

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

Supreme Court Case
No. SC 13-2055

**IN RE: PETITION FOR REINSTATEMENT
OF HENRY N. ADORNO**

The Florida Bar File No.
2014-70,336 (11E-MRE)

Petitioner. _____ /

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS:

On October 29, 2013, Petitioner, Henry N. Adorno, filed a Petition for Reinstatement pursuant to Rule 3-7.10, Rules Regulating The Florida Bar. The Supreme Court of Florida, on April 21, 2011 suspended Petitioner as of October 28, 2010 for a period of three years.

Following the filing of the Petition for Reinstatement, the Chief Judge of the 17th Judicial Circuit assigned the undersigned to preside over the proceedings.

As such, the undersigned as the duly appointed Referee conducted a reinstatement proceeding pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar. A final hearing was held on March 12, 2014 in Fort Lauderdale, Broward County, Florida. The hearing was attended by Mr. Adorno, counsel for the Bar, Ms. Avery and Ms. Falcone, and counsel for Mr. Adorno, Mr. Yoss.

FILED
JOHN A. TOMASINO
2014 APR -3 PM 3:08
CLERK, SUPREME COURT

All of the pleadings, notices, motions, orders, transcripts and exhibits are forwarded with this Report and the foregoing constitutes the record of this case. The Florida Bar was represented in this proceeding by Tonya L. Avery and Jennifer R. Falcone and Petitioner was represented by George T. Yoss. The Florida Bar presented no witnesses, and introduced two exhibits at the hearing. Petitioner testified at the hearing and, in addition, presented sworn testimony, affidavits and letters from numerous attorneys, business, civic and community leaders, all of whom are listed on Exhibit "A" to this Report.

II. JURISDICTIONAL FACTS:

Petitioner was a member of The Florida Bar at the time of his suspension, having been admitted to The Florida Bar in October 1973. His Petition for Reinstatement is subject to the jurisdiction and rules of the Florida Supreme Court.

III. FINDINGS OF FACT:

This matter came before the undersigned Referee for final hearing on March 12, 2014. The undersigned, having considered the requirements of Rule 3-7.10, Rules Regulating The Florida Bar, testimony, pleadings, exhibits and argument of counsel at the final hearing, as well as the knowledge gained from having been the Referee during the initial Bar proceeding against Petitioner, hereby makes the following findings based on clear and convincing evidence:

1. Petitioner was suspended *nunc pro tunc* effective October 28, 2010, by order of the Florida Supreme Court Case No. SC09-1012, a copy of which is appended to Mr. Adorno's Petition for Reinstatement as Appendix E.

2. The above-referenced order suspended Mr. Adorno for three years and required him to pay costs of \$8,901.65 and notify all clients of his suspension.

3. Testimony adduced at the Final Hearing established Mr. Adorno complied with all conditions of the prior disciplinary order of the Florida Supreme Court.

4. In the Referee's opinion, the Petitioner has demonstrated good character and fitness to practice law. In reaching this conclusion, I considered the following:

a) Mr. Adorno's age at the time of his offense was 57. He is now 66. The conduct which subjected him to disciplinary action took place almost 10 years ago.

b) There was no dispute the prior misconduct was serious and the Petitioner fully accepted the findings of the referee in his

prior disciplinary proceeding and, as well, fully accepted and complied with the discipline imposed on him by the Florida Supreme Court.

c) There was undisputed evidence of rehabilitation and acceptance of remorse by the Petitioner during the time of his suspension, throughout his petition for reinstatement and during the final hearing. No contrary evidence was offered by the Bar to suggest the Petitioner was not remorseful or accepting of the prior judgment of the Florida Supreme Court. There was no evidence to suggest Mr. Adorno exhibited any past or present malice towards the Referee, Bar counsel, or members of the Florida Supreme Court as a result of his disciplinary suspension.

d) Mr. Adorno has also exhibited a continued dedication to remain active in his community during his suspension. He continues to provide significant contributions to religious, social, and charitable organizations.

f) Uncontroverted evidence during the final hearing suggested Mr. Adorno was candid and cooperative in all phases of both the disciplinary and reinstatement process.

