

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

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,

Referee: Honorable Ernest A. Kollra,
17th Judicial Circuit Court Judge

RESPONDENT’S UNOPPOSED MOTION TO SUPPLEMENT THE RECORD

Attorney/Respondent Wendell Terry Locke (hereinafter “Attorney Locke”) – by and through the undersigned counsel – hereby moves to supplement the record with transcripts [of the final hearing, sanction hearing, and the December 2, 2020 status conference hearing], Witness Elizabeth Warren’s written response to the agreed subpoena (Record Index #83), and Witness District Court Judge Honeywell’s written response to the Order on Respondent’s Motion for Referee to Issue Discovery Subpoena – Judge Honeywell (Record Index #47), pursuant to R. Regulating Fla. Bar 3-7.6(n)(4) and in support states:

I.
ARGUMENT AND CITATIONS TO AUTHORITY

“The respondent and The Florida Bar may seek to supplement the record or have items removed from the record by filing a motion with the referee for such

purpose, provided such motion is filed within 15 days of the service of the index.”
See R. Regulating Fla. Bar 3-7.6(n)(4). The parties were served with the Record Index on March 17, 2021. This motion is timely because it has been filed on or before April 1, 2021, the 15 day deadline.

“The record shall include all items properly filed in the cause including pleadings, recorded testimony, if transcribed, exhibits in evidence, and the report of the referee.” See R. Regulating Fla. Bar 3-7.6(n)(2). In this case, two witnesses (District Court Judge Honeywell and District Court Clerk Elizabeth Warren) were served with subpoenas for deposition issued by the Referee. Both witnesses refused to appear for their depositions and both witnesses expressed their refusal in letters served on the Referee and all parties. These filings have been omitted from the Record and Respondent seeks to supplement the record with them.

“All hearings at which testimony is presented shall be attended by a court reporter who shall record all testimony. Transcripts of such testimony are not required to be filed in the matter, unless requested by a party, who shall pay the cost of transcription directly, or ordered by the referee, in which case the costs thereof are subject to assessment as elsewhere provided in these rules.” See R. Regulating Fla. Bar 3-7.6(n)(1). In this case, the Referee requested that the Bar order a transcript of the final hearing for use in preparing his Report and Recommendations and in his preparation for the sanction hearing. The Bar did so and served it on the Referee

and Respondent. This transcript cost has been assessed against Respondent but this transcript has been omitted from the Record. Respondent contends that the Record should be supplemented with a transcript of the final hearing. Similarly, the Bar ordered a transcript of the sanction hearing for use in preparing the final Report and Recommendations at the Referee's instruction. The sanction hearing transcript cost has been assessed against the Respondent but the transcript has been omitted from the Record. Respondent contends that the Record should also be supplemented to include this transcript. Finally, Respondent ordered the transcript from the December 2, 2020 status conference hearing which included argument on Respondent's motion to amend responsive pleading. This transcript should also be included in the Record though it has been omitted.

II. **CONCLUSION**

Based on the foregoing, Respondent Attorney Locke hereby requests that the Referee issue an order granting this unopposed motion and permitting the Record to be supplemented with transcripts [of the final hearing, sanction hearing, and the December 2, 2020 status conference hearing which included argument on Respondent's motion to amend responsive pleading], Witness Elizabeth Warren's written response to the agreed subpoena (Record Index #83), and Witness District Court Judge Honeywell's written response to the Order on Respondent's Motion for Referee to Issue Discovery Subpoena – Judge Honeywell (Record Index #47).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **31st** day of **March, 2021** a true and correct copy of the foregoing, **Respondent’s Unopposed Motion to Supplement the Record**, was electronically served on the Referee, Judge Ernest A. Kollra Jr. via his legal assistant Teresa Sugar “T” at tsugar@17th.flcourts.org, and upon the following counsel of record for THE FLORIDA BAR, and Co-Counsel for Respondent via electronic mail:

Patricia Ann Toro Savitz, Esq. Staff Counsel Florida Bar No. 559547 psavitz@floridabar.org	
Lindsey Margaret Guinand, Esq. Bar Counsel Florida Bar No. 100030 lguinand@floridabar.org pmcbride@floridabar.org tampaoffice@floridabar.org	Calrie M. Marsh, Esq. Co-Counsel for Respondent Florida Bar No. 123390 c.marsh@calriemarsh.com

Respectfully submitted,

Co-Counsel for Respondent

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