

IN THE SUPREME COURT OF FLORIDA
(Before A Referee)

THE FLORIDA BAR,

Petitioner,

v.

ELDRED REDMON,

Respondent.

Supreme Court Case
No. SC09-1043

The Florida Bar File
No(s): 2007-4111(11C)
2008-4078(11C)
2008-4079(11C)

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS:

Pursuant to the undersigned being duly appointed as referee to conduct indirect criminal contempt proceedings, the following proceedings occurred:

The Florida Bar filed a Petition for Indirect Criminal Contempt on June 19, 2009. The Florida Bar was represented in this matter by Jacquelyn Plasner Needelman, and Respondent appeared pro se. On July 7, 2009, the undersigned was appointed as referee in this cause, and the Supreme Court of Florida entered an Order to Show Cause commanding Respondent to appear before the Referee to show cause why he should not be held in indirect criminal contempt of this Court and punished accordingly. Respondent was personally served with the Order to

Show Cause on July 16, 2009. On August 12, 2009, Respondent submitted a Motion to Dismiss. Respondent advised this Referee on September 30, 2009 that he is withdrawing his Motion to Dismiss.

Respondent Redmon signed a Plea Agreement with The Florida Bar, agreeing to enter a plea of no contest to indirect criminal contempt of this Court's Order in *The Florida Bar v. Redmon*, 898 So.2d 82 (Fla. 1999)(mem.)(practice enjoined). On September 30, 2009, a hearing was held in this cause and Respondent entered a plea of no contest to indirect criminal contempt of this Court's Order in the *Florida Bar v. Redmon*, 898 So. 2d 82 (Fla. 1999)(mem.)(practice enjoined).

On September 30, 2009, The Florida Bar filed its Affidavit of Costs.

II. FINDINGS OF FACT:

On August 12, 2009, the parties appeared before the undersigned for Arraignment. On September 14, 2009, Respondent entered a plea of no contest to violating the injunction entered by the Supreme Court of Florida on February 24, 2005, in *The Florida Bar v. Redmon*, 898 So. 2d 82 (Fla. 2005)(mem.)(practice enjoined). The undersigned found that Respondent understood the nature of the charge and the possible sentence. Further, the undersigned found that Respondent's plea was not coerced. Respondent understood that he had a right to a hearing and his plea was a waiver of those rights.

The undersigned found that the Respondent understood that he had the right to appointed counsel if he was found to be indigent. Respondent waived the right to counsel and chose to represent himself. Therefore, based on Respondent's plea of no contest to the Order to Show Cause, the undersigned found that the Respondent did violate the injunction issued by the Supreme Court of Florida as alleged by The Florida Bar in its Petition Against The Unlicensed Practice of Law and Prayer for Contempt Citation, and finds a judgment of guilty of indirect criminal contempt.

The facts constituting the Contempt are as stated in The Florida Bar's Petition for Indirect Criminal Contempt as follows:

AS TO COUNT I

Subsequent to this Court's February 24, 2005 Order permanently and perpetually enjoining Respondent Redmon from engaging in the unlicensed practice of law, Respondent Redmon has continued to engaged in the unlicensed practice of law in Miami-Dade County, Florida. Respondent Redmon has held himself out to the public as capable of advising and handling matters requiring legal skills, as being an attorney and/or allowed others to hold him out as being an attorney, and rendered legal advice and legal services to others.

AS TO COUNT II

In or about February 2006, Respondent held himself out to Cindy and Fredy

Andrade that he was an attorney. Ms. Andrade signed a retainer agreement on February 27, 2006, with Respondent Redmon on behalf of Schwarz & Arrick, P.A., for legal representation of her husband, Fredy Andrade. Respondent Redmon signed Jeffrey Schwarz's name on this retainer agreement. Ms. Andrade only met with Respondent Redmon. Ms. Andrade never met with Mr. Schwarz regarding her husband's case. Both Mr. and Mrs. Andrade addressed Respondent Redmon as "Esquire" in their correspondence with him. The Andrades paid Respondent Redmon at least \$1,300 for representation of Mr. Andrade.

AS TO COUNT III

In or about May 2006, Respondent Redmon held himself out as an attorney working with Schwarz and Arrick, P.A., to Marvin Hollinger and members of his family. On May 17, 2006, a contract was signed by Toya Hollinger, sister of Marvin Hollinger, with Respondent on behalf of Schwarz and Arrick, P.A., to represent Marvin Hollinger in a criminal matter in Georgia. Respondent Redmon signed Jeffrey Schwarz's name on the retainer agreement.

AS TO COUNT IV

In or about May 2006, Respondent Redmon held himself out to Corey Davis and his family members as being an attorney. Corey Davis' mother, Diane Hollinger, retained Schwarz & Arrick, P.A. to represent her son, Corey Davis, in a criminal case for a total of \$18,000. Respondent Redmon gave Diane Hollinger the

impression that he was a licensed attorney and Mr. Schwarz's partner.

