

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JERRY GIRLEY,

Respondent.

Supreme Court Case No.
SC22-0860

The Florida Bar File No.
2021-30,853(9B)

_____ /

APPENDIX TO THE FLORIDA BAR'S ANSWER BRIEF

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CERTIFICATE OF SERVICE

I certify that the original hereof has been e-filed with the Clerk of the Supreme Court of Florida, on this 12th day of August, 2024, and a true and correct copy of the foregoing has been furnished via e-service to Brooke Girley, Counsel for Respondent, at brooke@thegirleylawfirm.com.

Respectfully submitted,



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BLACK LOVE UNITED

May 31, 2021

HOSTS:

Ced and Angie

SPEAKER:

Jerry Girley

Transcribed by:

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1 May 31, 2021

2 SPEAKER 1: Hello. Hello. Happy Monday. Happy
3 Monday. Happy Monday. Come on in the room. Come on in the
4 room.

5 Jesus is my doctor. He writes out all of my
6 'scriptions. He brings all of my medicine in the room.

7 Hey. Hey. Hey. I see you, Attorney Girley.

8 Come on in and tell us where you from.

9 Hey, (indiscernible). Got (indiscernible) here.

10 And we've already added Attorney Girley, but we're gonna give
11 everybody time to come on in. Share this to your page. This
12 is a very, very, very, very important topic. I know,
13 (indiscernible), you know about. Come on in the room.

14 Didn't he do it, children. (Laughter).

15 All right, (indiscernible). We appreciate that.

16 How are you? How are you? So happy to have you
17 here. If you can come on into the room. Tell us where you
18 are, where you're from, where you're viewing from, where you
19 originated from, all of that good stuff. Long as
20 (indiscernible) Florida, I'll be all right. (Indiscernible)
21 Florida.

22 SPEAKER 2: Good afternoon

23 SPEAKER 1: Come on. Come on. Come on in and
24 tell us where you're from. We appreciate everybody coming
25 out. I guess I say it's "coming out." (Indiscernible)

1 Memorial Day?

2 SPEAKER 2: It is.

3 SPEAKER 1: Memorial Day. Happy Memorial Day.

4 And, you know, I just thought of something. Today
5 Ben Crump posted something. Let me see what it said. Oh.
6 The reason why this day was. Now, I don't know how true it
7 is. I ain't gonna be -- I ain't gonna be (indiscernible)
8 that they say. But it said that Memorial Day was created by
9 former slaves to honor black soldiers.

10 Attorney Girley, you know if that's true?

11 MR. GIRLEY: I don't know, no.

12 SPEAKER 1: Ben Crump posted that today. I was
13 (indiscernible). I thought that was interesting. Don't know
14 how -- you know, I think you all things black, so I -- I bet
15 you would know. Look, you all things black.

16 So come on in. Tell us where you're from. Also
17 share this to your page so we can get started. It's very
18 interesting, very, um, good information we need you guys to
19 know. We need you to get the word out.

20 There's a lot of stuff that we gonna talk about
21 tonight that -- you know, we -- we hear all the stuff, the
22 injustices done, and Black Lives Matter and all these
23 things, but then when we do the formal process and do it
24 the right way, what then when they decide they want to take
25 it away and do what they want to do?

1 So we're gonna talk about that. We're gonna talk
2 about whatever actions can be taken. What can you do? What
3 part can you play? Mainly sharing it is how we get it out
4 there. Share it, get it to the right people. Get stuff
5 accomplished by our -- such an injustice being done. Not
6 just . . .

7 Do you know -- oh. Today is the last day of
8 Mental Health Awareness Month? I tell you, check on your
9 friends, check on your loved ones, check on your strong
10 friends.

11 We talked about "behind every smile" last week.
12 Lot of times the people that smile a lot have a lot of things
13 going on internally. So check on your friends. Make sure
14 they're okay. Not just check. Pick up the phone and hear
15 them so you'll know if they are not good. You can hear it in
16 their voice.

17 SPEAKER 2: Right.

18 SPEAKER 1: How are you doing today, sir?

19 SPEAKER 2: I'm okay.

20 SPEAKER 1: He -- he didn't -- he didn't realize
21 we was having a show, so he wasn't prepared. He wasn't prep.
22 But we talked about it. But you know he be sayin' "Um-hmm,
23 um-hmm." He don't be payin' attention to me.

24 SPEAKER 2: Hmm-mm.

25 SPEAKER 1: That's -- that stuff, we gonna talk

1 about marriage stuff. We gonna call our marriage counselor.
2 So he wasn't listenin' to me, 'cause he said "Um-hmm, um-
3 hmm." That let me know he wasn't even much listenin'.

4 SPEAKER 2: Hmm-mm. Hmm-mm.

5 SPEAKER 1: So -- all right. Well, it's a few
6 minutes after. We're gonna go ahead and get started.

7 SPEAKER 2: Get it goin'.

8 SPEAKER 1: So today we have Attorney Jerry Girley
9 joining us. Hello, Pastor Girley. Attorney Girley. I'm
10 sorry. I'm looking -- I'm switchin' roles? We in
11 (indiscernible) -- we in Attorney Girley role right this
12 minute, but he is a Pastor Girley as well. Um . . .

13 MR. GIRLEY: Well, I -- I thank -- first of all,
14 good evening, everyone. I'm never not one or the other.

15 SPEAKER 1: Correct.

16 MR. GIRLEY: I'm both those things at the same
17 time.

18 SPEAKER 1: That's true.

19 MR. GIRLEY: And I think that being a pastor is by
20 far the most important calling that one can have.

21 SPEAKER 1: Correct.

22 MR. GIRLEY: I'm honored and humbled to be called
23 Pastor Girley more so than Attorney Girley, but we're gonna
24 talk about both of those things.

25 SPEAKER 1: Okay. So let me -- he can give you

1 the details. I'm gonna give you a little synopsis of what
2 took place.

3 He had a doctor that he was representing that was
4 in a program with Advant -- Advance -- is it Vantage Health
5 or Vant Health?

6 MR. GIRLEY: AdventHealth.

7 SPEAKER 1: AdventHealth.

8 MR. GIRLEY: Formerly Florida Hospital.

9 SPEAKER 1: Formerly Florida Hospital.

10 So if you're from Orlando or around these parts,
11 you know Florida Hospital turned to AdventHealth.

12 So during the court, they had a trial, a jury
13 trial, and during the course of the jury trial, there was a
14 lot of things that were -- was taking place that was done to
15 seemingly fight against Attorney Girley and his client.

16 Now, I understand that . . .

17 If -- if you haven't been in a trial, you don't
18 understand the things that the -- that the judges can do to
19 try to prevent you from winning or to block a lot of
20 efforts.

21 MR. GIRLEY: Um-hmm.

22 SPEAKER 1: This case was seemingly about this
23 gentleman had a -- a health condition that came up that
24 caused him some serious problems. And one of the things the
25 judge wouldn't let -- allow was his health issues to be

1 brought up, which I don't know how you justify -- the rea- --
2 the main reason I got -- I got my -- have my issues is
3 because I'm not allowed to talk about my health issues.

4 MR. GIRLEY: Right.

5 SPEAKER 1: So fast-forward. Got a jury trial.
6 Which, you know, they always say go through the system, let
7 the system work itself out. They always say we try to handle
8 things. I'm referring to "we" as black people. 'Cause
9 they'll say, "Oh," you know, "you should have done this" or
10 "you should have just done this" when we're talking about
11 traffic and other things like that.

12 So, go through this whole process. Even with
13 everything they kind of threw at them, the jury found that
14 they -- that the gentleman was discriminated against and
15 awarded them \$2.7 million.

16 Okay. So we ought to just go on and clap for
17 that, 'cause I don't believe that -- that \$2.7 million for a
18 discrimination is -- is not something that you get to come by
19 easily.

20 MR. GIRLEY: Right.

21 SPEAKER 1: So, fast-forward. That was last week,
22 Friday night, about nine o'clock p.m., that the verdict came
23 back.

24 So then we go to last Friday at 4:30 p.m., and the
25 judge decides to reverse it and find that -- he didn't -- I

1 guess he didn't like the -- the verdict of the jury, so he
2 decided to say that AdventHealth won and that Attorney Girley
3 and his client lost and reversed the fund -- reversed what
4 they won.

5 So you saw the title. It just said, "Black" --
6 "Black Verdicts Matter." But I do say that when you talk
7 about "Black Verdicts Matter," we -- I feel like, as black
8 people, we go -- we go through all these -- whether we do it
9 the way they think we should legally or whether something
10 happened and this person didn't answer the right question or
11 this person didn't capitulate to what the officer said, no
12 matter how it comes out, it seems like we always end up
13 getting the short end of the stick.

14 But, now, before we even get into this, I believe
15 that God is still gonna take care of this. I -- I just don't
16 believe that God is just not -- God has always provided, he's
17 always been faithful, and yet this -- this -- this --
18 (indiscernible) I can't talk -- this show is faith-based. We
19 believe God is the orchestrator, the finisher, the -- the
20 everything. So I know that the devil has something that he's
21 trying to do. And it's discouraging. Don't get me wrong.
22 But He that endureth to the end.

23 So I believe that God's gonna have his final say
24 and that the devil is just tryin' to discourage Attorney
25 Girley 'cause he's always fighting for the underdog. Anybody

1 knows him, when he takes on a case, he fights to the end.

2 I mean, Cedric and I have both worked with him.

3 We both been in the courtroom with trials. Some trials, you
4 leave feeling like you're just -- well, how you felt, Cedric,
5 when you -- when you know that he's already told you, you
6 know he's presented his case, and then . . .

7 SPEAKER 2: I don't know. Like, you don't want to
8 say hopeless, but I guess that's the closest thing.

9 SPEAKER 1: Right.

10 SPEAKER 2: Right.

11 SPEAKER 1: Because what more can you do when you
12 have a great attorney? Like, if I had to be in -- in trial
13 for something, I would want Attorney Girley to be the one
14 fighting for me. And so you feel like you got the best
15 representation ---

16 SPEAKER 2: Right.

17 SPEAKER 1: --- but then you know there's nothing
18 but the system, as well as everything else that's coming
19 together. But we're gonna go ahead and lay . . .

20 I'm gonna throw this over to Attorney Girley.

21 I said a little bit, but you can give us more.
22 Tell us a little bit about what you want us to know about
23 this trial and what the judge did and how can he do that.

24 MR. GIRLEY: That's a lot of questions there.

25 But again, let me say good evening to everyone.

1 Thank you for tuning in.

2 So I was -- back up and then to a broad
3 perspective, and then we'll zoom in, talk specifically about
4 what happened in this trial.

5 I'm gonna tell you that it's not the first time
6 that it's happened. Okay? And what it reveals is a flaw in
7 our civil rights laws' structure. For all the overcoming
8 that we've done, all the laws that have been put in place to
9 protect our rights, you always have to filter those rights
10 through a white majority. And therein lies the problem,
11 because most consistently throughout history, they have not
12 been willing to honor in reality what they've put on paper.

13 Now, many people quote from Dr. King's "I Had A
14 Dream" speech. It's a very famous speech. He talks about
15 his having a dream that one day his four little children
16 would be -- live in a nation where they would not be judged
17 by the color of their skin but by the content of their
18 character.

19 SPEAKER 1: Yes .

20 MR. GIRLEY: We love the quote, but if you would
21 actually -- and I encourage everyone to do this, because this
22 kind of goes to the core of what happened with this -- with
23 this particular judge and -- and others.

24 But if you read the text of that speech, in an
25 earlier part, he talks about all of the laws that have been

1 passed in this country to help black people since slavery
2 ended, beginning with the Emancipation Proclamation and going
3 on to the 13th Amendment which abolished slavery, then the
4 14th Amendment which gave us equal protection under the law,
5 the 15th Amendment which guaranteed our right to vote. How
6 then, through all of that, the Voting Rights Act of 1965, the
7 Fair Housing Act of 1968, the Civil Rights Act of 1964, all
8 of that on paper says that we have bulletproof rights.

9 But what he talked about in that same speech was
10 that that was like a check, a promise that America wrote to
11 promising blacks that when -- when others challenged and --
12 and violated our rights, we could bring that check to the
13 courts and we could cash that check.

14 SPEAKER 1: Hmm.

15 MR. GIRLEY: What Dr. King said is that when we
16 actually presented the check, we were told that there were no
17 funds in the account.

18 SPEAKER 1: No funds available. Right.

19 MR. GIRLEY: But we don't highlight that part.
20 That essentially is -- what he's saying is that there's a
21 betrayal.

