

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

SCOT STREMS, ESQ.,

Respondent.

Supreme Court Case
No. SC20-806

The Florida Bar File Nos.
2018-70,119(11C)(MES)
2019-70,311(11C)(MES)
2020-70,440(11C)(MES)
2020-70,444(11C)(MES)

**REPORT OF REFEREE ON RESPONDENT'S
MOTION TO DISSOLVE EMERGENCY SUSPENSION**

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule Regulating the Florida Bar 3-5.2(g), the following proceedings occurred:

On June 5, 2020, The Florida Bar filed its Petition for Emergency Suspension, alleging that Respondent was causing great public harm by “a vast campaign of unprofessional, unethical, and fraudulent conduct.”

On June 9, 2020, the Supreme Court of Florida entered an Order suspending Respondent from the practice of law in Florida.

Also, on June 9, 2020, the Supreme Court of Florida designated the Chief Judge of the Eleventh Judicial Circuit of Florida to appoint a referee for the Court within fourteen days of the Order.

By Order dated June 24, 2020, the Chief Judge of the Eleventh Judicial Circuit designated and appointed the undersigned as referee to hear and determine the matters presented.

On June 26, 2020, Respondent filed “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020.”

Also, by Order dated June 26, 2020, the Chief Justice of the Supreme Court of Florida designated the Chief Judge of the Eleventh Judicial Circuit to immediately appoint a referee to hear, conduct, try and determine the “matters presented within seven days from the date of the assignment and . . . submit a report and recommendation to the Supreme Court of Florida within seven days of the date of the hearing as provided in rule 3-5.2(g).”

The undersigned conducted a three-day hearing commencing on July 7, 2020 and concluding on July 10, 2020 on “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020.” Over the course of the hearing, Respondent appeared with counsel, Scott K. Tozian, Esq., Mark A. Kamilar, Esq., Kendall Coffey, Esq., Benedict P. Kuehne, Esq., and Gwendolyn Daniel, Esq. The Florida Bar was represented by John Derek Womack, Esq. and

Arlene Kalish Sankel, Esq. At the evidentiary hearing, the undersigned considered all the evidence presented and the arguments of counsel for The Florida Bar and Respondent.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Standard of Review. Pursuant to Rule Regulating the Florida Bar 3-5.2(i), the Standard of Review governing this matter is as follows:

Hearing on Petition to Terminate or Modify Suspension. The referee will hear a motion to terminate or modify a suspension or interim probation imposed under this rule within 7 days of assignment and submit a report and recommendation to the Supreme Court of Florida within 7 days of the date of the hearing. The referee will recommend dissolution or amendment, whichever is appropriate, to the extent that bar counsel cannot demonstrate a likelihood of prevailing on the merits on any element of the underlying rule violations.

Narrative Summary of Case. Judges Rex Martin Barbas and Gregory P. Holder of the Thirteenth Circuit submitted affidavits and testified on behalf of The Florida Bar. The Judges' affidavits were previously submitted to the Florida Supreme Court as support for the June 9, 2020 Florida Bar's Petition for Emergency Suspension. During the instant hearing they testified that Respondent's actions conducting litigation have inordinately used and wasted the Court's time, energy, and judicial resources, as well as the time, effort,

and resources of the litigants. They admonished Scot Strems, Esq. and his law firm, Strems Law Firm, P.A. (SLF), for numerous violations of the Rules Regulating the Florida Bar. They proffered that this conduct was willful, deliberate, and contumacious.

Scot Strems, Esq. testified that there was no course of conduct undertaken by himself or his law firm that was directed to impede the orderly administration of justice. Additionally, the Respondent presented evidence that the conduct of himself and members of the law firm were and are consistently conducted with professionalism and respect for the Court.

William Joseph Schifino, Jr., Esq. testified on behalf of Respondent.

Jonathan Drake, Esq., who worked as a supervisor for SLF in the Tampa office, testified on behalf of Respondent as a rebuttal witness. He stated that any admonishments and criticisms by the Court were afterwards disseminated to Scot Strems, Esq. and SLF, with corrective actions subsequently taken.

Findings. The referee finds that Circuit Court Judge Gregory Holder and Circuit Court Judge Rex Barbas are both credible and qualified witnesses. Both Judges have had extensive dealings with SLF over the past few years. Scot Strems, Esq. is the owner and sole named partner of SLF.

