

IN THE SUPREME COURT OF FLORIDA

Supreme Court Case, No. SC14-1056
The Florida Bar File, No. 2013-10,737 (13F)

THE FLORIDA BAR,

Complainant,

v.

ADAM ROBERT FILTHAUT

Respondent.

On Petition for Review

**ADAM ROBERT FILTHAUT'S RESPONSE
TO ORDER TO SHOW CAUSE**

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ISSUE

This Honorable Court issued a December 3, 2015 order requiring Respondent Adam Robert Filthaut show cause on or before December 22, 2015 why he should not be suspended from the practice of law pending final disposition of this case.

RESPONSE

Respondent states that he should not be suspended from the practice of law pending the final disposition of the above styled case because if he should continue to be allowed to practice law it would not result in great harm to the public and/or it would not result in great harm to the judicial system because Respondent's conduct is an isolated incident unrelated to his practice and is outweighed by his mitigating circumstances, including his complete lack of prior disciplinary proceedings.

It is important to the public and the legal system that this Court not prejudge Respondent's pending appeal, the initial brief is due January 22, 2016, by ruling unfavorably on this Respondent's challenge to this Court's December 3, 2015 order to show cause. Such a preliminary prejudgment would deny Respondent due process going forward.

Respondent is not presently engaged in the practice of law. Respondent is currently employed outside the practice of law. Further, Respondent's former

employer Adams and Diaco, PA, formerly helmed by the Respondent's two fellow respondents in this case, Robert Adams and Stephen Diaco, is now defunct. As a result of the disbandment of his former law firm, the publicity surrounding the above styled case and the referee's report and recommendation, Respondent is, for all practical purposes, unemployable in the field of law. As a result, there is no rationale or reason for this Court to suspend Respondent prior to a full and fair hearing on the merits of his appeal of the referee's report and recommendation. To do otherwise would be a violation of Respondent's due process and undermine the public and the legal profession's faith in the fairness of these proceedings.

CONCLUSION

Respondent Adam Robert Filthaut respectfully requests the Court, upon receipt of this Response to the December 3, 2015 order to show cause, not suspend the Respondent on December 22, 2015 and instead allow the legal process to proceed in the manner set forth under the Disciplinary Rules of the Florida Bar.

Respectfully submitted,

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By: /s/Mark J. O'Brien
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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015, a copy of the foregoing was served on the following by registered e-mail:

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