Respondent acknowledged that the above stated facts contained in the The Florida Bar's Petition constitute a prima facie case of indirect criminal contempt of the February 24, 2005 Order of the Supreme Court of Florida.

III. RECOMMENDATIONS:

Based on the plea agreement and the foregoing findings of fact, it is the recommendation of the undersigned referee that Respondent be sentenced for indirect criminal contempt of this Court's Order as follows:

1. That Respondent Redmon shall be placed on probation for a period of seven (7) months (without the benefit of early termination), subject to the probationary supervision of the Advocate Program and must pay the costs associated with the probationary supervision to the Advocate Program which will not exceed \$25.00 per month. During this period of probation, Respondent Redmon will report to the Advocate Program once a month in person pursuant to the instructions of the program.

2. That as a condition of probation, Respondent Redmon is sentenced to five months in the Miami-Dade County Jail;

3. That the five month jail sentence be suspended pending completion of the probation, including abiding by all of the conditions of probation specified herein;

4. If Respondent Redmon is incarcerated during his period of probation due to any other matter, Respondent Redmon's probationary period will exclude any time he spends incarcerated due to such other matters and the period of probation will be extended the number of days of such incarceration due to another matter.

5. That the costs of these current proceedings be taxed against Respondent Redmon in the amount of \$1,489.45;

6. Respondent Redmon agrees to make restitution to Cindy Andrade in the amount of \$550.00 within seven (7) months of the Supreme Court of Florida's Court Order in this case and prior to the termination of his probation in this case by sending a cashier's check or money order payable to Cindy Andrade in the amount of \$550.00 to The Florida Bar, Unlicensed Practice of Law Division, Rivergate Plaza, Suite M-100, 444 Brickell Avenue, Miami, Florida 33131;

7. That Respondent Redmon shall not engage in the practice of law and that the injunction dated February 24, 2005, enjoining Respondent Redmon from engaging in the unlicensed practice of law in Florida shall continue in its present form; and Respondent Redmon is specifically enjoined from:

(A) Holding himself out to be an attorney directly or implied.

(B) Rendering legal advice or legal services to any individual or business, including incarcerated inmates and criminal defendants.

(C) Advising persons and entities as to their rights, duties and any legal remedy which might be available to them.

(D) Using the title “Paralegal” or “legal assistant” or any other title that gives the impression that legal services or legal assistance may be rendered by Respondent, Eldred Redmon, unless Respondent is employed by a member of The Florida Bar, and is under said attorney’s direction and supervision.

(E) Leading a client to believe that Respondent is capable of handling a legal matter for him or her.

(F) Drafting and sending letters or pleadings appearing to be from an attorney, or drafting and sending letters or pleadings on behalf of another person. This provision will not prevent Respondent from performing work delegated to him by an attorney for whom he works and for which the attorney is responsible. Respondent will not personally provide any type of legal services directly to the public.

(G) Signing or stamping an attorney’s name on any letter or pleading or other document on behalf on any attorney or under any attorney’s signature, even with such attorney’s consent.

(H) Appearing at judicial or quasi-judicial proceedings on behalf of another person. If Respondent is employed by an attorney,

Respondent can appear at a hearing with his employer attorney in a paralegal or legal assistant capacity.

(I) Accepting money or any form of payment for legal services.

Respondent may accept payments on behalf of the attorney for whom he works.

Said payments can only be payable to the employing attorney and all receipts shall be issued in the name of the employing attorney.

(J) Having direct contact with any client or individual regarding

legal matters. However, Respondent may interview clients only as a paralegal and /or legal assistant to obtain information, such as names of witnesses, for an employing attorney after the client has signed an acknowledgement that he or she has been informed that Respondent is not an attorney and that any information obtained by Respondent will be given to the employing attorney, and that any questions the client has needs to be directed to the attorney and that Respondent cannot answer any questions about the case.

(K) Discussing or interpreting the applicability of any caselaw,

statutory law or any other law with anyone other than an attorney who you work for.

(L) Having direct contact in the nature of consultation, explanation,

recommendation, advice or assistance in relation to any legal remedy or course of action.

8. That the costs of these proceedings in the amount of \$1,489.45 be taxed against Respondent Eldred Redmon.

Dated this ____ day of _____, 2009.

EUGENE J. FIERRO
Senior Judge and Referee
Dade County Courthouse
73 West Flagler Street, Chamber 1501
Miami, Fl 33130
(305) 349-7008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to the Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927, and true and correct copies were mailed to Jacquelyn Plasner Needelman, Bar Counsel, The Florida Bar, UPL Dept., 444 Brickell Avenue, Suite M-100, Miami, FL 33131, to Eldred Redmon, 2766 N.W. 31 Street, Opa Locka, Florida 33054, and to Lori S. Holcomb,

UPL Counsel, UPL Department, The Florida Bar, 651 East Jefferson Street,
Tallahassee, FL 32399-2300, on this _____ day of _____, 2009.

EUGENE J. FIERRO
Senior Judge and Referee
c/o Odalys Somodevilla
Court Administrator, Civil Operations
Dade County Courthouse
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Suite 911
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