5. The Referee finds by clear and convincing evidence Mr. Adorno has demonstrated that he meets all of the elements of rehabilitation:

a) Unimpeachable character and moral standing in the community. Twenty-nine individuals testified through sworn statements and letters that Mr. Adorno enjoys an excellent reputation for honesty, integrity and moral standing within the community. Many individuals noted Mr. Adorno's significant community service both before and during the suspension period. Those testifying on Mr. Adorno's behalf included a former President of the American Bar Association, a former President of the National Bar Association, a former President of the Florida Bar, several former members of the Florida Bar Board of Governors, and a former Justice of the Florida Supreme Court. In addition, several leading members of the business, civic and charitable community provided testimony establishing Mr.

Adorno's excellent reputation for honesty and integrity and in support of his petition for reinstatement.

b) An excellent reputation for professional ability. Petitioner presented evidence from twenty 20 attorneys attesting to his reputation as a skilled and competent attorney.

c) The Petitioner exhibited a lack of malice and ill feeling toward those who, by duty, were compelled to bring about the disciplinary proceeding.

d) The Petitioner showed a sense of repentance and remorse, as well as the desire and intention to conduct himself in an exemplary fashion in the future. This finding is supported both by personal assurances from Petitioner and corroborating evidence from witnesses. As described by one of Mr. Adorno's witnesses, "*Mr. Adorno appears deeply chastened by the Supreme Court's punishment and believes Mr. Adorno will conduct himself with impeccable adherence to the highest ethical standards in the future.*"

6. This Referee finds the Florida Bar was represented by competent counsel who conducted a diligent investigation, and found no evidence of disqualifying conduct which would negate the Petition for Reinstatement.

7. Further, no evidence was offered at the final hearing by the Bar which would contradict the affidavits of witnesses offered by the Petitioner.

8. The Petitioner has completed the requisite hours of continuing legal education as required and confirmed by The Florida Bar and was fully cooperative with The Florida Bar's investigation.

9. This Referee finds Mr. Adorno's Petition for Reinstatement is supported by clear and convincing evidence and he has exhibited a clear understanding of the reasons for discipline, and is of such moral character and fitness that he is without question capable of resuming a position of trust as a member of the Florida Bar.

IV. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

The following costs have been submitted to the Referee and Petitioner has no objection:

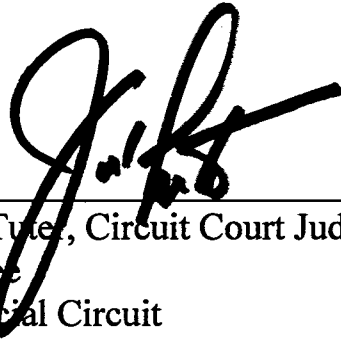
Administrative Fee Rule 3-7.6(q) (1) (I)	\$1,250.00
Attendance of Court Reporter at Hearing held on December 4, 2013.....	75.00
Bar Counsel's travel expense for Hearing held on December 4, 2013.....	41.64
Attendance of Court Reporter at Hearing held on February 5, 2014	75.00
Attendance of Court Reporter at Final Hearing held on March 12, 2014	85.00
Bar Counsel's travel expense for Hearing held on March 12, 2014	41.36
Daily Business Review Publication.....	96.38
Staff Investigator's Costs	1,798.52
Staff Auditor's Costs	1,066.50
SUB TOTAL	4,529.40
Petitioner's Cost Deposit	- 500.00
TOTAL:	\$ 4,029.40

All taxable costs shall be taxed against Petitioner.

V. RECOMMENDATION AS TO REINSTATEMENT:

This Referee finds Petitioner, Henry N. Adorno, by clear and convincing evidence, has proven he is entitled to reinstatement to the practice of law and as such recommends the Supreme Court of Florida grant his Petition for Reinstatement.

Dated this 1st day of April, 2014.



Jack B. Tuttle, Circuit Court Judge
& Referee
17th Judicial Circuit
Broward County Courthouse
201 Southeast 6th Street, Room 1010B
Fort Lauderdale, Florida 33301

Original to Supreme Court with all original filings by the parties

Copy of Referee Report furnished via electronic transmission:

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1300 Concord Terrace, Sunrise, Florida 33323; and

George T. Yoss, Attorney for Petitioner, 2525 Ponce de Leon Boulevard, Suite 625,
Coral Gables, Florida 33134.