22 SPEAKER 1: Yes.

23 MR. GIRLEY: And -- and if I could tell you, as a
24 civil rights attorney, that thing that he talked about back
25 in 1963, August of 1963, is continually what happens every

1 single time I litigate a case involving a black man who is
2 accusing a white employer of discriminating against him or
3 her. It's just the way that it is.

4 So to get a further understanding -- and I like to
5 use metaphors to try to paint the picture. Litigating civil
6 rights for black people and for brown people in a majority
7 white culture is like climbing up a hundred-foot cliff with a
8 hundred-pound boulder on your back.

9 SPEAKER 1: Wow.

10 MR. GIRLEY: People at the top of the cliff
11 rolling hundred-pound boulders down at you, that you've got
12 to try to avoid as you try to climb.

13 But in that environment, we have gotten juries to
14 agree with us that discrimination has occurred. But
15 consistently we have had judges cut the money, find ways to
16 ensure that our clients at the end of the day did not get
17 paid. Now, that's what happened last Friday.

18 Let me tell you about this particular case,
19 because I've had it happen with a person who was a fireman
20 for Orange County, who got fired twice for doing things that
21 his white colleagues did. We took it to trial, we won. The
22 appellate court overturned it.

23 I've had a lawsuit against the City of Orlando
24 where we were fighting up- -- uphill. The -- the jury ruled
25 in my client's favor. The judge blocked him from getting a

1 single penny. Said he didn't sufficiently ask in his lawsuit
2 for a certain amount of money or a certain type of relief.
3 He got zero. In fact, he owes the City of Orlando money ---

4 SPEAKER 1: Wow.

5 MR. GIRLEY: --- for suing them. So we -- we've
6 seen this.

7 First of all, it's hard for us to even get into
8 the courtroom. And once we get there, the first thing that
9 employers will do is that they will attack all of the black
10 people who are there to serve on the jury. And most
11 consistently the judges will permit them to whiten the jury.

12 SPEAKER 1: Whiten the jury.

13 MR. GIRLEY: So, consistent strategy, from Disney
14 to Florida Hospital, the City of Orlando and Orange County.
15 It happens every single time.

16 SPEAKER 1: Yeah.

17 MR. GIRLEY: So I have to say that the last act of
18 discrimination that a -- a black man will suffer, the last
19 indignity as it relates to discrimination, is that which
20 happens to him or to her at the courthouse.

21 SPEAKER 1: Right.

22 MR. GIRLEY: That's the last act.

23 Now, let me tell you about this guy. His name is
24 Baiywo Rop. It's a Kenyan name. He's from Kenya. He came
25 to this country as a long-distance runner. He went to a

1 community college in New Mexico. He worked his way through
2 school. I mean, as in working 80 hours a week while he was
3 going to undergrad school, 80 hours while he was going to
4 medical school.

5 SPEAKER 1: Oh, wow.

6 MR. GIRLEY: His goal was to be a radiologist.
7 Florida Hospital has a diagnostic radiology program. It's a
8 four-year program. He entered that program in 2013. When he
9 came there, he was a little bit sick, but his -- he had a
10 condition that became progressively worse over time. He was
11 diagnosed with a severe B12 deficiency.

12 Now, you -- you may be thinking, Well, B12, just
13 take some pills. Well, no. Actually, if your body can't
14 process B12, it causes you to have anemia, in the most
15 extreme case. It can cause you to have neurological
16 dysfunction, as in paralyzed. And he was experiencing all of
17 this.

18 SPEAKER 1: Wow.

19 MR. GIRLEY: He went to the people at Florida
20 Hospital, who were his teachers, and he told them -- they
21 were doctors. They misdiagnosed him.

22 One of the complications of the disease is that it
23 causes eyes to be red at all times.

24 SPEAKER 1: Hmm.

25 MR. GIRLEY: The white faculty members simply said

1 he (audio distortion) stop smoking marijuana ---

2 SPEAKER 1: Oh.

3 MR. GIRLEY: --- and he needs to stop being so
4 lazy, which are the stereotypical -- stereotypical things
5 that are said about black people.

6 He told them it didn't have anything to do with
7 marijuana. "I don't smoke marijuana. I don't do drugs. I'm
8 sick."

9 They told him, "You have two weeks to fix your
10 medical condition or you" -- "we're" -- "we're kicking you
11 out of the program." The director of the program said, "Go
12 back to Africa." She literally told him, "You need to go
13 back to Africa."

14 SPEAKER 1: Is that right?

15 MR. GIRLEY: So the jury heard all of this. The
16 jury heard the doctors contradict each other. The jury heard
17 them try to massage and manipulate the facts to account for
18 the fact that they didn't even abide by their own rules,
19 their own guidelines.

20 They started -- when they decided that they were
21 going to kick him out of the program, they started to doctor
22 his scores on the different things that he was supposed to
23 do. When he challenged them about it and said, "Let me see
24 the actual raw data," they refused to show it to him.

25 The jury heard all of that. So the jury

1 absolutely believed -- and I only say this, that even in this
2 case, they tried to whiten the jury. There were four white
3 people who served on the jury, one Latino woman, and one
4 black female.

5 SPEAKER 1: Um-hmm.

6 MR. GIRLEY: The way that the black female got on
7 the jury is that the white woman that was selected called in
8 sick on Monday morning. She wasn't sick. She just didn't
9 want to be there. Called in, and that caused the black
10 person, who was the alternate ---

11 SPEAKER 1: Hmm.

12 MR. GIRLEY: --- to be able to serve on the jury.
13 So this jury was not majority minority. It was majority
14 white. And in that very difficult environment, the jury
15 determined that there was ---

16 SPEAKER 1: Exception.

17 MR. GIRLEY: --- egregious violations of the law,
18 and there -- and that that -- that -- those violations caused
19 Dr. Baiwo Rop severe emotional harm and distress, and stress
20 on his family, and they gave a verdict consistent with it.

21 SPEAKER 1: So I want to ask a question. I know
22 that you talked about "whiten the jury." Can you talk a
23 little bit about how -- the importance of, first of all,
24 people serve -- I know that black people are notorious for
25 trying to get out of jury duty. But tell why it is important

1 for them -- for our faces to be present and for us not to get
2 there and just give random answers to get out of it.

3 You know, I tell people now, because when people
4 come and say, Hey, I have jury duty, I'm gonna try to get out
5 of it, I'm like, "Don't. 'Cause it could be your brother,"
6 you know, "your nephew, your son, whoever. And while
7 somebody else might not understand a certain thing, then we
8 would understand, you know, what that meant."

9 So can you explain a little bit about why it's
10 important to try to get on? I mean . . .

11 MR. GIRLEY: Well, I think you just said it. I
12 mean, it's important to have the various voices in that jury
13 room and to check those people who have biases so that they
14 can -- you know, they were -- in an environment where
15 everyone in the room discussing the matter is white, they're
16 gonna let their biases come through. But if there's one
17 black face in the jury room, that helps substantially.

18 SPEAKER 1: Right.

19 MR. GIRLEY: There are studies that have been done
20 by I think Princeton University, Duke University that
21 establishes this, that diversity on the jury pool is
22 beneficial to minorities.

23 That is why the number one strategy that
24 employers, from Disney to Florida Hospital -- the number one
25 strategy that they use is to try to strike black people off

1 the jury, to get them to say something that will cause them
2 to disqualify themselves or to cause the judge to disqualify
3 them.

4 So on one hand, we can't complain about the court
5 system being unfair to black people but then, on the other
6 hand, not be willing to serve when asked, to -- to bring our
7 perspective and our point of view and our life experiences to
8 that jury room. There's just no substitute for it. We have
9 to have diversity. We need for everyone that's able in our
10 community to serve.

11 SPEAKER 1: Okay. So Brook (phonetic) asked a
12 question, said can you explain how the judge was able to --
13 to reverse the verdict.

14 MR. GIRLEY: Well, so there's something called
15 "directed verdict." Normally, it happens before a matter is
16 submitted to the jury. The judge, as the -- the expert on
17 the law, is listening to make sure there's a minimal amount
18 of evidence that is necessary to actually submit it to the
19 jury.

20 At the end of the plaintiff's -- or the person
21 who's bringing the lawsuits -- after he or she puts on all of
22 their evidence, normally the defendant will say, "There's not
23 enough evidence for the jury to decide this, Judge." If the
24 judge agrees with the defendant, then that's called a
25 directed verdict. It's taken out of the hand of the jury and

1 the judge makes the decision.

2 Now, the law says essentially if there's a shred
3 of evidence, that -- that a reasonable juror could conclude
4 that there was discrimination, then it has to go to the jury.
5 The judge is not permitted to substitute his -- his thoughts,
6 his feelings, his (indiscernible) for that of the jury.

7 You know, when you start out a lawsuit, you have
8 the option of saying "I want a trial by judge" -- that's
9 called a bench trial -- or "a trial by jury." We asked for a
10 trial by a jury. We got a trial by a jury, but in the end,
11 the way that the court ruled, it was a trial by judge. It
12 was a bench trial.

13 In our view, in our humble and respectful view,
14 the judge substituted his judgment for the judgment of six
15 people who sat for six days and looked through all the
16 evidence and came to a very clear conclusion in terms of what
17 they think happened.

18 SPEAKER 1: Right.

19 MR. GIRLEY: Some of the evidence that pointed to
20 discrimination -- and this is kind of getting into the law.
21 One way that a person can prove that they've been
22 discriminated against is when a company has rules and they
23 don't even follow their own rules. That's what happened in
24 this case. You know, Dr. Rop was supposed to be given
25 certain due processes. It's written into their policies and

1 procedures. They didn't do it.

2 Another way that a person can prove discrimination
3 is that -- when the defendant's witnesses contradict each
4 other And they did that. They contradicted each other on
5 the stand. And they had all of these comments that doctors
6 allegedly made about Dr. Rop's competency. When we asked
7 them who made those comments, they didn't have a single name.
8 Not a single name.

9 SPEAKER 1: Wow.

10 MR. GIRLEY: We asked them when these were made.
11 They didn't have a single date.

12 Now, my -- my evidence professor used to say, "One
13 brick a house does not make. But when you have 5,000 bricks,
14 you might have a house."

15 SPEAKER 1: Right.

16 MR. GIRLEY: So there were 5,000 bricks of
17 evidence. And we know what we're going to do, because
18 this -- this jury -- this trial was transcribed. Every
19 single word. We're gonna order the transcript, and we're
20 gonna just publish it to everybody and let them see.

21 SPEAKER 1: Right.

22 MR. GIRLEY: We're gonna make sure that it gets in
23 the hands -- first of all, it's -- we're gonna put it -- put
24 it in the public record, because there has to be an appeal to
25 what the judge has done, and we're gonna invite everyone to

1 look at what Florida Hospital's witnesses testified, what
2 they said, what they actually said during the course of the
3 trial. One brick a house does not make, but there's 5,000
4 bricks to say that they were lying about why they terminated
5 Dr. Rop.

6 SPEAKER 1: Right.

7 MR. GIRLEY: I think that that was clear. It was
8 clear to the jury, and -- and they spoke.

9 So, now, can the judge do that? There's a rule
10 that allows a judge to remit a case where there hasn't been
11 any evidence during the course of the trial presented. And a
12 judge can actually what is called "reserve." But normally,
13 once it goes to the jury, that's it. Because why have them
14 there, right? I mean ---

15 SPEAKER 1: Right.

16 MR. GIRLEY: --- we're going to let them
17 deliberate for three hours and look at all the evidence, and
18 they'd been there six days prior.

19 We tout ourselves in this country on being a
20 nation that permits people to have a jury of their peers.

21 SPEAKER 1: Their peers. Correct.

22 MR. GIRLEY: And that is what we stress right in
23 our government classes, in our civics classes. But in the
24 end, there's a back door that is -- that exists in the
25 system, and that back door is often used to undermine black

1 people and their cases. That's the -- that's the much larger
2 message.

3 Because it's not the first time it's happened.
4 This is about the fourth time where we actually, by climbing
5 that hill that I painted a picture, with the boulder on our
6 backs, got to the top and the jury said yes and the judge
7 said, "No. You get nothing."