Judge Barbas testified to personally witnessing Mr. Strems and his firm's continued violations of the Rules Regulating the Florida Bar. He pointed out that Mr. Strems signed complaints and coversheets on cases that were in his division. The Judge testified to personally presiding over cases where members of SLF engaged in consistent patterns of delay, unprofessional conduct, repeated violations of court orders, and to how and why judicial resources were wasted because of the firm's actions and inactions. Additionally, he testified to sanctions imposed on SLF and that written orders were directed to Mr. Strems.

Judge Holder testified that he personally presided over hundreds of SLF cases. He testified to blatant obstruction in almost every case the firm had before him and the firm's dilatory tactics. He testified at length to duplicitous filings within his division and in the Thirteenth Judicial Circuit, the failure of SLF's attorneys to attend properly noticed hearings, and to numerous violations of court orders. Judge Holder remarked as to how and why various cases were dismissed with prejudice due to Mr. Strems' and his associates' practices, to the detriment of their client's interests. He stated that notice was given to Mr. Strems through his attorneys to stop the unethical behavior, but these patterns continued.

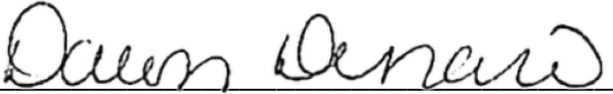
Judge Holder testified that Jonathan Drake, Esq. had to be admonished by him on several occasions for his failure to appear in court and other delay tactics. Elaborating, Judge Holder testified that he has a vivid memory of Mr. Drake tearfully apologizing to him outside of court and telling him in private that Mr. Strems had directed him to violate many of the Rules Regulating the Florida Bar. Specifically, Mr. Drake stated that Mr. Strems told him to file and prosecute cases without proper supporting evidence, to initiate cases not supported by proper contracts of insurance, to refuse their clients participation in EUO examinations and depositions, and to allege and seek unsupported damages. Mr. Drake denied that this out of court conversation took place.

III. RECOMMENDATION AS TO WHETHER THE ORDER OF EMERGENCY SUSPENSION AS ENTERED BY THE SUPREME COURT OF FLORIDA SHOULD BE DISSOLVED OR AMENDED

Having reviewed The Florida Bar's petition, all of the evidence, memoranda, exhibits, documents presented in this cause, other materials and exhibits filed, and having heard testimony of witnesses as well as the argument of counsel, the undersigned finds that The Florida Bar has met its burden and has satisfied the burden of establishing a likelihood of prevailing on any element of the underlying rule violations. *See* R. Regulating Fla. Bar 3-5.2(i).

I recommend that the Supreme Court of Florida deny “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020” and that the Emergency Suspension Order continue in full force and effect.

Dated this 15th day of July, 2020.

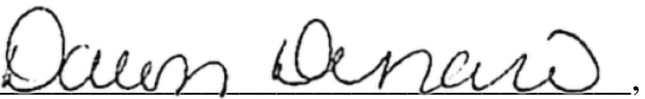


Hon. Dawn Denaro, Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been furnished this 15th day of July, 2020, to The Honorable John A. Tomasino, Clerk, Supreme Court of Florida, at e-file@flcourts.org; and a true and correct copy has been provided by email to: John Derek Womack, Esquire, Bar Counsel, The Florida Bar, jwomack@floridabar.org; Patricia Ann Savitz, Esquire, Staff Counsel, The Florida Bar, psavitz@floridabar.org; Arlene Kalish Sankel, Esquire, Chief Branch Discipline Counsel, The Florida Bar, asankel@floridabar.org; and Mark A. Kamilar, Esquire, Counsel for Respondent, kamilar@bellsouth.net; Benedict Kuehne, Esquire, Counsel for Respondent, ben.kuehne@kuehnelaw.com;

Gwendolyn Daniel, Esquire, Counsel for Respondent, gdaniel@smithtozian.com;
Scott Tozian, Esquire, Counsel for Respondent, stozian@smithtozian.com; and
Kendall Coffey, Esquire, Counsel for Respondent, kcoffey@coffeyburlington.com.

A handwritten signature in cursive script that reads "Dawn Denaro". The signature is written in black ink and is positioned above a horizontal line.

Hon. Dawn Denaro, Referee
Circuit Court Judge
Miami-Dade Children's Courthouse
155 N.W. 3rd Street, Suite 13339
Miami, FL 33128