

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File No.
2022-10,671 (13C)

v.

JOHN JAMES ROGERS,

Respondent.

_____/

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, JOHN JAMES ROGERS, and files this Conditional Guilty Plea pursuant to Rule 3-7.9(a) of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2022 10,671 (13C).

3. As to The Florida Bar File No. 2022-10,671 (13C) there has been a finding of probable cause by the grievance committee.

4. Respondent is acting freely and voluntarily in this matter, and tenders this plea without fear or threat of coercion. Respondent is represented by counsel.

5. The disciplinary measures to be imposed upon respondent are as follows:

A. Public reprimand to be administered by publication;

B. Completion of The Florida Bar's Professionalism Workshop within six (6) months from the date of the Supreme Court of Florida's order approving this consent judgment and respondent will be responsible for payment of the \$750.00 workshop fees prior to attendance; and

C. Payment of the bar's costs in the amount of \$1,250.00.

6. The following allegations, facts and rules form the basis of respondent's guilty plea:

Respondent represented a defendant regarding an appeal of the denial of defendant's motion to suppress. Respondent failed to respond to several appellate court orders and failed to appear at the first order to show cause hearing due to health issues. Respondent appeared at a subsequently scheduled show cause hearing. There, he explained that his

poor health and other personal issues caused him to fall behind at work.

At the show cause hearing, respondent took full responsibility for his actions or inactions, noted there was no excuse for his omissions, stated that he was humbled and humiliated, and assured the Court that it would not happen again. Respondent was ordered to contact and meet with the Thirteenth Judicial Circuit Local Professionalism Panel and to comply with all outstanding orders. Although respondent believed he had complied with the previous orders, changes in the filing procedures made his attempts at compliance unsuccessful. Further, although respondent attempted to contact the Professionalism Panel by emailing the Chairs of the panel, he did so too late. By the time these contacts and requests had been made, the Professionalism Panel was unable to provide the Panel's informal services, due to the fact that the DCA had entered an order noting respondent's delays and failures to comply and had referred the matter to The Florida Bar.

7. Respondent agrees that by reason of the foregoing, he has violated the following Rules Regulating The Florida Bar: Rule 3-4.3 (minor misconduct), Rule 4-1.1 (Competence), and Rule 4-1.3 (Diligence).

8. As mitigation:

a) Respondent has an absence of a prior disciplinary record since his

- admission to The Florida Bar on October 27, 1994, with twenty-five (25) years of public service;
- b) Respondent had an absence of a dishonest or selfish motive;
 - c) Respondent had personal or emotional problems during the period of the misconduct as both himself and his wife were dealing with health issues;
 - d) Respondent has made a full and free disclosure to the bar and has demonstrated a cooperative attitude toward the proceedings;
 - e) Respondent was inexperienced in the appellate practice of law and was unaware of the changes in the filing procedures despite his attempted, but unsuccessful, filing;
 - f) Respondent has demonstrated good character and reputation;
 - g) Respondent has been instructed by his office on the correct filing procedures, has worked with his supervisors to ensure procedures are in place to ensure his clients are duly represented if a similar situation arises in the future, has reviewed the Professionalism Rules, and has obtained two (2) CLE programs to review; and
 - h) Respondent is remorseful for his conduct.

9. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

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

11. 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 \$1,250.00. 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 shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

12. 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 also evidence of

good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

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

In accordance with this Consent Judgment, respondent agrees to the discipline set forth in section 5 above.

Dated this 2nd day of November, 2023.

John J. Rogers

John James Rogers
Respondent

Dated this 3rd day of November, 2023.

Donald A. Smith, Jr.

Donald A. Smith, Jr., Esquire
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dsmith@smithtozian.com

Dated this 4th day of December, 2023.

A handwritten signature in black ink, reading "Michelle Lopes Robertson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michelle Lopes Robertson
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