8 SPEAKER 1: And they -- but they -- aren't they
9 usually big-name people that that happen with, though?

10 MR. GIRLEY: No. Let's see. It happened with
11 Disney.

12 SPEAKER 1: With Disney. Right.

13 MR. GIRLEY: It happened with Orange County
14 government.

15 SPEAKER 1: Correct.

16 MR. GIRLEY: It happened with City of Orlando and
17 now with AdventHealth.

18 SPEAKER 1: But it also happened (audio
19 distortion) too.

20 MR. GIRLEY: Well, yes, it also -- yeah. I stand
21 corrected.

22 SPEAKER 1: (Audio distortion) I was like, "Yes."
23 Like, they -- they say, "Okay. You were mistreated," but
24 then, "Hey, all that didn't matter. We're" -- "We're not
25 giving you anything." And so it goes ---

1 MR. GIRLEY: Right.

2 SPEAKER 1: --- to almost like you say -- when we
3 say "Black lives matter" every time in the street, like black
4 verdicts matter. Like, I -- I did the due process you told
5 me I'm supposed to do, and then you get to the end, I win,
6 and you say, "No. You lose. 'Cause that's not what I
7 thought they were gonna do."

8 MR. GIRLEY: Well, so let's go back to Dr. King's
9 metaphor, 'cause I think that that's just spot-on. Right?
10 It's a check. It's a promise. The laws that are written in
11 Florida, in California, in New York, by Congress, this is the
12 pledge, this is the promise, here's your protection. We went
13 to the bank, we presented our case, the jury wrote us a
14 check, a decent-sized check.

15 SPEAKER 1: Correct.

16 MR. GIRLEY: We left the bank rejoicing. We were
17 gonna put that check in our account. And the judge canceled
18 the check.

19 SPEAKER 1: That's just -- I -- it doesn't seem
20 real.

21 MR. GIRLEY: Even -- even when we -- even when we
22 win ---

23 SPEAKER 1: We lose.

24 MR. GIRLEY: --- we lose. And (audio distortion).

25 SPEAKER 1: (Audio distortion) unfair.

1 MR. GIRLEY: Let me say this: It's important that
2 we understand that people will do to us only what we permit
3 them to.

4 SPEAKER 1: Right.

5 MR. GIRLEY: So we have to find a way to
6 communicate to the system. 'Cause I'm not isolating on this
7 one judge. Because there's five times that we can talk about
8 that this very thing has happened, we won but we lost. We
9 have to -- to make our voices heard.

10 SPEAKER 1: Yeah.

11 MR. GIRLEY: We do not have -- I wish I could
12 report to you, those of you that are listening, that I see
13 the day coming when we will have equal standing before the
14 law. But my best guess and my best assessment is that that
15 day is the 12th of never. It's just not in the cards.

16 Now -- now, I'm not saying "So despair." I'm
17 saying that we need to point it out. We need to -- we need
18 to -- to elevate it. We need to -- we need to let the world
19 know that there's a sham going on or there's a shell game
20 going on here.

21 SPEAKER 1: Okay. So (audio distortion) ask you
22 about?

23 MR. GIRLEY: Telling everyone else how to treat
24 the minorities within their borders, but we are still not
25 free. At the end of the . . .

1 Let me -- let me -- let me tell you something that
2 came to my mind, and then I'll answer the question that you
3 have, ma'am.

4 There was a case in 1857. It's famous. It's the
5 Dred Scott case. It's **Scott v. Sandford**. A black man had
6 run away from his master, and there was some question about
7 whether or not he had the right to challenge his master in --
8 in the -- in the court system of the United States of
9 America.

10 The supreme court came down with a ruling, which
11 became the law of the land, 1857, and that case has never
12 been overturned. A black man has no rights that a white man
13 is bound by law to respect. I mean, it answers and it speaks
14 to everything that we're talking about right now. At the end
15 of the day, our rights are contingent upon whether or not
16 white people choose to respect (indiscernible).

17 SPEAKER 1: Right.

18 MR. GIRLEY: And that's not a workable situation
19 going forward. So we in the community have to think in terms
20 of what we're going to do to secure our future, to secure our
21 rights for ourselves, for our sons, our daughters, and their
22 children. We have to come up with a better plan. We cannot
23 put our trust in these false systems that have been put in
24 place to window-dress but deliver us at the end of the day
25 nothing but grief and frustration.

1 That's my commentary. I'll respond to any
2 questions that you . . .

3 SPEAKER 1: So we did -- we did get some
4 information that that -- that that what we would -- what his
5 name was? Crump said.

6 SPEAKER 2: That was correct.

7 SPEAKER 1: It was correct. Cedric looked it up,
8 and he sent it to me. So that is -- that was correct.

9 So we had Adelia (phonetic) asked what are you
10 gonna do, are you going to appeal it. But I'm gonna add on
11 to that and want to know, what can we do? What can -- how
12 can we rally with you together? What can we do? Because,
13 you know, there's power in numbers, and we gotta have some
14 type of movement. And I feel like that's a problem that we
15 have now. When things happen, we don't really have any
16 clear-cut direction. So what now can we do ---

17 SPEAKER 2: You can get that judge outta there so
18 it don't happen again.

19 SPEAKER 1: But it usually -- (audio distortion)
20 that judge, but ---

21 SPEAKER 2: You stop (audio distortion) ---

22 MR. GIRLEY: The problem -- the problem is ---

23 SPEAKER 2: (Audio distortion) with him.

24 MR. GIRLEY: The problem -- I'm sorry. I'm -- the
25 problem is systemic, so this is not just that judge. I'm not

1 happy with what happened in this case, and I'm not trying to
2 (indiscernible) now. And so ideally the answer is absolutely
3 we will appeal it.

4 But let -- let's talk about that whole thing.

5 There are people who have a certain point of view
6 at the appellate court, the Fifth DCA, which sits in Daytona.
7 There's not a single black person there.

8 SPEAKER 1: Hmm.

9 MR. GIRLEY: Okay? So in effect, what we're
10 saying is, to one group of white people, hold this particular
11 person accountable for what he did to these black people.

12 Statistically, it doesn't work out. But we are
13 going to appeal, because that's what we should do. Because
14 the court completely got it wrong. The record is replete and
15 in -- and there's an abundance and a plethora of information
16 and factual evidence to establish that the jury was well
17 within the ballpark, that there was an overabundance amount
18 of evidence that made this something that should have gone to
19 the jury. So of course we're going to appeal.

20 But let me get to the second part.

21 What can we do alongside of that and ahead of the
22 appeal? So one of the things that we're planning to do --
23 and for now, the target date is June the 12th. We're going
24 to actually have a "faith and justice" rally right at the
25 courthouse. And the name is -- and that's the working name

1 right now. It may be changed to something else. "Faith"
2 because at the end of the day, we gotta trust God.

3 SPEAKER 1: Yes.

4 MR. GIRLEY: I mean, we've got to look to Him to
5 give us the deliverance and the help and the protection that
6 we need. And I'm not playing it down. You know, I'm not
7 being like fatalistic in the sense that only God's gonna
8 (indiscernible) solve this. No. We gonna do some stuff on
9 planet Earth.

10 But at the end of the day, this is something that
11 God will have to address, because it's not in the hearts of
12 those in -- in the -- in power, and that includes the
13 appellate court, I would say, to right the wrongs that have
14 been committed against us, because it -- it makes financial
15 sense to them to keep us in a place where we are beholden to
16 them.

17 SPEAKER 1: Right.

18 MR. GIRLEY: A \$2.75 million verdict, they don't
19 want that out there 'cause ---

20 SPEAKER 1: Right.

21 MR. GIRLEY: --- now everybody that is being
22 discriminated against is gonna step forward and file a claim,
23 and the courts don't want to hear it.

24 You know, one of the things that I run into in
25 filing these civil rights cases -- which a lot of times the

1 courts treat these as though it's a waste of their time, it's
2 a waste of -- of the court's resources and energy. These
3 cases are treated like stepchildren. And in the federal
4 system, 75 percent of the time, you never get to a trial.
5 The judge dismissed the case before it even gets to the
6 trial.

7 So when we file a lawsuit, you know, in many
8 cases -- like last year, there was a case that we had in
9 Daytona. It was myself, my assistant, and the -- the client,
10 who was African-American male. Everybody else in the
11 courtroom -- the janitor, the judge, the deputies, the clerk,
12 everybody was white. The jury.

13 So we're sitting in the room and we're asking one
14 group of white people to hold another group of white people
15 accountable for what they did to black people. The system is
16 not designed to give us a positive, a reliable, consistent
17 (audio distortion).

18 SPEAKER 1: Right.

19 MR. GIRLEY: Now (indiscernible) and you have what
20 we call (indiscernible), but consistently they find a way to
21 cut the money. Even when we prove the case, they found a way
22 to cut the money. So we -- we have to get inside of our
23 head. We gotta circle our wagons, and we've got to become
24 more imaginative.

25 What can we do to (indiscernible) the case? In

1 the case of Florida Hospital, or AdventHealth, they claim to
2 be a Christian organization.

3 SPEAKER 1: Um-hmm.

4 MR. GIRLEY: No. Really. Seriously. And so we
5 need -- we need to appeal to them on that level.

6 What -- what we can do, what you as a community
7 can do? First of all, you can learn the facts of this case,
8 'cause I don't want you runnin' off half-cocked. We're gonna
9 publish as -- as many facts as possible, and when we get the
10 transcript, we're gonna make that available. And with that,
11 you're going to see where their doctors came to court, raised
12 their hand and took an oath to tell the truth and lied
13 through their teeth.

14 Now, Florida Hospital, as a neighbor in this
15 Orlando community, needs to be better, needs to do better.
16 And that doesn't have anything to do with the court. We can
17 put that kind of pressure on Florida Hospital. We can do a
18 letter-writing campaign. We might even need to do some
19 strategic demonstrations at some of their high -- some of
20 their main campuses.

21 We're only limited by our imagination. But we
22 can't just continue to run into the court time and time again
23 and have the same result, because that's Al Einstein's
24 definition of insanity.

25 SPEAKER 1: (Indiscernible).

1 MR. GIRLEY: Doing the same thing over and over
2 and expecting different results.

3 Now, I'm a lawyer. I'm gonna continue to bring
4 the cases as long as the law is there, because people died
5 for -- to put that law in place. Literally, people died ---

6 SPEAKER 1: Correct.

7 MR. GIRLEY: --- for that law to be in place, and
8 so I'm gonna prosecute that law every chance I get when
9 there's a legitimate case like Dr. Rop.

10 Dr. Rop grew up 10,000 feet above sea level in a
11 Kenyan village of 200 people.

12 SPEAKER 1: Hmm.

13 MR. GIRLEY: He wanted to be a doctor, because
14 from the age of 6 all the way through the time that he
15 graduated high school, friends and family were dying from
16 malaria.

17 SPEAKER 1: Oh wow.

18 MR. GIRLEY: When he was a senior in high school,
19 he got malaria six times. He fought through that, he
20 struggled, he worked, he came here, he got sick, and they
21 said, "Go back to Africa."

22 SPEAKER 1: Hmm.

23 MR. GIRLEY: "Go back to Africa. You need to
24 [indiscernible]. You need to - you need to man up and . . ."

25 So the question is not what they can do for us.

1 The real question is what -- what can we do for ourselves?
2 So we're gonna have the rally. And a rally is an event.
3 They're willing to wait us out, you know. They -- we march
4 in times of police shootings and other things like that.
5 Police violence. We march, we picket, we protest, but then
6 we go home, and they wait us out.

7 SPEAKER 1: Right.

8 MR. GIRLEY: It happens again and again.

9 So we will have that rally, because we just want
10 to bring the community together and just show them that we
11 are aware, that you're not gonna do this time and time again
12 and let it go under the radar screen.

13 SPEAKER 1: Right.

14 MR. GIRLEY: But beyond that, we have to come up
15 with strategies to ensure that our neighbors -- when I say
16 "our neighbors," Disney, the City of Orlando, Orange County,
17 AdventHealth -- if they're gonna be better neighbors. But
18 we're going to find a way to hold them accountable.

19 SPEAKER 1: Um-hmm.

20 MR. GIRLEY: That's what we'll be planning. And
21 we need all ideas. We need all people who care about
22 justice.

23 We'll let you know. We'll give you more details
24 in terms of when that rally is. And there's no substitute
25 for having your bodies in the place.

1 And we're not gonna storm the -- the doorsteps of
2 the courthouse. We're not gonna come and be foolish and
3 rally and violent. We're gonna come peacefully and we're
4 gonna bring our check and we're gonna say, "Can we get our
5 check cashed?"

6 SPEAKER 2: Right. Right. None of that.

7 MR. GIRLEY: We -- we have waited patiently.

8 SPEAKER 1: Yeah.

9 MR. GIRLEY: It's been 158 years since the
10 Emancipation Proclamation was signed. We have waited. It's
11 time for America to sign the check.

12 SPEAKER 1: All right. Cedric has something.

13 SPEAKER 2: He says even though it's just -- not
14 just that judge, a very good place to start is the voting
15 process, because all cases are public record. Sharing the
16 names and the rulings would help remove them from the bench
17 but most importantly could convey to people of color the
18 importance of voting in local elections; i.e., judges, school
19 boards, mayors, and other political positions.

