

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ROBERT D. ADAMS,

Respondent.

---

Supreme Court Case  
No. SC14-1054

The Florida Bar File  
No. 2013-10,736 (13F)

**ADAMS' REPLY BRIEF**

s/ William F. Jung  
William F. Jung  
FBN 380040  
Jung & Sisco, P.A.  
101 E. Kennedy Blvd.  
Ste. 3920  
Tampa, Fl. 33602  
(813) 225-1988 tel.  
(813) 225-1392 fax  
[wjung@jungandsisco.com](mailto:wjung@jungandsisco.com)  
*Attorney for Respondent  
Adams*

RECEIVED, 02/26/2016 08:48:26 AM, Clerk, Supreme Court

## **TABLE OF CONTENTS**

Table of Contents	i
Table of Citations	ii
Argument	1
The Bar's Shifting Positions Illuminate the Case	1
The Bar's Failure to Discuss this Court's Jurisprudence Illuminates the Proper Sanction	2
Conclusion	3
Certificate of Service	3
Certificate of Type, Size, and Style and Anti-Virus Scan	4

## **TABLE OF CITATIONS**

<i>The Florida Bar v. Bailey</i> , 803 So.2d 683, 695 n. 4 (Fla. 2001)	2
<i>The Florida Bar v. Gross</i> , 896 So.2d 742 (Fla. 2005)	2
<i>The Florida Bar v. Massari</i> , 832 So.2d 701 (Fla. 2002)	2
<i>The Florida Bar v. Tipler</i> , So.3d 1109, 1119 – 1121 (Fla. 2009)	2

## ARGUMENT

### A. The Bar's Shifting Positions Illuminate the Case

After completing extensive discovery and before trial, the Bar suggested that a 91-day rehabilitative suspension was appropriate for Adams based on the facts of his conduct. The Bar publicly advocated for this sanction and cited case law showing Adams' true behavior was analogous to other rehabilitative suspension cases. R332: 4 – 5.

After completing trial and receiving the Referee's preliminary findings, the Bar suggested that disbarment with leave to re-apply was appropriate. R 420:1. Now, the Bar adopts a third position: only permanent disbarment will do.

The Bar reaches this conclusion like the Referee, only by stretching every fact to its most damning inference including reliance on two fantastic witnesses, and discounting or ignoring all favorable evidence. Given the ferocious local publicity and lamentable facts, perhaps this result-orientation was inevitable. But the Bar's prior positions were born of the truths that:

- Adams had zero involvement in the prior surveillance of Campbell;
- Adams had zero connection to the police officer and was 25 miles away in another county when the event unexpectedly and quickly developed.

- Adams had zero involvement in Diaco's media statements, Diaco's courtroom testimony, or Diaco's briefcase panic.

B. The Bar's Failure to Discuss this Court's Jurisprudence Illuminates the Proper Sanction.

Adams' brief described in detail how this Court's jurisprudence in multiple cases<sup>1</sup> cannot be squared with the permanency sanction. No honest reader of this Court's jurisprudence could conclude Robert Adams was worse than the respondents in those cases. Yet those individuals did not receive Adam's more severe sanction.

The Bar failed to address this argument or even discuss these cases at all, because they can't. There is no way to square this Referee's overreaching sanction recommendation with this Court's jurisprudence in *Bailey*, 803 So.2d at 695 n. 4; *Massari*, 832 So.2d at 701; *Gross*, 896 So.2d at 742; and *Tipler*, 8 So.3d at 1119.

Likewise, no honest reviewer could conclude that Adams is worse than the felon-lawyers who reside in jails and penitentiaries for acts relating to their law practice, yet receive less sanction than that recommended for Adams. The Bar again fails to discuss this dichotomy, because it is not defensible. The recommended sanction is simply contrary to the case law teachings of this Court.

---

<sup>1</sup> *The Florida Bar v. Bailey*, 803 So.2d 683, 695 n. 4 (Fla. 2001); *The Florida Bar v. Massari*, 832 So.2d 701 (Fla. 2002), *The Florida Bar v. Gross*, 896 So.2d 742 (Fla. 2005), *The Florida Bar v. Tipler*, 8 So.3d 1109, 1119 – 1121 (Fla. 2009).

## **CONCLUSION**

Wherefore the Court should adopt the recommendations below, except for the permanency sanction.

Date: February 26, 2016

Respectfully submitted,

s/ William F. Jung  
William F. Jung  
FBN 380040  
Jung & Sisco, P.A.  
101 E. Kennedy Blvd.,  
Ste. 3920  
Tampa, Fl. 33602  
(813) 225-1988 tel.  
(813) 225-1392 fax  
[wjung@jungandsisco.com](mailto:wjung@jungandsisco.com)  
*Attorney for Respondent  
Adams*

By: /s/ William F. Jung  
William F. Jung  
*Counsel for Respondent Adams*

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2016, I placed the foregoing on the electronic docket of this Court for service to all counsel of record, and a copy of the foregoing was served on the following by e-mail:

Jodi Anderson Thompson  
Katrina Brown  
Bar Counsel  
The Florida Bar  
Tampa Branch Office

William F. Jung, FBN 380040  
Jung & Sisco, P.A.  
101 E. Kennedy Blvd., Ste. 3920  
Tampa, Fl. 33602  
[wjung@jungandsisco.com](mailto:wjung@jungandsisco.com)

4200 George J. Bean Parkway  
Suite 2580  
Tampa, Florida 33607-1496  
[jthompo@flabar.org](mailto:jthompo@flabar.org)  
[kschaffhouser@flabar.org](mailto:kschaffhouser@flabar.org)  
[tampaoffice@flabar.org](mailto:tampaoffice@flabar.org)

Adria E. Quintela  
Staff Counsel  
The Florida Bar  
[aquintel@flabar.org](mailto:aquintel@flabar.org)

Mark Jon O'Brien  
O'Brien Hatfield, P.A.  
511 W. Bay Street, Ste. 330  
Tampa, FL 33606  
[mjo@markjobrien.com](mailto:mjo@markjobrien.com)

Greg W. Kehoe  
Florida Bar No. 486140  
Danielle S. Kemp  
Florida Bar No. 474355  
Greenberg Traurig, P.A.  
101 E. Kennedy Blvd., Ste. 1900  
Tampa, FL 33602  
[kehoeg@gtlaw.com](mailto:kehoeg@gtlaw.com)  
[meyerp@gtlaw.com](mailto:meyerp@gtlaw.com)  
[kempd@gtlaw.com](mailto:kempd@gtlaw.com)  
[rechtinh@gtlaw.com](mailto:rechtinh@gtlaw.com)  
[flservice@gtlaw.com](mailto:flservice@gtlaw.com)

/s/ William F. Jung  
Attorney

**CERTIFICATE OF TYPE SIZE AND STYLE AND ANTI-VIRUS SCAN**

Undersigned certifies that this brief is typed in proportionally-spaced Times New Roman 14 – point font. This document has been virus-scanned by Symantec for Windows.

/s/William F. Jung