

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

MICHAEL ANDREW ADAMS,
Respondent.

Supreme Court Case
No. SC22-1410

The Florida Bar File
No. 2021-30,740 (9B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Michael Andrew Adams, and files this Conditional Guilty Plea for Consent Judgment 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 acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

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

A. A forty-five-day suspension from the practice of law.

B. Respondent will attend and complete Ethics School within 6 months of the date of the Supreme Court of Florida's order accepting this Conditional Guilty Plea for Consent Judgment and pay the \$750.00 workshop fee prior to attendance.

C. Respondent will contact Florida Lawyers Assistance, Inc. (FLA, Inc.), at 800-282-8981 for an evaluation within thirty (30) days of the order of the Supreme Court of Florida. Within sixty (60) days of the order, respondent will provide the bar's headquarters office with proof that respondent has scheduled an evaluation. Respondent will abide by all recommendations made by FLA, Inc. including, but not limited to, entering into a rehabilitation contract. Should a rehabilitative contract result from the FLA, Inc. evaluation, respondent agrees to be placed on probation for the period of the FLA contract, but such probationary period shall not exceed five years.

D. Respondent will pay a FLA, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with his FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the

bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees.

E. Payment of the discipline costs.

4. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

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

A. Respondent and Jonathan Blevins were employed as associate attorneys by the law firm of Dan Newlin Injury Attorneys.

B. Respondent and Mr. Blevins resigned from Dan Newlin Injury Attorneys on January 6, 2021.

C. Prior to their resignation, respondent and Mr. Blevins formed a new law firm called Blevins & Adams, PLLC (hereinafter referred to as "B & A Firm") on or about November 4, 2020.

D. Respondent and Mr. Blevins, while still employed with Dan Newlin Injury Attorneys, also made digital copies of confidential client information from the case management system of the law firm, including medical records of clients that they intended to represent under the B & A Firm. Respondent and Mr. Blevins were not authorized by their employer to make digital copies of confidential client information for this purpose.

E. Respondent and Mr. Blevins intentionally disabled a feature in Dan Newlin Injury Attorneys' case management system that would have permitted the firm to send a mass email to their clients.

F. Respondent's conduct never deprived Dan Newlin Injury Attorneys of the client files or client email addresses as the files and email addresses were still in the possession of Dan Newlin Injury Attorneys.

G. Upon their resignation from Dan Newlin Injury Attorneys, respondent and Mr. Blevins immediately began contacting their clients with Dan Newlin Injury Attorneys for the purpose of inquiring whether they would become clients of the B & A Firm.

H. Respondent and Mr. Blevins failed to follow the bar's required procedures for lawyers leaving law firms.

I. Respondent and Mr. Blevins did not give Dan Newlin prior notice of their intention to resign from the law firm nor did they attempt to

negotiate with Dan Newlin an acceptable joint letter to be sent to the affected clients. Instead, respondent and Mr. Blevins unilaterally mailed a letter to the affected clients advising them of their departure from Dan Newlin Injury Attorneys and of the clients' rights to choose to remain a client of Dan Newlin Injury Attorneys, to choose representation by the B & A Firm, or to choose representation by another law firm.

J. On January 15, 2021, Dan Newlin Injury Attorneys, through their counsel, filed a Complaint for Damages and Injunctive Relief against Blevins & Adams, PLLC, Jonathan C.A. Blevins, Michael Andrew Adams, and Jessica Blevins in Case Number 2021-CA-000453-O in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Business Court, based on the above-mentioned conduct.

K. On April 23, 2021, Respondent and Mr. Blevins, through counsel, filed their Answer and Affirmative Defenses and Counter-Complaint.

L. On November 12, 2021, a Joint Stipulation of Dismissal with Prejudice was filed in the case.

M. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

i. 4-5.8(c)(1) Absent a specific agreement otherwise, a lawyer who is leaving a law firm may not unilaterally contact those clients of the law firm for purposes of notifying them about the anticipated departure or to solicit representation of the clients unless the lawyer has approached an authorized representative of the law firm and attempted to negotiate a joint communication to the clients concerning the lawyer leaving the law firm and bona fide negotiations have been unsuccessful.

ii. 4-5.8(d)(1) When a joint response has not been successfully negotiated, unilateral contact by individual members or the law firm must give notice to clients that the lawyer is leaving the law firm and provide options to the clients to choose to remain a client of the law firm, to choose representation by the departing lawyer, or to choose representation by other lawyers or law firms.

iii. 4-5.8(d)(3) In all instances, notice to the client required under this rule must provide information concerning potential liability for fees for legal services previously rendered, costs expended, and how any deposits for fees or costs will be handled. In addition, if appropriate, notice must be given that reasonable charges may be imposed to provide a copy of any file to a successor lawyer.

iv. 4-8.4(a) A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

v. 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

6. For purposes of this Conditional Guilty Plea for Consent Judgment, the bar voluntarily has agreed to dismiss Rule 3-4.3.

7. In aggravation, respondent had substantial experience in the practice of law, having been admitted to The Florida Bar on June 1, 2011 [Florida's Standards for Imposing Lawyer Sanctions 3.2(b)(9)].

8. In mitigation, respondent has no prior disciplinary history [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(1)]; was experiencing personal or emotional problems and suffers from a physical or mental disability or impairment. Respondent is a decorated five-year United

States Marine Corps. veteran (non-commissioned officer) who suffers with post-traumatic stress disorder subsequent to combat in Iraq. Respondent's condition was exacerbated by stress during his employment with Dan Newlin Injury Attorneys [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(3) and 3.3(b)(8)]. Respondent has fully cooperated with the bar [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(5)]; has provided evidence of good character or reputation and has provided extraordinary community service. This extraordinarily dedicated service is directed primarily towards assisting veterans, children, and victims of abuse, in light of his military service and victimization of abuse and a disadvantaged foster home childhood [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(7)]. Respondent voluntarily completed numerous ethics and professionalism focused Continuing Legal Education (CLE) courses as interim rehabilitation following the misconduct [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(10)]. Respondent suffered the imposition of other penalties or sanctions by having to expend substantial funds and resources defending the civil suit brought by Dan Newlin Injury Attorneys [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(11)] and was remorseful [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(12)].

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

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

11. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

12. 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 \$1,841.50. 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.

13. 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 also is evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

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

Dated this 23 day of March, 2023.

Michael A. Adams, Esq. 03 / 24 / 2023

Michael Andrew Adams
Respondent
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Dated this 24th day of March, 2023.

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Dated this 24th day of March, 2023.



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