

IN THE SUPREME COURT OF FLORIDA
Case No.: 13-1333

Inquiry Concerning A Judge

Laura Marie Watson, No. 12-613

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MOTION OF THE FLORIDA BAR TO INTERVENE

Pursuant to Florida Rules Regulating The Florida Bar, Rule of Discipline 3-4.5, The Florida Bar moves this Court for leave to intervene in this proceeding to seek disciplinary action against Laura M. Watson in the event this Court removes Judge Watson. The Florida Bar respectfully submits the following Factual Background in support of its request, followed by its prayer for relief:

FACTUAL BACKGROUND

1. On April 15, 2014, following a trial before the Florida Judicial Qualifications Commission (FJQC) on February 10-12, 2014, the FJQC issued its Findings, Conclusions and Recommendations. The FJQC recommended removal of Judge Watson. Based upon numerous factual findings, the Hearing Panel concluded that before she became a judge, Judge Watson violated the following Rules Regulating The Florida Bar: 3-4.2; 3-4.3; 4-1.4(a); 4-1.4(b); 4-1.5(f)(1); 4-1.5(f)(5); 4-1.7(a); 4-1.7(b); 4-1.8(g); 4-8.4(a); 4-8.4(c); and 5-1.1(f).

2. Prior to the time that Laura Watson became a judge, grievance proceedings had been initiated against her for said violations pursuant to a letter

complaint from Larry S. Stewart and William C. Hearon dated April 30, 2008. In addition to Laura Watson, the letter identified five other potential respondents (collectively “the PIP lawyers”).¹ Attached to that letter was the April 24, 2008, final judgment in *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al.*, Case No.: 2004-CA-006138, in the Circuit Court of the Fifteenth Judicial Circuit of Florida, in and for Palm Beach County, Florida, which detailed various conduct on the part of the PIP lawyers and concluded they² had committed numerous violations of the Rules Regulating The Florida Bar (hereinafter “the Final Judgment”).³

3. In her initial response in the grievance proceeding, and thereafter, Laura Watson requested that prosecution be deferred until after the appeal of the April 24, 2008, Final Judgment was decided. Three of the other PIP lawyers made similar requests.

4. Pursuant to the several requests for deferral, including those of Laura

¹Three of those other lawyers, Charles J. Kane, Harley N. Kane and Darin J. Lentner, have pending grievance cases set for trial, beginning on August 18, 2014, Case Nos.: SC 13-388, SC 13-389 and SC 13-390. The cases involving the other two lawyers, Gary H. Marks and Amir Fleischer, are currently on appeal to this Court from orders of dismissal, Case Nos.: SC 13-391 and SC 13-392.

²PIP lawyers Gary H. Marks and Amir Fleischer had settled the civil case prior to trial, however the factual findings of the court included conduct in which they played an integral role.

³That judgment subsequently has been affirmed. *Kane & Kane v. Stewart Tilghman Fox & Bianchi, P.A.*, 85 So. 3d 1112 (4th DCA 2012), rev. denied, 118 So. 3d 20 (Fla. 2013).

Watson, bar counsel deferred further action pending the outcome of the appellate proceedings. That decision was approved by the Board of Governors and Laura Watson was notified of that decision on April 13, 2009.

5. The Fourth District Court of Appeal affirmed the Final Judgment on February 29, 2012, and the Bar thereafter proceeded with its investigation of the complaint. On June 5, 2012, Laura Watson was advised that her disciplinary case was being referred to a grievance committee for a probable cause review.⁴

6. On October 22, 2012, Laura Watson was advised that the grievance committee had found probable cause to proceed with a disciplinary action against her. However, before a Formal Complaint could be filed with this Court, Laura Watson was elected to a circuit court judgeship in the Seventeenth Judicial Circuit in November 2012.⁵ Thereafter, the FJQC commenced its proceedings based on the conduct at issue in the Bar disciplinary proceedings.

7. Since the operative acts in the FJQC trial occurred while Laura Watson was a practicing lawyer, the Commission determined that her conduct was governed by and would be judged pursuant to the Rules of Discipline. *Inquiry Concerning*

⁴In parallel proceedings, the disciplinary cases involving the other five PIP lawyers were also referred to the grievance committee.

⁵Formal Complaints were filed against the other five PIP lawyers. See note 1, supra.

Watson, Case No. SC 13-1333, Order on Respondent's Motion for Definitive Ruling and Clarification (FJQC, Jan. 13, 2014).

RELIEF SOUGHT

WHEREFORE, based on the findings and conclusions of the FJQC, The Florida Bar seeks:

1. leave to intervene in the proceedings before this Court;
2. in the event the Court orders Judge Watson removed, permission to seek discipline against her and, pending further proceedings, based upon the totality of the record, that she be suspended as an attorney;⁶
3. direction from the Court as to how to proceed in terms of determination of the discipline to be imposed, and, should the Court conclude disgorgement and/or restitution are/is appropriate in this matter, determination of the amount of the payments, and to whom the payments should be made, to wit: either by further submissions to this Court or by referral to a referee for a hearing on discipline and disgorgement/restitution only and issuance of a Report and Recommendation.

Respectfully Submitted,

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⁶The Florida Bar intends to seek disbarment in this matter.

CERTIFICATE OF SERVICE

_____ I certify this document has been E-filed with the Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-filing Portal and that a copy has been sent via email to the following parties this 23rd day of April, 2014.

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