20 SPEAKER 1: I was thinking about that when we were
21 talking about removing Judge Weiss. I know that's not what
22 you're saying, but that's what we're saying, remove Judge
23 Weiss. We can start with one.

24 But the thing about it is that, um, when it's time
25 to vote for judges, no one ever knows. Like, you know, we

1 call you for, you know, an opinion or "Have you dealt with
2 this judge? How was it?" 'Cause you'll tell me they're
3 fair, they (indiscernible) -- you know, whatever. But, like,
4 everybody doesn't know that information.

5 And so even in the -- in -- in the future, if we
6 have a list of judge that -- that's not the best, then we'll
7 know, "Okay. We know that." Because otherwise, you're just
8 checking the box. Even -- even -- even though --
9 (indiscernible) -- even those of us who do vote, we don't
10 know who we're voting for 'cause it's just another name of a
11 judge.

12 MR. GIRLEY: Well, let's just back up and talk
13 about voting in general. In case you haven't been paying
14 attention, there's been a proliferation of legislation aimed
15 at making it difficult for us to vote.

16 SPEAKER 1: Correct.

17 SPEAKER 2: Yes.

18 MR. GIRLEY: So yeah, we should take voting very
19 seriously, but we should also understand that they're trying
20 to cook the books in that respect too. They're trying to
21 alter the playing field further, making it difficult for
22 people who look like you and me to -- to be able to vote.

23 I just want you to understand, you know, because I
24 am a pastor and I am a civil rights attorney, that the law
25 really does in the end have an answer for what we're dealing

1 with, 'cause what we're dealing with lies within the hearts
2 of men and women, and there's a determination to keep certain
3 people on top and others on the bottom. And as it turns out,
4 we are the ones chosen to be on the bottom.

5 SPEAKER 1: Right.

6 MR. GIRLEY: From the inception of this mason
7 (phonetic) to the present hour, black people are on the
8 bottom. Now, let me quantify that statement. The majority
9 of white people own their own homes. The majority of black
10 people rent their own homes -- rent their homes. So we live
11 literally -- we literally live in someone else's house.

12 SPEAKER 2: Right.

13 MR. GIRLEY: My (indiscernible) used to say to --
14 to me when I was growing up, and to my siblings, "You will
15 never be grown up in this house. You can never be equal."
16 We literally live.

17 One of our issues is that we, you know, don't own
18 our own businesses, so then we can hire our own people.

19 SPEAKER 1: Right.

20 MR. GIRLEY: We at least ensure that if we hire
21 them and we fire them, it's not because they're black. It's
22 'cause . . .

23 SPEAKER 2: The performance basis.

24 MR. GIRLEY: Right. So, I mean, that sounds
25 funny, but that's how it goes. If you don't own anything,

1 you can't run anything.

2 SPEAKER 1: Right

3 MR. GIRLEY: You can't protect your -- yourself
4 and your people in your community the way that you need to,
5 the way that the majority of the population's able to protect
6 themselves and their -- and their people in their community.

7 SPEAKER 1: Okay. So we are ask -- we have
8 questions and stuff coming through. I know we have.

9 MR. GIRLEY: Oh. Let me do one thing, 'cause I'm
10 getting some feedback from someone here with me.

11 SPEAKER 1: Listen ---

12 MR. GIRLEY: (Indiscernible).

13 SPEAKER 1: (Audio distortion) spoken to us
14 from -- from out of town. He's doing a trial somewhere else.
15 So, you know ---

16 MR. GIRLEY: So earlier -- earlier, when I
17 started, I was talking about the jury. And there was a woman
18 that didn't show up. I said I think -- and I should have
19 said "I think" that she didn't show up because she had
20 childcare issues. She said that during the jury selection
21 process. And then on Monday, she called in and said she was
22 sick. I suspect that it was more about the childcare issues
23 than sickness. But I don't know, so I'm gonna correct myself
24 on the record and say I don't know.

25 But, you know, I'll say this part, and I -- and

1 I'll stand by this, because it's a faith statement. When
2 you -- Angie and Ced, you know the process of jury selection.
3 Each side gets three people that they can challenge.

4 SPEAKER 2: Right.

5 MR. GIRLEY: Those are called peremptory
6 challenges. We were out of peremptory challenges. We -- so
7 we -- we ran out of peremptory charges (sic) one person
8 before the black woman who we were trying to get on the jury.
9 So what happened over the weekend is that God used one of his
10 peremptories and made sure that the -- the jury was
11 inclusive.

12 SPEAKER 1: (Indiscernible).

13 MR. GIRLEY: That's what I think happened.
14 Somebody's faith went through. But I don't really know
15 whether the woman was sick or not, to -- to be factual.

16 SPEAKER 1: Okay.

17 MR. GIRLEY: Okay. I just suspect. So I wanted
18 to just clear that up. I've been told (indiscernible).

19 SPEAKER 1: I see -- I see your (indiscernible)
20 you tell her to go. I -- I knows that.

21 MR. GIRLEY: No. It is what it is.

22 SPEAKER 1: But Cedric's comment, I do believe that
23 we need some assistance, Attorney Girley. I don't know what
24 you think the best way to do that is when we come to the
25 judges.

1 SPEAKER 2: Right.

2 SPEAKER 1: Because everybody calls me ---

3 MR. GIRLEY: Here's my -- let me - let me -- yes.

4 So yes, we need to have a guide, and we can work on that.

5 SPEAKER 1: Okay. So ---

6 MR. GIRLEY: (Indiscernible).

7 SPEAKER 1: I have a -- you know I have a lot
8 of -- a large personal -- people on my personal page, and
9 they -- but I do get a lot of calls or texts. They're like,
10 Hey, you know anything about Judge . . . Basically, he shot
11 me 'day, they battered. Like, I -- I don't know.

12 (Indiscernible) I don't know. So . . .

13 MR. GIRLEY: Now, I would say this,

14 (indiscernible): A long shot in that, because it --

15 certainly we need to be able to -- normally the people who --
16 who run against judges are lawyers who are angry with judges
17 for bad decisions that they've made.

18 So you can be a judge and you don't know -- you
19 don't have to know the law, actually. You just have to have
20 been a lawyer for five years in good standing and maybe you
21 know the governor and he appoints you, or you put your signs
22 out in the front yard and convince enough people to vote for
23 you.

24 But you don't have to know the law to be the
25 judge. That's crazy. There's no minimum requirement that

1 you pass a certain competency test to be a judge, just be a
2 lawyer for five years.

3 Now, in the area of judges and ---

4 SPEAKER 1: Yeah.

5 MR. GIRLEY: --- and so many other things, we need
6 qualified and competent black people and brown people running
7 for office. I mean, that's one of the things that we need to
8 get to. That's -- globally, people refer to that as self-
9 determination.

10 SPEAKER 1: Okay.

11 MR. GIRLEY: That's the one that we don't have.
12 We have depended on other people to look out for us. That's
13 never worked anywhere on planet Earth. All you're left with
14 is promises, and we know what happens with the checks when we
15 go to the bank.

16 SPEAKER 1: Insufficient funds.

17 MR. GIRLEY: Insufficient funds or there was funds
18 in it but I'm gonna cancel the check.

19 But we have to get to the place where we are
20 controlling our economics, where we're owning more
21 businesses, and -- and we're in positions where we can hire
22 people and protect people who are being unfairly targeted in
23 employment settings. We have to own land, we have to own
24 houses.

25 SPEAKER 1: Yes.

1 MR. GIRLEY: We have to do those things, because
2 that's what people have done throughout time immemorial to
3 secure their own safety. They've carved out safe space for
4 themselves and for their family and for their children and
5 their children's children. We have spent 158 years asking
6 other people, believing and trusting in good faith that other
7 people would do those things for us. They promised us they
8 would.

9 SPEAKER 1: And they lie.

10 MR. GIRLEY: You need to understand historically.
11 And I'm not making a partisan statement. I'm making a
12 historical statement. When black people were first able to
13 vote, the majority of them were Republicans. That was --
14 because that was the party of Abraham Lincoln.

15 What caused black people to stop being Republicans
16 is that in 1876 there was a contested presidential election
17 like the one we just had. So the Democrats, who were the
18 Southerners at that time, the slave owners or the former
19 slave owners, the segregationists, they came to the
20 Republicans, and they said, "Listen, we'll let your guy,
21 Rutherford B. Hayes, become the president, but here's the
22 deal. You gotta let us treat black people the way we want to
23 treat them. You gotta turn your back on black people and
24 just let us deal with 'em the way . . ."

25 You know what the Republicans said? "Yeah. We'll

1 take that deal.”

2 SPEAKER 1: I bet they did.

3 MR. GIRLEY: Threw us way under the bus. Then
4 they backed the bus up and ran over us. These were our
5 friends. These were our allies. And we have had that
6 experience in America ever since. Our allies. We’ve got to
7 be our own allies.

8 SPEAKER 1: Okay. So let me -- let me -- we’re
9 not gonna ask (indiscernible) earlier. He said, does voting
10 for the judge matter if the system itself is so tainted?

11 MR. GIRLEY: Well, yes, we should always vote
12 (indiscernible). But we should find qualified black and
13 brown people who understand the struggle. ‘Cause there are
14 black people who have the credentials, who don’t understand
15 the struggle, that -- who don’t even know that they’re black,
16 who don’t even want to identify with being black. There’s
17 one on the supreme court.

18 That’s not -- that’s my opinion. That’s my
19 opinion. I’m sorry. Not trying to offend anybody, but . . .

20 So it’s not just the color of the skin, but it’s
21 people who understand the struggle, who are not necessarily
22 anti these but just pro all people being able to come up.

23 SPEAKER 1: Right.

24 MR. GIRLEY: Or being able to sit at the table of
25 brotherhood and eat and be protected and not have to worry

1 about what happens when the police pull behind you. And I'm
2 60 -- and I told someone this recently. If -- if the police
3 pull behind me and follow me for more than three blocks, I'm
4 tensin' up, and I know -- I know that I ain't done nothin'.

5 SPEAKER 1: Right.

6 MR. GIRLEY: But I know where we live, and I know
7 that all they have to do is say that they feared for their
8 lives and that I was reaching for something. Case closed.

9 SPEAKER 1: Right.

10 MR. GIRLEY: In most instances.

11 SPEAKER 1: Right.

12 MR. GIRLEY: That's not -- not how we
13 (indiscernible) should have to live that way.

14 SPEAKER 1: All right. So we had a couple
15 comments. I've had several said, "Speaker [indiscernible]
16 the devil, we that represent God should walk in truth even
17 when it's against" -- "against me." You were talking
18 about -- when you were talking about holding AdventHealth and
19 Disney and things like that accountable, especially being a
20 Christian organization.

21 "Voting" -- "Voting is a legal process that sounds
22 the alarm that the system is broken. We can't talk about
23 police brutality and systematic racism without taking action
24 against those in high places, political and private."

25 Brook says, "Clarence Thomas doesn't know. He

1 don't know. He don't even know he's black." How would --
2 well, you do the TikTok. How would he know?

3 MR. GIRLEY: He -- he knows, but he's just not --
4 you know, throughout time -- and, you know, if you go back to
5 Palestine during the time that Jesus lived, there were
6 publicans. Not Republicans, but publicans. And the
7 publicans were Jewish people who helped the Roman government
8 collect taxes from the Jews. They were despised.

9 SPEAKER 1: Right.

10 MR. GIRLEY: They were -- they were considered
11 the -- you know, we have names for black people who do things
12 like that. But there -- in any group where people are
13 oppressed, there have always been people who have joined in
14 with the oppression because it -- it was beneficial to them
15 individually.

16 SPEAKER 1: Yes.

17 SPEAKER 2: Right.

18 SPEAKER 1: That's why I believe you can't -- it's
19 hard for us to stick together right now. Because if I ask
20 somebody, it's gonna -- it's gonna gain for me to have a
21 relationship with this person, then if I go against them,
22 they're just gonna take something from me.

23 But until we're willing to sacrifice something --
24 because that's not my \$2.7 million, but I feel like it is,
25 because what happens if that was my case. And it could --

1 very well could be my case or my brother's case or my
2 husband's case or my mother's case. It could be somebody in
3 my family's case.

4 So I don't have the -- that's what we do now. We
5 wait until our brother is killed, our sister, cousin, whoever
6 killed, then we want to rally. But when it was Trayvon and
7 Jamir (phonetic) Rice and (indiscernible), whoever -- when it
8 was their time, let's rally with them. And I've always said
9 that it doesn't matter until it hits us, but it shouldn't be
10 that way.

