

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MARCY S. RESNIK,

Respondent.

Supreme Court Case
No.

The Florida Bar File No.
2022-50,742(17F)

_____/

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Marcy S. Resnik, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 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. 2022-50,742(17F). Respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

3. 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.

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

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.

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

1. accept no new clients from the date of the order;
2. initiate no litigation on behalf of clients from the date of the order; and
3. 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);

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

1. cease all practice of law in Florida;
2. cease holding respondent 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;

3. wind down all pending matters;

4. 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;

5. 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

6. 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.

C. Respondent shall attend Ethics School, in person where scheduled by the bar, within six months of the order approving this consent judgment and pay associated fees totaling \$750.00 before attendance.

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. 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 June 13, 2022, respondent was charged by Information with one count of Tampering with a Witness or Victim in State of Florida v. Marcy Stone Resnik, Case No. 22005707CF10A. Respondent self-reported the felony charge to The Florida Bar.

B. The charge related to respondent's conversation with a former client on March 9, 2022. The former client had been the victim of a sexual offense in 2017 by an individual with whom she had been living. In 2020, the client hired respondent to negotiate a confidential settlement agreement after expressing a desire not to prosecute the offender. The settlement agreement contained a non-disparagement clause and clause providing for liquidated damages for breaches of confidentiality and non-disparagement obligations.

C. In March 4, 2022, respondent received a subpoena from the Broward County State Attorney's Office for her testimony and a copy of the settlement agreement. Respondent contacted the former client to determine whether they had revealed anything about the confidential agreement. Unbeknownst to respondent, the former client had been contacted by law enforcement as part of an investigation into an unrelated offense involving the same offender. On March 9, 2022, respondent and the former client had a telephone conversation which was recorded by law

enforcement officers, without respondent's knowledge, during which respondent advised the former client of the consequences of breaching the confidentiality and non-disparagement obligations of the settlement agreement, including potential financial consequences. Respondent advised the former client that pursuant to the settlement agreement, she could not discuss the matter without a court order, and instructed her to direct any inquiries, including from law enforcement, to her as the former client's attorney.

D. On June 16, 2023, the Broward County Office of the State Attorney reduced the pending charge to Obstruction/Resisting an Officer Without Violence, a first-degree misdemeanor. Respondent entered a plea of no contest, was sentenced to one year of administrative probation and court costs. The court withheld adjudication. Additionally, the court ordered the probation to automatically terminate after a period of six months so long as there were no violations of probation.

E. Based on the aforementioned, respondent violated Rules Regulating The Florida Bar: 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

6. The following aggravation is applicable in this matter:
substantial experience in the practice of law [Standard 3.2(b)(9)].

7. The following mitigation is applicable in this matter: absence of a prior disciplinary record [Standard 3.3(b)(1)]; absence of a dishonest or selfish motive [Standard 3.3(b)(2)]; full and free disclosure to the bar or cooperative attitude toward the proceedings [Standard 3.3(b)(5)]; and imposition of other penalties or sanctions [Standard 3.3(b)(11)].

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

9. 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.

10. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

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.

Dated this 25 day of ^{JULY}~~JUNE~~, 2025.


MARCY S. RESNIK
Respondent
Kahn & Resnik, P.L.

12 SE 7th Street, Suite 602
Fort Lauderdale, FL 33301-3432
(305) 373-4400
Florida Bar No. 766062
mresnik@kr-lawyer.com

Dated this 25 day of ^{July}~~June~~, 2025.



BARRY MICHAEL WAX
Counsel for Respondent
Law Offices of Barry M. Wax
Barry M Wax PLLC
701 Brickell Avenue, Suite 1550
Miami, FL 33131-2824
(305) 373-4400
Florida Bar No. 509485
bwax@barrywax.com

Dated this 24th day of September, 2025.



TRACY SORCEK
Bar Counsel
Ft. Lauderdale Branch Office
The Florida Bar
Lake Shore Plaza II 1300 Concord
Terrace Ste. 130
Sunrise FL, 33323
(954) 835-0233
Florida Bar No.: 46860
tsorcek@floridabar.org