

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

Supreme Court Case No(s).  
SC19-1913

v.

The Florida Bar File Nos.  
No. 2018-50,508 (13F)

WENDELL TERRY LOCKE,

Attorney/Respondent,

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RESPONDENT’S MOTION TO TRANFER THIS DISCIPLINARY ACTION TO  
BROWARD COUNTY OR IN THE ALTERNATIVE TO ORANGE COUNTY

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Pursuant to Fla. Bar Reg. R. 3-7.6(d) and Fla. R. Civ. P. 1.060(b), Attorney/Respondent Wendell Terry Locke (hereinafter “Attorney Locke”) – by and through the undersigned counsel – hereby moves this Honorable Court to transfer this disciplinary action from the Circuit Court for the 19<sup>th</sup> Judicial Circuit in and for St. Lucie/Martin County, Florida to the Circuit Court for the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida or alternatively to the Circuit Court for the 9<sup>th</sup> Judicial Circuit in and for Orange County, Florida, and in support states:

**I.**  
**BACKGROUND**

On November 12, 2019, The Florida Bar initiated this disciplinary action against Attorney Locke, a twenty-two (22) year member of The Florida Bar with no prior disciplinary history, based on his motion/pleading practice as Co-Plaintiff’s

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Counsel in a civil rights case – wrongful death action – litigated in the Orlando Division of the U.S. District Court for the Middle District of Florida. The Florida Bar electronically filed notice of possible venue in Broward County (where Attorney Locke’s law practice is located) and Orange County (where the alleged offense occurred) but indicated that Attorney Locke’s residence was unknown.

Although Attorney Locke’s residence and law practice are situated in Broward County and the alleged offense occurred in Orange County, this Court entered an order on November 13, 2019 designating the Circuit Court for the 19<sup>th</sup> Judicial Circuit in and for St. Lucie/Martin County, Florida as the venue for trial of this disciplinary action. Attorney Locke takes exception to this Court’s venue designation and prays for entry of an order transferring this disciplinary action to the Circuit Court for the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida or alternatively, to the Circuit Court for the 9<sup>th</sup> Judicial Circuit in and for Orange County, Florida. A status hearing is set for Monday, December 2, 2019 at 2:00p.m.

**II.**  
**CERTIFICATE OF GOOD FAITH**  
**COMMUNICATION WITH OPPOSING COUNSEL**

The undersigned counsel hereby certifies that a good faith effort has been made to confer with opposing counsel regarding this motion by Co-Respondent’s Counsel Calrie M. Marsh and that The Florida Bar **has taken no position** on the relief requested herein.

**III.**  
**ARGUMENT AND CITATIONS TO AUTHORITY**

Substantively, the rule of law requires that venue for trial of this quasi-judicial matter “shall be held in the county in which [the] alleged offense occurred or in the county where the respondent resides or practices law or last practiced law in Florida, whichever shall be designated by the Supreme Court of Florida...” See Fla. Bar Reg. R. 3-7.6(d). This Court’s current venue designation – the Circuit Court for the 19<sup>th</sup> Judicial Circuit in and for St. Lucie/Martin County, Florida – is inconsistent with a proper application of the rule of law to the background facts of this case. Accordingly, Attorney Locke takes exception to said designation and seeks entry of an order transferring this matter to the appropriate venue – the Circuit Court for the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida (where he resides and practices law) or alternatively, the Circuit Court for the 9<sup>th</sup> Judicial Circuit in and for Orange County, Florida (where the alleged offense arguably occurred).

Procedurally, the Florida Rules of Civil Procedure are applicable to this quasi-judicial matter. See Fla. Bar Reg. R. 3-7.6(f)(1). Moreover, said rules arguably provide a vehicle by which Attorney Locke may seek, and this Court may grant, the requested relief. See Fla. R. Civ. P. 1.060(b). However, Rule 1.060(b) also reads in pertinent part that: “[w]hen the venue might have been laid in 2 or more counties, the person bringing the action may select the county to which the action is transferred, but if no such selection is made, the matter shall be determined by the

court.” Id. The Florida Bar is arguably the “person” that initiated this disciplinary action so it would have the power to choose whether this matter is transferred to Broward or Orange County under the aforementioned rule. Given that The Florida Bar has been silent on the issue to date, Attorney Locke contends that the matter should be transferred to Broward County (his preference) or alternatively to Orange County if this Court determines that Broward County is not convenient.

WHEREFORE, Attorney Locke prays for entry of an Order granting this motion and transferring the venue for trial of this quasi-judicial matter from the Circuit Court for the 19<sup>th</sup> Judicial Circuit in and for St. Lucie/Martin County, Florida to the Circuit Court for the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida (where he resides and practices law) or alternatively to the Circuit Court for the 9<sup>th</sup> Judicial Circuit in and for Orange County, Florida (where the alleged offense occurred) if this Court determines that Broward County is not convenient.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30<sup>TH</sup> day of **November, 2019** a true and correct copy of the foregoing, **Respondent's Motion to Transfer this Disciplinary Action to Broward County or in the Alternative to Orange County**, was electronically filed thru the e-portal with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida and served upon the following counsel of record for THE FLORIDA BAR and Co-Counsel for Respondent via the e-portal and electronic mail:

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Respectfully submitted,

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