11 Why you think these other communities stick
12 together like they do? They in places because it's not about
13 me and you, but it's about us. I know that at any given time
14 when we -- when we -- when we grow, we all move forward.

15 MR. GIRLEY: Well, I mean, the -- there is an
16 intent there when we teach anality (phonetic), I think, to
17 make you -- those of us that are in the black community and
18 other disadvantaged communities, to put in our minds that
19 it's not worth it, that you can't win.

20 My father told me a story when we were younger,
21 about how they trained an elephant, a baby elephant. They
22 would chain it to a pole. And the elephant would try to pull
23 away from that pole, but he just -- he couldn't. So the day
24 came when he -- he just gave up. Now he's this mega mammoth,
25 full-grown elephant. Still tiny chain. The elephant doesn't

1 try. With one toe, he could break the chain. But the chain
2 is on his mind. And I think ---

3 SPEAKER 1: Break out of the chain.

4 MR. GIRLEY: --- that the chains that we have to
5 deal with ---

6 SPEAKER 2: On the mind.

7 MR. GIRLEY: --- is in our minds.

8 SPEAKER 2: Yep.

9 SPEAKER 1: Correct.

10 MR. GIRLEY: We have got to move to a better place
11 mentally and, if necessary, geographically let . . .

12 Today is the anniversary -- the hundredth
13 anniversary of the Tulsa race riot.

14 SPEAKER 1: Oh. That was a good documentary last
15 night.

16 MR. GIRLEY: Now, I'll put this shameless plug out
17 there, but one of the persons that was central to starting
18 the Black Wall Street was a distant relative of mine from
19 Pine Bluff, Arkansas, where my family's from. O.W. Gurley.
20 If you look him up, he's -- he was -- he's the one who bought
21 the land to start it out.

22 But he had a dream. It wasn't quite like
23 Dr. King's dream. His dream was: Black people, we're gonna
24 build our own movie theaters, our own beauty salons, our own
25 supermarkets, our own funeral homes. We're gonna build a

1 Black Wall Street. Which is what it became -- came to be
2 known as. And it was so prosperous that the white majority
3 community was envious of -- of it, and we know what happened.

4 But that dream that he had, in my humble
5 estimation, has to be revisited

6 SPEAKER 1: Amen.

7 MR. GIRLEY: We cannot sit around and try to come
8 up with a new law. Because if we come up with a new law and
9 it's the same people enforcing and interpreting the law,
10 we're gonna have the same outcome.

11 SPEAKER 1: Right. How about (indiscernible)?
12 Can we start it now?

13 SPEAKER 2: Yeah.

14 MR. GIRLEY: Well, let me get ---

15 SPEAKER 1: Somebody's comment.

16 MR. GIRLEY: Black Wall Street was a city within
17 the city. It was a safe zone. It was a place where African
18 Americans cooperated with each other's -- each other, loved
19 and respected each other. There's no law that has to be
20 passed, either in Tallahassee or in Washington, D.C., for
21 it -- for that to happen.

22 SPEAKER 1: Right.

23 MR. GIRLEY: Just vision. Just take the chains
24 off our own -- off our minds. Plus we gotta stop being
25 renters and ---

1 SPEAKER 1: Hmm.

2 MR. GIRLEY: --- and start owners.

3 SPEAKER 1: Um-hmm. Um-hmm.

4 MR. GIRLEY: Not -- and consumers (phonetic) and
5 start being producers.

6 Now, notice it was -- yes.

7 SPEAKER 1: Okay. Ced just said, "So walkin'
8 through, they may have passed the buffet. Amen."

9 (Indiscernible) says, "June 12th is a Saturday.
10 Won't the courthouse be closed?"

11 MR. GIRLEY: Well -- and I'm gonna let Brook speak
12 to that.

13 It's not -- it doesn't matter whether the
14 courthouse is open or closed. It's just the setting.
15 Because this is ---

16 SPEAKER 1: All right. If you want to come on --
17 I sent you a link in your inbox if you want to come on and
18 explain that real quick so -- instead of trying to type it
19 all. But it's up to you.

20 MR. GIRLEY: You know, so I'm gonna say this:
21 It's not one event that we're planning to do. That is the
22 first event. Because, like I said, they are used to us doing
23 events. They're used to us getting angry and coming with our
24 signs. But we need -- need to get beyond anger. We need to
25 get beyond reaction. We need to get to full action.

1 SPEAKER 2: That's right.

2 MR. GIRLEY: Because that's where -- that's where
3 the salvation is.

4 And -- and sys- -- (indiscernible), you said
5 something earlier. I just -- I really think that we needed
6 to go back to this.

7 The \$2.75 million that was taken by the stroke of
8 a judge's pen, that was a theft to -- to (audio distortion).

9 SPEAKER 1: Yeah. Yeah.

10 MR. GIRLEY: That's how I honestly feel. Because
11 it -- it says, "What's the use?" And that's ---

12 SPEAKER 1: (Indiscernible).

13 MR. GIRLEY: Even when we win ---

14 SPEAKER 1: We lose.

15 MR. GIRLEY: --- (indiscernible).

16 But here's the one thing. 'Cause I've been saying
17 a lot. I do have a dream. I do have a vision. I know that
18 God is a God of justice and that he will not suffer injustice
19 to exist in perpetuity. So I see us coming out all right in
20 the end.

21 SPEAKER 1: Right.

22 MR. GIRLEY: But we can do the things that we can
23 do (indiscernible).

24 SPEAKER 1: Right.

25 MR. GIRLEY: We don't need brimstone raining down

1 from heaven, the rivers turning red with blood to get
2 together and agree that we're gonna spend our money on
3 ourselves and that our (indiscernible) -- now don't throw no
4 stones at me -- that we're going to let our black sisters do
5 (indiscernible).

6 SPEAKER 1: Right. Right.

7 SPEAKER 2: Man.

8 SPEAKER 1: I ain't goin'. No. I'm with ya.

9 MR. GIRLEY: And I see ---

10 SPEAKER 2: (Indiscernible) doin' that.

11 MR. GIRLEY: Because that's how you keep commerce.
12 That's how you create commerce, and that's how you create
13 independence.

14 SPEAKER 1: Yes.

15 MR. GIRLEY: Supporting each other economically.
16 It's the very thing that we've been discouraged from doing
17 all of our lives. We've been told that we've got to work for
18 somebody else

19 MR. GIRLEY: You better get a good job. How about
20 make a job?

21 SPEAKER 1: How -- how about that?

22 MR. GIRLEY: I'm not talking about saying I got my
23 own business. But you never go out to work, can't pay your
24 bills. I'm talking about getting out there and actually
25 doing some stuff.

1 SPEAKER 2: Yeah.

2 MR. GIRLEY: We've been taught to trust people, to
3 depend on other people too long. To change, there's still
4 (indiscernible).

5 SPEAKER 2: Depend on people that don't like you.
6 We're -- we're crazy for it.

7 MR. GIRLEY: Right. So, you know, there's a --
8 there's a saying: If you -- if you do -- do me wrong once,
9 shame on you. If you do me wrong twice, shame on me.

10 SPEAKER 1: Right.

11 MR. GIRLEY: You -- what can we do to help
12 ourselves? That's the conversation -- the intracommunity
13 conversation that we need to have. What do we need to do to
14 help ourselves? There are some things that are beyond our
15 control, but there's some things that are within our control.

16 SPEAKER 1: Correct.

17 MR. GIRLEY: And I don't think that we have done
18 enough in terms of that.

19 I'm not worried. I'm aggravated and frustrated
20 about what happened. I'm hurt for my client, as I always am
21 when they go through the process. And this is a four-year
22 process. This lawsuit was filed in twenty (indiscernible).

23 SPEAKER 1: What (indiscernible) get justice, and
24 then with the stroke of a pen, he takes it away.

25 MR. GIRLEY: (Indiscernible).

1 SPEAKER 2: Um-hmm.

2 MR. GIRLEY: I'm (audio distortion) that. I mean,
3 (audio distortion) conversation.

4 SPEAKER 1: But it's just the fact that that's
5 another lengthy process that you gotta go through. When I
6 already did what you told me the system says I have to do. I
7 had a jury of my peers -- not necessarily my peers -- but my
8 peers said, "Even with all the roadblocks you threw," I still
9 won. And you try to take what -- you took it away
10 temporarily.

11 MR. GIRLEY: Right.

12 SPEAKER 2: Yeah. Yes, but this is the way I look
13 at it, though, is, that the energy that you're gonna use to
14 correct what he did, you could have been using that to help
15 somebody else or to do something else for someone else.

16 SPEAKER 1: Right. You could have been your
17 own -- you're not talking about the client ---

18 SPEAKER 2: Right.

19 SPEAKER 1: --- what it is.

20 SPEAKER 2: Right.

21 SPEAKER 1: You know, you're always fighting for
22 each client.

23 MR. GIRLEY: Yes. And that's -- it's a theft.
24 When you say it's a theft to the community, that's -- in that
25 way, Cedric, it is a theft. Honestly, I agree with you on

1 (indiscernible).

2 SPEAKER 2: Yeah. 'Cause you can't get that time
3 back. You can get the money back, but you can't get that
4 time back.

5 MR. GIRLEY: Right.

6 SPEAKER 1: Brook says she picked this Saturday
7 when folks will be free, but we can change it to a weekday.
8 We'll figure it out and let you know.

9 So one of you guys have to come on here and give
10 some information, 'cause I don't want us to be -- you
11 (indiscernible) the refliers (phonetic), 'cause we do a lot,
12 and somebody come on and say, you know, whatever your plan is
13 and we can do it that way.

14 MR. GIRLEY: Just let me -- I'm sorry,
15 (indiscernible). Go ahead.

16 SPEAKER 1: This says that -- (indiscernible)
17 'cause the system always changes, always change the finish
18 line.

19 (Indiscernible) -- now that is nothing but the
20 truth. I always say ---

21 MR. GIRLEY: Amen for that, (indiscernible).

22 SPEAKER 1: I mean, do it this way, you win. Did
23 we get there? Almost.

24 You remember that commercial where the guy had the
25 fishing pole and he was dangling it for the dollar?

1 SPEAKER 2: Dollar.

2 SPEAKER 1: And he was like, "Almost." You
3 remember that? It was like a ---

4 SPEAKER 2: It was an insurance commercial.

5 SPEAKER 1: Savings, like a savings commercial.
6 Like, it was like, "You almost got it." That's how I feel
7 like our life is as black people. We almost -- almost.
8 Like, come on, man. Like, they are just that afraid of us
9 that they won't even let us have equal playing field. And
10 even when we play behind the eight ball and we win, they
11 still don't want us to win.

12 MR. GIRLEY: Well, the system is structured for
13 you to be subservient. You and people who look like you.
14 That includes me. But we are human beings. We need to stop
15 saying it and start demonstrating it. Because human beings
16 find a way. They always do throughout history ---

17 SPEAKER 2: Right. Right.

18 MR. GIRLEY: --- to be free.

19 SPEAKER 1: Well, Attorney Girley, I definitely
20 appreciate your fight. I've seen you fight endlessly,
21 tirelessly, up all times of night, up early in the morning,
22 not even eating, which is not good for your (indiscernible),
23 and you so focused on helping people and to fight.
24 Sometimes -- sometimes to fight the people, sometimes to
25 fight the judges.

1 And -- but, you know, it's like you fighting on
2 all the aspects and you fighting spiritually, which is the
3 way I believe this whole thing is. It's a spiritual attack.
4 Because like you said, if I can get you mentally -- and
5 people just not going to be -- like no matter if I take it to
6 court, they gonna take my stuff away. Then it's a -- it's
7 more chain on our mind, and so . . .

8 MR. GIRLEY: And that's what -- that's what
9 they're trying to do, rechain our minds, right?

10 SPEAKER 1: Yeah.

11 MR. GIRLEY: To say, "Ah. You" (audio
12 distortion).

13 SPEAKER 1: "Y'all getting a little too much" --
14 "too much free-thinkin'."

15 SPEAKER 2: You thought -- you talk about all men
16 are free, created equal? No, not to y'all.

17 SPEAKER 1: Seriously. Like, they depend on us
18 getting angry and quitting, giving up. And you feel like it,
19 though. Like, I can't even imagine how Attorney Girley
20 feels. I know just in the limited stuff that we've done, and
21 you just feel like, what's the use? Like ---

22 SPEAKER 2: Right. Well, I noticin' too at some
23 of those big trials where the judge be very amenable the
24 first couple days, but once it gets down to the end and the
25 judge notices that that big company is losing, then they

1 completely do a 180 on it and turn into A Mr. Hyde. You know
2 what I mean? Like, just not speakin', upset with you every
3 little thing. They on you like -- they -- they don't -- the
4 just -- it's set up. They don't want to see you win.

