

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ALBERT V. MEDINA,

Respondent.

Supreme Court Case No. SC-

The Florida Bar File No. 2023-50,445(15C)

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**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

The undersigned respondent, Albert V. Medina, files this Conditional Guilty Plea under R. Regulating Fla. Bar 3-7.9.

1. The respondent is, and at all times relevant to this matter was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. The respondent is acting freely and voluntarily in this matter, and tenders this plea without fear or threat of coercion. Respondent is represented in this matter.

3. As to Florida Bar File No. 2023-50,445(15C), respondent waives his right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

4. The disciplinary measures to be imposed on respondent are:

a. Suspension from the practice of law for 10 days, effective 30 days from the date of the Supreme Court of Florida's order approving the consent judgment so that respondent can close out respondent's practice and protect the interests of existing clients.

b. On entry of the Court's order, respondent must immediately:

- i. accept no new clients from the date of the order;
- ii. initiate no litigation on behalf of clients from the date of the order; and
- iii. provide a copy of the suspension order to all courts, tribunals, or adjudicative agencies before which respondent is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);

c. Within 30 days from the date of the Court's order, respondent must:

- i. cease all practice of law in Florida;
- ii. cease holding himself out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, social media,

telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;

iii. wind down all pending matters;

iv. cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation;

v. not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation; and

vi. provide the bar's headquarters office in Tallahassee with an affidavit listing all of the following that respondent notified of the suspension order: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel.

d. Respondent must fully comply with Rule Regulating The Florida Bar 3-5.1(h).

e. Respondent must also fully comply with Rule Regulating The Florida Bar 3-6.1, if applicable.

f. Respondent must undergo an evaluation by Florida Lawyers Assistance, Inc. (FLA, Inc.) at respondent's sole expense and abide by all recommendations made by FLA, Inc. including, but not limited to, entering into a rehabilitation contract. Respondent must contact FLA, Inc. at 954-566-9040 for an evaluation within 30 days of the Supreme Court of Florida's order approving this consent judgment. Within 60 days of the order, respondent must provide The Florida Bar's headquarters office with proof that respondent has scheduled an evaluation.

g. If FLA, Inc recommends a rehabilitation contract, respondent must enter into said contract with Florida Lawyers Assistance, Inc. (FLA, Inc.) within 30 days of said recommendation and must abide by all of the contract's requirements including payment of all associated fees and costs. Respondent must pay a registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with the FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. FLA, Inc. is

required to report to The Florida Bar any failure to comply with the rehabilitation contract. Respondent's noncompliance with any requirement is cause for contempt and additional discipline.

h. Payment of the disciplinary costs.

5. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

- (a) On October 9, 2022, while engaged in horseplay with his brother, respondent retrieved a firearm from another room. Believing it was unloaded, respondent pulled the trigger, striking his brother in his bicep. Respondent immediately applied first aid measures and called 911 for help. Both respondent and his brother informed the police that the incident was an accident. Respondent was charged with misdemeanor culpable negligence.
- (b) Respondent's brother subsequently informed law enforcement that he wanted respondent prosecuted, but then signed a non-prosecution affidavit, informing authorities that he did not want his brother prosecuted and affirming that the incident was unintentional. In the interim, the charge against respondent was enhanced to

attempted manslaughter. However, the felony charge was subsequently nolle prossed.

- (c) The criminal case against respondent was resolved on December 21, 2023, with respondent's plea and adjudication of guilt to the offense of culpable negligence, causing personal injury to another, a first-degree misdemeanor. Respondent was placed on probation for twelve (12) months with special conditions. Upon his successful completion of the probation terms, respondent's probation was terminated early on July 22, 2024.
- (d) Respondent admits his conduct violated R. Regulating Fla. Bar 4-8.4(b) [A lawyer shall not commit a criminal action that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.].

6. In mitigation, respondent would offer the following mitigating factors from the Florida Standards for Imposing Lawyer Sanctions:

- a. 3.3(b)(1) absence of a prior disciplinary record – Respondent has been a member of The Florida Bar since 2014 and has no prior discipline.

- b. 3.3(b)(2) absence of a dishonest or selfish motive – Respondent had no dishonest or selfish motive and maintains that this terrible incident was unintentional.
- c. 3.3(b)(3) personal or emotional problems – Respondent has personal and/or emotional problems. In the years following his graduation from law school, respondent began to display symptoms of depression, anxiety, and attention deficit hyperactivity disorder, ultimately being diagnosed with all three conditions. In or about 2018, respondent began ongoing treatment for these conditions. Following the incident at issue, respondent underwent intensive post trauma out-patient therapy for a period of two months which included both group and individual therapy. Respondent continues to receive treatment/therapy for his conditions and the trauma resulting from the incident at issue.
- d. 3.3(b)(4) timely good faith effort to make restitution or to rectify the consequences of the misconduct – Respondent has engaged in a good faith effort to rectify the consequences of his misconduct by cooperating with law enforcement, pleading guilty to the criminal misdemeanor charge, complying with all terms of his punishment

by prompt compliance with the terms of his probation, accepting responsibility for his actions, and embarking on a course of therapy and treatment to solidify the family ties which may have been damaged by his thoughtless conduct.

- e. 3.3(b)(5) full and free disclosure to the bar or cooperative attitude toward the proceedings – Respondent has cooperated in the bar's investigation in this matter and continues to exhibit a cooperative attitude and acceptance of responsibility by entering into the instant consent judgment. Respondent further advises that his brother supports the instant consent judgment.
- f. 3.3(b)(7) character or reputation – Respondent has provided evidence of good character and reputation via letters from a fellow attorney and treating therapist.
- g. 3.3(b)(11) imposition of other penalties or sanctions – Respondent has suffered other sanctions for this misconduct as evidenced by the criminal charges and adjudication, as well as the trauma to his brother and family as a result of this incident.
- h. 3.3(b)(12) remorse – Respondent has demonstrated remorse for his misconduct and its impact on his family. Respondent

represents that his family supports him in the resolution of these disciplinary proceedings and in continued healing.

7. The Florida Bar has approved this proposed plea as required by R. Regulating Fla. Bar 3-7.9.

8. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it has no effect and may not be used by the parties in any way.

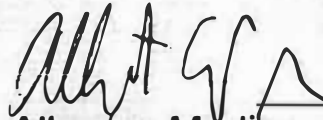
9. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,398.50. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent will pay interest on any unpaid costs at the statutory rate. Respondent further agrees these disciplinary costs are not dischargeable in any future proceedings, including, but not limited to, a petition for bankruptcy. Respondent will be delinquent and ineligible to practice law if respondent does not satisfy the cost judgment within 30 days of this order, unless The Florida Bar Board of Governors defers payment under R. Regulating Fla. Bar 1-3.6.

10. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the

conditions of any disciplinary order or agreement and is evidence of good faith and fiscal responsibility.

11. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 22<sup>nd</sup> day of Oct., 2024.



Albert v. Medina

Respondent

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Dated this 22<sup>d</sup> day of Oct., 2024.



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