other prior discipline.

13. In further mitigation, respondent offers the following:

- a. There was no significant fee paid for the work and respondent undertook the effort to secure Mr. Aguirre's testimony to assist them to avoid threatened sanctions by two judges and potential litigation between two parties he represented.
- b. Mr. Aguirre did not seek any sanction against respondent.

Dated this 6 day of March, 2023.



Mark Alan Kamilar
Respondent
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305/567-1112
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Dated this _____ day of _____, 20__.

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