5 MR. GIRLEY: Right. You know what I -- I said --
6 'cause I do believe that there's bias in the system. But
7 what I said to Brook when she first start practicing, it
8 was -- and Brook can speak for herself. It was frustrating
9 to her, it was aggravating to her. I said, "Brook, you know
10 what? At the end of the day, we don't have to run and jump
11 in our cars because there's a lynch mob literally ready to
12 chase us and try to kill us." And that's the environment in
13 which Thurgood Marshall and his colleagues lived.

14 SPEAKER 1: Yeah.

15 MR. GIRLEY: That was the system against them, you
16 know, philosophically, legally. But there are people out
17 there ready to kill them physically, literally ---

18 SPEAKER 1: Yeah.

19 MR. GIRLEY: --- and we don't have that. But
20 that's probably the only thing that's missing, is that.

21 SPEAKER 1: Right.

22 MR. GIRLEY: Because we have the same level of
23 animus and hostility. And like I say, I always get the
24 sense, when I bring these civil rights cases, that it's a
25 bother, it's -- it's -- it's like a nuisance. Some of the --

1 some of them ---

2 SPEAKER 1: (Indiscernible).

3 MR. GIRLEY: --- don't really see that -- see it
4 as real law, and that's problematic.

5 SPEAKER 1: Yeah.

6 MR. GIRLEY: 'Cause whatever they have in their
7 hearts and their minds, they bring it to the bench. We
8 all -- we all own (phonetic) some sort of all of our life's
9 experiences, but that all has worked toward the detriment of
10 black people. But giving up is not an option.

11 SPEAKER 1: Not an option.

12 MR. GIRLEY: Quitting? It's too important to your
13 children. If not for me, for my children and for all -- why
14 do -- what -- why do I do the things that I do? For your
15 children and mine ---

16 SPEAKER 1: Yeah.

17 MR. GIRLEY: --- and their children. Someone has
18 to make sacrifices.

19 SPEAKER 1: Yeah. Pastor Girley, we say we doeth
20 in the word, not just His, so said God in his word.

21 MR. GIRLEY: Yeah. Someone said to me this week,
22 "Freedom has never been free."

23 SPEAKER 1: It has never been free.

24 MR. GIRLEY: (Indiscernible) had to pay for it.

25 SPEAKER 1: You're right. Um-hmm. Um-hmm.

1 MR. GIRLEY: If you know black history ---

2 SPEAKER 1: You gotta have skin in the game some
3 way.

4 MR. GIRLEY: Yeah. Someone paid for these
5 liberties that we have. We can't just take from the well.
6 We have to give back to the well. You gotta look ---

7 When I was in China four years ago, you know,
8 while America was over here trying to figure out who was
9 gonna win the next presidential election -- and I guess at
10 that point it was three years away -- we were planning about
11 what we were going to do, we were working on their hundred-
12 year plan. Hundred-year plan.

13 We are too shortsighted in our perspective. We
14 need a broad plan. What -- what do we want for our great-
15 grandchildren? What kind of America do we want ---

16 SPEAKER 1: Yeah. Mess.

17 MR. GIRLEY: --- to live in?

18 SPEAKER 1: (Indiscernible).

19 MR. GIRLEY: What sacrifices ---

20 SPEAKER 1: Are you willing to make.

21 MR. GIRLEY: --- willing to make to ensure that
22 they don't have to put up with what we are putting up with.
23 If you're not willing to make sacrifices, then you're just a
24 voice, you're just hot air and just going through the
25 motions. And you're allowed to do that. This is America.

1 But we need people who get the big picture, that freedom is
2 not free and sacrifices will have to be made if we're gonna
3 really actually move forward.

4 SPEAKER 1: Right. Cedric said, "Just know God's
5 not giving us the spirit of fear but of power, love, and a
6 sound mind."

7 And, you know, I thought about when -- I forgot
8 where it was. It was people that said that they don't --
9 when somebody had an event, they will charge something, just
10 because if people are not invested, they'll say, "I don't
11 have to go if it's free." You know.

12 So you gotta realize there's gotta be some type of
13 sacrifice you give in order to really put skin in the game.
14 You know what I'm sayin'? Like, it's not gonna be
15 comfortable, it's not gonna be a push a button and vote. I
16 gotta go do something. I gotta sacrifice. I gotta give
17 something up to get -- get somewhere.

18 Now, the (indiscernible) gave up a lot of things
19 that we are not willing to do ---

20 SPEAKER 2: That's right.

21 SPEAKER 1: --- just to get somewhere.

22 MR. GIRLEY: Yeah. Well, you said so much. Every
23 one of you have said -- your comments have been so excellent.
24 You've been -- really, it made me think even in -- as I'm
25 telling you the story. But quitting is not an option, but

1 depending on others is not an option either, for going
2 forward.

3 SPEAKER 1: Right.

4 MR. GIRLEY: What -- you know, when God first
5 called Moses to be the leader to deliver his people and Moses
6 was making excuses, one of the questions that God asked Moses
7 is, "What do you have in your hand?"

8 SPEAKER 1: You have in your hand.

9 MR. GIRLEY: And I think that we all need to get
10 together going forward, beyond the event that we're going to
11 have, and I think we're gonna have several events just -- one
12 of the things we're gonna do is we're gonna systematically
13 ask our neighbors ---

14 Who are our neighbors? Disney. City of Orlando.
15 Everybody that has a stake in their being happy and -- and
16 stable and friendly Orlando. Those are our neighbors. We're
17 gonna ask them to do better. We're gonna demand that,
18 actually. We're gonna demand that from our neighbors and
19 from our allies. We're gonna do that. We're gonna have a
20 continuing dialogue with (audio distortion) with one event.
21 A continuing dialogue.

22 But in -- within the community, what we are going
23 to do is we're gonna do an examination of what we have in our
24 hands. And I'm gonna ask you and you and you and you, all of
25 you that are listening, to invite friends to those

1 conversations, and we will examine what we have in our hands,
2 and then we will ask you will you put what you have in your
3 hand in the pile so that we can move forward.

4 SPEAKER 1: Right.

5 MR. GIRLEY: Can we use what you have in your
6 hand? We're not talking just (audio distortion). Okay?

7 SPEAKER 1: Right. Right

8 MR. GIRLEY: 'Cause we all have different things.
9 But whatever it is that you have in your hand, are you
10 willing to make it available so that we can move beyond where
11 we are? Because we've been stuck for 158 years hoping that
12 people would one day get the right idea in their heads about
13 how we should move forward.

14 SPEAKER 2: Right.

15 SPEAKER 1: Yes.

16 MR. GIRLEY: Not working.

17 SPEAKER 1: Right. Tebbitt said -- Tebbitt said,
18 "You are right. I sacrificed 20 years of my life just to see
19 continued miscarriage of justice."

20 And Attorney Girley, you served too. You know,
21 just to serve in this military for -- for our rights just to
22 see us not really have rights, or -- or if we have them, them
23 not be honored or valued. Any of the -- all of those things,
24 though.

25 MR. GIRLEY: We have what I just voiced, called

1 contingent rights. "Contingent" means -- it's a big word
2 that means "if." And what that means is ---

3 SPEAKER 1: If they feel like it.

4 MR. GIRLEY: --- we get (audio distortion) rights
5 if they feel like giving them to us. Well, that's just
6 not ---

7 SPEAKER 1: Correct.

8 MR. GIRLEY: That's not good enough.

9 SPEAKER 1: Right.

10 MR. GIRLEY: If they feel like honoring them on
11 this particular day and we come to the Bank of Justice with a
12 check, "If we feel like it, no, that's not workable." We --
13 we -- we ---

14 SPEAKER 1: Right.

15 MR. GIRLEY: We let them know, "No. That's" --
16 "Going forward, we're not going to accept that."

17 SPEAKER 1: Right.

18 MR. GIRLEY: But we have to have a conversation
19 among ourselves. We need to bring the stuff that we have in
20 our hands. 'Cause I'm just one person. I have some stuff in
21 my hands, but I don't tender everything that's needed. And
22 so collectively we have to get to that place. And we're
23 gonna go -- we're gonna start moving in that direction.

24 So when it comes to the rally, for those of you
25 that are listening, we need your body there, and we need for

1 you to invite someone else to be there. And I'm going to
2 bring Dr. Rop himself, the Kenyan radiologist, and let him
3 tell you his story, 'cause I think he does a far better job
4 telling his story than I could tell.

5 SPEAKER 1: And -- and if -- if he gets (audio
6 distortion), we'll (indiscernible) -- we would love to have
7 him on here to -- you know, to -- 'cause this conversation
8 has to be continued, 'cause kinda like out of sight, out of
9 mind.

10 SPEAKER 2: Right.

11 SPEAKER 1: You know, you got a rally on the 12th,
12 but everybody not hear his story. So first I want to say,
13 everybody that's on here, please share this to your page,
14 tag ---

15 SPEAKER 2: Right.

16 SPEAKER 1: --- somebody in it. Do what you need
17 to do in order to get this story out there.

18 Because just looking on its face, even
19 (indiscernible) listener understand what just said, that
20 can't really happen, and so people kinda bypass it. But you
21 gotta realize that if you explain to people that "It could be
22 you, it could be your family," and -- it makes it a little
23 more personal. It's like, "You took something from somebody
24 who work hard to follow through your" -- "go through your
25 justice system."

1 But we are going to -- we'll have you back. We'll
2 have more details. I want to pray, and I want to pray for
3 you in this -- in this journey, and, you know, God strengthen
4 his time for you, because it's -- it's -- it's mentally and
5 physically fatiguing ---

6 SPEAKER 2: Yeah.

7 SPEAKER 1: --- to fight always and all the time.
8 But I know God has your back and he has you covered, so I'm
9 gonna pray. You have -- you have anything else you want to
10 say before we pray?

11 MR. GIRLEY: Oh. Well, I covet the prayers. I
12 want everyone to pray for me and pray with me. My -- my
13 desire is -- is that justice prevail. And there are a lot of
14 things that are legal that are not just.

15 SPEAKER 1: Right

16 MR. GIRLEY: And what we need is justice.

17 SPEAKER 1: Yes.

18 MR. GIRLEY: And we -- we need to demand that, you
19 know.

20 SPEAKER 1: Correct.

21 MR. GIRLEY: And there was a quote from Frederick
22 Douglass, and I -- and then I would just ask for your
23 prayers. "Power concedes nothing without a demand." We've
24 been demanding that new laws be put on the books, but that's
25 -- that's a dead-end street, folks.

1 SPEAKER 1: Right.

2 MR. GIRLEY: We gotta have a different kind of
3 justice, different assurances, different protections which we
4 envision, which we dream up in this day and time.

5 SPEAKER 1: Yes.

6 MR. GIRLEY: Talk about it more. I covet your
7 prayers.

8 SPEAKER 1: Dear Lord, we thank you for this day,
9 for this Memorial Day weekend, Lord. We just thank you,
10 Lord, for your protection, for covering our families, Lord.
11 We know there are so many things that are happening in this
12 world, but we know that whatever's going on, you are greater.
13 You are stronger, Lord, and we just lean and pull on your
14 strength, Lord, your wisdom, your knowledge, your
15 understanding, Lord. You're a path for our lives.

16 But as Attorney Girley proceeds to fight with the
17 court system, Lord, we thank you right now for supernatural
18 strength and direction, Lord, as he goes through these
19 courts. But we know that the devil has a target on his back
20 because he's fighting for your people, he's ministering to
21 your people.

22 But we lift him up, we stand around him, we
23 surround him with your presence, Lord, that you will lead and
24 guide him through this process, Lord, and that the victory is
25 his and his client's and that judge will have to go back on

1 what he did again. And we thank you right now for the
2 victory. We thank you, Lord, for their money being
3 returned -- returned to them tenfold, Lord.

4 We thank you, Father God, right now, in this time
5 where there's so much hope -- lack of hope and discouragement
6 and confusion, Lord. Give us direction, Lord. Give us
7 togetherness, Lord, on this -- let this rally be one step,
8 Lord, for us coming closer to you.

9 Lord, help us to have clear-cut pic- -- clear-cut
10 way of how you would have us go towards our path to victory
11 in this area, Lord. We know that we don't need another law
12 on the book, Lord. We need the ones that we have enforced,
13 Lord, and we need a strong community, Lord.

14 I thank you right now for us standing together,
15 for us uplifting each other, Lord. We (indiscernible) of the
16 enemy over our lives, over our families, over Attorney
17 Girley, over his family, over his law firm, but we seek help,
18 peace, wisdom, Lord, and peace of mind, Lord. Just bless him
19 right now. Bless his family, Lord. Let him get rest, Lord,
20 so that when he wakes up, he wakes up with a sharp mind,
21 Lord.

22 And we thank you right now. We call this down in
23 Jesus' name. Amen.

24 SPEAKER 2: Amen.

25 SPEAKER 1: Amen. We thank you, Lord.

1 Well, have a good day. I appreciate you coming on
2 and sharing.

3 SPEAKER 2: Thank you, sir.

4 SPEAKER 1: Don't -- continue -- don't -- let us
5 know whenever you could come back on. Wherever you --
6 whatever you have for us, we want to do our part in getting
7 the message out.

8 SPEAKER 2: Right.

9 MR. GIRLEY: Thank you. I appreciate it. And
10 everyone that tuned in, I appreciate you tuning in.

11 SPEAKER 1: Share, share, share. That's all
12 (indiscernible).

13 MR. GIRLEY: (Indiscernible) getting bodies in --
14 in the place. It's let -- letting them know.

15 SPEAKER 1: Yes.

16 MR. GIRLEY: (Audio distortion) under the radar
17 screen. It's gonna -- we're gonna do this on Front Street.

18 SPEAKER 1: Yes.

19 MR. GIRLEY: Everything's gonna be on blast
20 (phonetic).

21 SPEAKER 1: Not like him doing it at 4:30 on a
22 Friday afternoon. We ain't gonna talk about that.

23 SPEAKER 2: Right.

24 MR. GIRLEY: (Indiscernible).

25 SPEAKER 1: All right. Have a good night.

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Supreme Court Case
No. SC22-860

v.

The Florida Bar File
No. 2021-30,853(09B)

JERRY GIRLEY,

Respondent.

_____ /

REPORT OF REFEREE

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as Referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On June 30, 2022, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. On January 8th and 9th, 2024, a final hearing was held in this matter and Respondent was found guilty. On January 11, 2024, a Sanction Hearing was held to determine the appropriate discipline in this matter. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

Respondent is, and at all times mentioned during this investigation was, a member of the Florida Bar, subject to the jurisdiction and disciplinary Rules of the Supreme Court of Florida. Respondent voluntarily sought admission to the Florida Bar and was admitted to the practice of law in the State of Florida on or about April 19, 2007.

Respondent was Plaintiff's counsel in *Baiwo Rop v. Adventist Health System*, case no. 2017-CA-009484-O, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida. Dr. Rop is a black man from Kenya, and his complaint alleged (1) disparate treatment because of race, (2) disparate treatment because of national origin, (3) disparate treatment because of disability, and (4) retaliation. Judge Kevin Weiss presided over the jury trial from May 14, 2021, through May 21, 2021. At the close of plaintiff's case, the trial court granted directed verdicts as to plaintiff's claims of discrimination based on national origin and disability, and reserved ruling on the claims of discrimination based on race and retaliation. On May 21, 2021, the jury found in favor of the plaintiff and awarded compensatory damages in the amount of \$2,750,000. The jury did not find that plaintiff was dismissed from the Residency Program because he engaged in protected activity. On May 28, 2021, the trial court entered an Order on Directed

Verdicts and Final Judgment for Defendant, finding that the plaintiff failed to prove a prima facie case of unlawful discrimination based on race under the Florida Civil Rights Act, and entered a directed verdict in favor of defendant on plaintiff's only remaining claim, discrimination on the basis of race. The relevant portions of the trial court's order read as follows:

On May 21, 2021, the jury returned a verdict responding "Yes", that "Dr. Rop has proved that race was a motivating factor in Florida Hospital's decision to take any adverse employment action against him".

As to whether "Florida Hospital dismissed Baiwo Rop from its Radiology Residency Program action because he engaged in protected activity" the jury responded "No."

The jury awarded compensatory damages to Dr. Rop in the amount of \$2,750,000.00. . .

The Court has carefully considered all of the evidence presented at trial and reviewed the applicable law. The Court finds that the Plaintiff did not prove a prima facie case of unlawful discrimination based on race under the Florida Civil rights Act. Specifically, the Plaintiff failed to proffer reasonable evidence that race was a factor in his termination from the Radiology Residency Program. In addition, the Court expressly finds that the Defendant articulated legitimate, non-discriminatory and non-retaliatory reasons for Plaintiff's remediation, probation and dismissal from the Radiology Residency Program. Even if the Court found that the Plaintiff met its initial burden under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), Plaintiff similarly failed to show the Defendant's non-discriminatory reason for dismissal was pre-textual.

On May 31, 2021, three days after the trial court's order on directed

verdicts, Respondent provided an online interview to “Black Love United”, which was accessible to the public. Respondent impugned the integrity of Judge Weiss by making statements indicating that he had abused his power, did not have the authority to grant the directed verdicts and implying that he was biased. Respondent stated when litigating civil rights cases for black people “consistently we have had judges cut the money, find ways to ensure that our clients at the end of the day do not get paid. Now, that’s what happened last Friday.” He further commented that “the court completely got it wrong” and that “the 2.75 million that was taken by the stroke of a judge’s pen, that was a theft”, “theft to the community.”

Respondent painted a picture that the court system is unfair and discriminatory to black litigants, referring to the court system as a “sham” and a “shell game”. He also mischaracterized the civil process, stating there is a “back door” that is “used to undermine black people and their cases”, there are “false systems” put in place to “window-dress”. Respondent further stated, “the problem is systematic, so this is not just that judge”, “the system is structured for you to be subservient. You and people who look like you.”

Respondent made statements suggesting that Judges actively make decisions to reduce or prohibit monetary awards for black litigants in discrimination cases. He made references to judges consistently cutting the

money and finding ways “to ensure that black litigants do not get paid.” He claimed that courts view civil rights cases as a “bother”, a “nuisance” and “don’t see it as real law.” Respondent also suggested that judicial officers are biased to the “detriment of black people” and opined that there will never be “equal standing before the law” for black people.

Respondent said that lawyers representing employers attempt to remove black members of the venire from the jury, indicating that judges consistently “permit them to whiten the jury.” Referring to the Rop case, Respondent said, “even in this case, they tried to whiten the jury.”

Respondent made disparaging comments about the qualifications of the Judiciary, stating “you don’t have to know the law to be the judge” and “there’s no minimum requirement that you pass a certain competency test to be a judge.”

Respondent disparaged a juror who was selected to serve on the Rop case when he stated, “The way that the black female got on the jury is that the white woman that was selected called in sick on Monday morning. She wasn’t sick. She just didn’t want to be there.”

Respondent made statements suggesting the Fifth District Court of Appeal is biased against black litigants, stating that “there are people who have a certain point of view at the appellate court, the Fifth DCA. There’s

not a single black person there.” He suggested the Appellate Court has a financial interest, stating “it makes financial sense to them to keep us in a place where we are beholden to them.” Respondent stated that the Appellate Court treats civil rights cases as “a waste of their time”, “a waste of the court’s resources and energy”, and as “stepchildren.”

Respondent impugned the integrity of a Supreme Court Justice by stating, “there are black people who have credentials . . . who don’t even know they’re black, who don’t even want to identify with being black. There’s one on the Supreme Court.”

Respondent made these disparaging statements impugning the integrity of Judge Weiss, the Judiciary, and the court system as a whole. without an objectively reasonable factual basis. Respondent made statements he knew were false or with reckless disregard to their truth and veracity. The overall message of Respondent’s statements convey that the court system is unfair, biased and does not provide equal justice to everyone. His comments are contrary to honesty and justice and violate his Oath of Admission to the Florida Bar. Furthermore, Respondent mischaracterized the civil process and the rules of procedure. The content of the statements undermines public confidence in the court system and is prejudicial to the administration of justice.

The full content of Respondent's statements during his interview with "Black Love United" are as follows:

So to get a further understanding -- and I like to use metaphors to try to paint the picture. Litigating civil rights for black people and for brown people in a majority white culture is like climbing up a hundred-foot cliff with a hundred-pound boulder on your back.

People at the top of the cliff rolling hundred-pound boulders down at you, that you've got to try to avoid as you try to climb.

But in that environment, we have gotten juries to agree with us that discrimination has occurred. But consistently we have had judges cut the money, find ways to ensure that our clients at the end of the day did not get paid. Now, that's what happened last Friday.

Transcript page 12, lines 5-17; TFB Exhibit 5, bates stamp 171.

First of all, it's hard for us to even get into the courtroom. And once we get there, the first thing that employers will do is that they will attack all of the black people who are there to serve on the jury. And most consistently the judges will permit them to whiten the jury.

So, consistent strategy, from Disney to Florida Hospital, the City of Orlando and Orange County. It happens every single time.

So I have to say that the last act of discrimination that a -- a black man will suffer, the last indignity as it relates to discrimination, is that which happens to him or to her at the courthouse.

Transcript page 13, lines 7-20; TFB Exhibit 5, bates stamp 172.

The jury heard all of that. So the jury absolutely believed -- and I only say this, that even in this case, they tried to whiten the jury. There were four white people who served on the jury, one Latino woman, and one black female. The way that the black female got on the jury is that the white woman that was selected called in sick on Monday morning. She wasn't sick. She just didn't want to be there. Called in, and that caused the black person, who was the alternate --- to be able to serve on the jury.

Transcript page 15, line 25, page 16, lines 1-9; TFB Exhibit 5, bates stamp 174-175.

We tout ourselves in this country on being a nation that permits people to have a jury of their peers.

And that is what we stress right in our government classes, in our civics classes. But in the end, there's a back door that is -- that exists in the system, and that back door is often used to undermine black people and their cases. That's the -- that's the much larger message.

Because it's not the first time it's happened. This is about the fourth time where we actually, by climbing that hill that I painted a picture, with the boulder on our backs, got to the top and the jury said yes and the judge said, "No. You get nothing."

Transcript page 21, lines 19-25; page 22, lines 1-7; TFB Exhibit 5, bates stamp 180-181.

We do not have -- I wish I could report to you, those of you that are listening, that I see the day coming when we will have equal standing before the law. But my best guess and my best assessment is that that day is the 12th of never. It's just not in the cards. Now -- now, I'm not saying "So despair." I'm saying that we need to point it out. We need to -- we need to -- to elevate it. We need to -- we need to let the world know

that there's a sham going on or there's a shell game going on here.

Transcript page 24, lines 11-20; TFB Exhibit 5, bates stamp 183.

We cannot put our trust in these false systems that have been put in place to window-dress but deliver us at the end of the day nothing but grief and frustration.

Transcript page 25, lines 23-25; TFB Exhibit 5, bates stamp 184.

There are people who have a certain point of view at the appellate court, the Fifth DCA, which sits in Daytona. There's not a single black person there.

Okay? So in effect, what we're saying is, to one group of white people, hold this particular person accountable for what he did to these black people. Statistically, it doesn't work out. But we are going to appeal, because that's what we should do. Because the court completely got it wrong.

Transcript page 27, lines 5-14; TFB Exhibit 5, bates stamp 186.

But at the end of the day, this is something that God will have to address, because it's not in the hearts of those in -- in the -- in power, and that includes the appellate court, I would say, to right the wrongs that have been committed against us, because it -- it makes financial sense to them to keep us in a place where we are beholden to them.

A \$2.75 million verdict, they don't want that out there 'cause --- now everybody that is being discriminated against is gonna step forward and file a claim, and the courts don't want to hear it.

You know, one of the things that I run into in filing these civil rights cases -- which a lot of times the courts treat these as though it's a waste of their time, it's a waste of -- of the court's resources and energy. These cases are treated like stepchildren. And in the federal system, 75

percent of the time, you never get to a trial. The judge dismissed the case before it even gets to the trial.

Transcript page 28, lines 10-25, page 29, lines 1-6; TFB Exhibit 5, bates stamp 187-188.

A long shot in that, because it --certainly we need to be able to -- normally the people who --who run against judges are lawyers who are angry with judges for bad decisions that they've made.

So you can be a judge and you don't know -- you don't have to know the law, actually. You just have to have been a lawyer for five years in good standing and maybe you know the governor and he appoints you, or you put your signs out in the front yard and convince enough people to vote for you.

But you don't have to know the law to be the judge. That's crazy. There's no minimum requirement that you pass a certain competency test to be a judge, just be a lawyer for five years.

Transcript page 38, lines 14-25, page 39, lines 1-2; TFB Exhibit 5, bates stamp 197-198.

But we should find qualified black and brown people who understand the struggle. 'Cause there are black people who have the credentials, who don't understand the struggle, that -- who don't even know that they're black, who don't even want to identify with being black. There's one on the supreme court.

Transcript page 41, lines 12-17; TFB Exhibit 5, bates stamp 200.

The \$2.75 million that was taken by the stroke of a judge's pen, that was a theft to -- to --

Transcript page 48, lines 7-8; TFB Exhibit 5, bates stamp 207.

Yes. And that's – it's a theft. When you say it's a theft to the community, that's – in that way, Cedric, it is a theft. Honestly, I agree with you on –

Transcript page 51, lines 23-25; TFB Exhibit 5, bates stamp 210.

Well, the system is structured for you to be subservient. You and people who look like you.

Transcript page 53, lines 12-13; TFB Exhibit 5, bates stamp 212.

Because we have the same level of animus and hostility. And like I say, I always get the sense, when I bring these civil rights cases, that it's a bother, it's -- it's -- it's like a nuisance. Some of the -- some of them --- don't really see that -- see it as real law, and that's problematic.

'Cause whatever they have in their hearts and their minds, they bring it to the bench. We all -- we all own (phonetic) some sort of all of our life's experiences, but that all has worked toward the detriment of black people. But giving up is not an option.

Transcript page 55, lines 22-25, page 56, lines 1-10; TFB Exhibit 5, bates stamp 214-215.

Respondent was also interviewed on an online podcast titled “Objections: With Adam Klasfeld”, presented by Law & Crime, wherein he stated his opinion that the trial court’s ruling in the Rop case was improper and unlawful. Additionally, he further mischaracterized the civil rules of procedure and asserted that the court system is biased and does not provide equal justice to everyone. In the interview, Respondent made the following statements:

So Advent Health also asked the court, in advance of the trial, to preclude Dr. Rop from talking about his symptoms that he was experiencing, which he's discussed here today. And we said, "Well, Judge, if we've got to prove that he was a person suffering from a disability, that this was something that the decision-makers weren't aware of, then we need to tell the jury what was experi-" -- "what he was experiencing at the time." But the judge precluded him from discussing the things that he discussed, during trial.

So we went into trial with our hand tied behind our back and one leg tied to the other. So we're hobbling into the court on the first day with both legs tied to each other. But obviously, when you get a \$2.75 million verdict, the evidence was so compelling, was so convincing, was so one-sided that the jury saw through all of the shenanigans.

Transcript page 13, lines 24-25, page 14, lines 1-16; TFB Exhibit 4, bates stamp 150-151.

That's just factually incorrect, and it's legally incorrect. But is there a technical mechanism, Adam, that permits the judge to do that? In rare circumstances, there is. But this was not one of those circumstances. And the judge had the opportunity to make that decision before the jury got the trial -- before the jury went out to deliberate.

Transcript page 17, lines 24-25, page 18, lines 1-16; TFB Exhibit 4, bates stamp 154-155.

There are all these land mines along the way that allow the defendant to persuade the Court to dismiss. A motion for summary judgment. A motion to exclude all of your main evidence through motions in limine, right? And -- and they use all these different mechanisms, so by the time you get to trial, you're just a skeleton with one arm tied behind your back, hoping that a -- a breeze doesn't come along, because if a breeze blows in the courtroom,

it's gonna knock you over. If a fly lands on your head, it's gonna crush you, because your case has been so diminished. Unfairly so. Unjustly so.

Transcript page 18, lines 20-25, page 19, lines 1-5; TFB Exhibit 4, bates stamp 155-156.

Now, Adam, you also know that everything that is lawful technically is not just. And I don't think that in this case what the judge did -- and this is Jerry Girley's opinion -- was lawful in terms of what he said was the absence of facts. There's -- there's thousands of pages to the contrary to say that there were more than enough facts to get it to the jury.

I don't think that it was lawful, and I don't think that it was just.

Transcript page 19, lines 23-25, page 20, lines 1-6; TFB Exhibit 4, bates stamp 156-157.

III. RECOMMENDATIONS AS TO GUILT:

The Referee recommends that Respondent be found guilty of violating the following Rules Regulating the Florida Bar:

Oath of Admission to the Florida Bar:

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Florida;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except

such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God.

RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT

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.

4-4. TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS RULE 4-4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a **lawyer shall not knowingly:**

- (a) **make a false statement of material fact or law to a third person;**

RULE 4-8.2 JUDICIAL AND LEGAL OFFICIALS

- (a) Impugning Qualifications and Integrity of Judges or Other Officers.

A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

RULE 4-8.4 MISCONDUCT

A lawyer shall not:

- (d) **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.

The online interviews were live-streamed and disseminated via social media to a large audience, and eventually reached a nationwide platform. The overall message to the viewing public is that the Judge presiding over the Rop case was unfair, racist, and exceeded his authority. Furthermore, the message conveyed to the public is that judges and the court system as a whole treat civil rights cases unfairly and are biased against black litigants.

IV. CASE LAW:

Ethical rules that prohibit attorneys from making statements impugning the integrity of judges are not to protect judges from unpleasant or unsavory criticism. Rather, such rules are designed to preserve public confidence in the fairness and impartiality of our system of justice. *See Kentucky Bar Ass'n v. Waller*, 929 S.W.2d 181, 183 (Ky.1996) (disrespectful language directed at judge is not sanctioned because “the judge is of such delicate sensibilities as to be unable to withstand the comment, but rather that such language promotes disrespect for the law and for the judicial system”), *cert. denied*, 519 U.S. 1111, 117 S.Ct. 949, 136 L.Ed.2d 837 (1997). Because members of the Bar are viewed by the public as having unique insights into the judicial system,

the state's compelling interest in preserving public confidence in the judiciary supports applying a different standard than that applicable in defamation cases. For this reason, we, like many other courts, conclude that in attorney disciplinary proceedings under rule 4–8.2(a), the standard to be applied is whether the attorney had an objectively reasonable factual basis for making the statements (citations omitted).

The Fla. Bar v. Ray, 797 So. 2d 556, 558–59 (Fla. 2001).

we use an objective test, asking if the lawyer had “an objectively reasonable factual basis for making the statements.” *Id.* Thus, once the Bar presents evidence establishing that a lawyer made statements concerning the qualifications or integrity of a judge, the burden shifts to the respondent to provide an objectively reasonable factual basis for making the statements.

Fla. Bar v. Jacobs, 370 So. 3d 876, 883 (Fla. 2023).

Bar Rule 4-8.2(a), in relevant part, states that a “lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.” The applicable standard under the rule is not whether the statement is false, but whether the lawyer had an objectively reasonable factual basis for making the statement. *Fla. Bar v. Ray*, 797 So.2d 556, 558-59 (Fla. 2001). The burden is on the lawyer who made the statement to produce a factual basis to support the statement. *Id.* at 558 n.3.

Fla. Bar v. Patterson, 257 So. 3d 56, 62 (Fla. 2018).

In *The Florida Bar v. McCallum*, 2019 WL 6873032 (2019), the respondent wrote letters to the Chief Judge of the Fifth Judicial Circuit and

General Counsel alleging misconduct by two Circuit Judges. The Bar Referee disagreed with respondent's defenses that (1) the statements qualified as protected speech guaranteed by the First Amendment, and (2) the statements were pure opinion, and found respondent guilty of violating rules 3-4.3, 4-8.2(a), and 4.8.4(d). *Amended Report of the Referee*, at 16-17. The Florida Supreme Court approved the Referees findings of fact and recommendations of guilt but disapproved the recommendation as to discipline of a public reprimand and ordered respondent be suspended from the practice of law for fifteen days. 2019 WL 6873032 (Fla. 2019).

In *The Florida Bar v. Conway*, 996 So.2d 213 (Fla. 2008), the respondent posted derogatory remarks about a judge on an internet website. The referee found the statements were false or posted with reckless disregard as to their truth or falsity, and that the statements unfairly undermined public confidence in the administration of justice and were prejudicial to the proper administration of justice. *Report of Referee*, at 3-4. *Conway* is distinguishable, in that Respondent's statements were voluminous and impugned the integrity of the trial judge, the judiciary, including the Appellate Court and a Supreme Court Justice, and the judicial system as a whole.

Respondent argued that his statements are protected speech pursuant

to the First Amendment, that the statements were his opinion based upon his personal experiences, and that the Bar failed to show that the statements were false or made with reckless disregard to their truth and falsity. However, this Court finds that Respondent's statements are not protected by free speech and Respondent has failed to show that he had a reasonably objective factual basis for making the statements. The Rop case was *per curiam* affirmed by the Fifth District Court of Appeal. Defense counsel argues that the trial court's ruling is still under consideration since Respondent has filed a Motion for Reconsideration with the newly formed Sixth DCA, and therefore, Respondent's comments could be validated if the case were to be overruled. The Court finds no merit to this argument. Therefore, the Bar has proven by clear and convincing evidence that Respondent has violated his Oath of Admission to the Florida Bar and Rules 3-4.3, 4-4.1(a), 4-8.2(a) and 4-8.4(d).

V. AGGRAVATING AND MITIGATING FACTORS:

This Court considered the following Standards for Imposing Lawyer Sanctions prior to recommending discipline:

7.1 Deceptive Conduct or Statements: Suspension is appropriate when a lawyer engages in conduct that is a violation of a duty owed as a

professional and causes injury or potential injury to a client, the public or legal system.

Respondent's statements suggesting the trial judge's decisions were racially motivated and that he acted outside the scope of his authority in granting the directed verdicts caused substantial injury to Judge Weiss. Judge Weiss was harassed and received threats, both on social media and by phone. Additionally, Respondent's statements indicating judges and the legal system as a whole treat civil rights cases unfairly, discriminate against black litigants and don't provide equal justice to everyone undermines public trust in the court system and are contrary to the administration of justice.

3.2(b) Aggravating factors:

(3) a pattern of misconduct:

Respondent made numerous false or misleading statements on social media on different forums, and the statements were posted on his firm's website.

(7) refusal to acknowledge the wrongful nature of the conduct:

Respondent has maintained throughout the proceedings that he had the right to make the disrespectful and disparaging statements about the trial judge, the Judiciary and the court system because he is entitled to state his opinion based upon his perceptions. He has not taken responsibility or

shown remorse for being openly critical of the judiciary and court system in an unacceptable manner and in violation of the Florida Bar Rules.

(9) substantial experience in the practice of law:

Respondent was admitted to the Florida Bar in 2007 and has been practicing law for sixteen years.

3.3(b) Mitigating Factors:

(1) absence of a prior disciplinary record:

Respondent does not have any prior disciplinary history. The Bar agreed that this is a mitigating factor.

(7) character or reputation:

The testimony presented at trial indicated Respondent is of good character and has a good reputation. The Bar agreed this is a mitigating factor.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The Referee recommends that respondent be found guilty of misconduct justifying disciplinary measures, and that Respondent be disciplined as follows:

- A. A 30-day suspension from the practice of law;
- B. Complete the Professionalism Workshop;

C. Payment of the Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD:

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)9D), this Court considered the following:

A. Personal History of Respondent:

Age: 62 years of age

Date admitted to the Bar: April 19, 2007.

B. Aggravating Factors:

Prior discipline: no prior discipline.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

The Referee finds that reasonable costs should be awarded to The Florida Bar and a Supplemental Report of costs will be filed once they are determined.

Dated this 23rd day of January, 2024.



LISA HERNDON, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been e-mailed to The Honorable John A. Tomasino, Clerk, Supreme Court of Florida, at e-file@flcourts.org, and mailed to 500 South Duval Street, Tallahassee, Florida 32301; a copy has been e-mailed to Ashley Morrison and Carrie Lee, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, amorrison@floridabar.org, cleef@floridabar.org, orlandooffice@floridabar.org, ndejesus@floridabar.org; a copy has been e-mailed to David Winker, Counsel for Respondent, dwinker@dwrlc.com, 2222 SW 17th Street, Miami, Florida 32803-3816; Brooke Girley, Counsel for Respondent, 117 East Marks Street, Suite A, Orlando, Florida 32803-3816, brooke@thegirleylawfirm.com; Jerry Girley, Respondent, 117 East Marks Street, Suite A, Orlando, Florida 32803-3816, phyllis@thegirleylawfirm.com, and a copy has been e-mailed to Patricia Ann Toro Savitz, Staff Counsel, at her Record Bar address and e-mail address, psavitz@floridabar.org, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-6584, this 23rd day of January, 2024.



LISA HERNDON, REFEREE
Marion County, Fifth Judicial Circuit
110 NW 1st Avenue,
Ocala, FL 34475