

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

TIMMY W. COX SR.,

Respondent.

Supreme Court Case
No. SC20-1639

The Florida Bar File
Nos. 2019-50,660(17J);
2020-50,691(17J); and
2021-50,033(17J)

Received, Clerk, Supreme Court

APR 15 2021

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Timmy W. Cox Sr., 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 acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent has chosen to represent himself throughout these proceedings.

3. As to TFB Case No. 2019-50,660(17J), a default has been entered by order dated January 5,2021.

4. The Florida Bar File No.2020-50,691(17J) is currently pending at grievance committee level and The Florida Bar File No. 2021-50,033(17J) is currently pending at staff level. Respondent waives a finding of probable cause in these matters and wishes to settle all three of the pending matters with this consent judgment.

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

A. 60-day suspension.

B. Respondent shall attend and pay the costs of attending The Florida Bar's Ethics School and The Florida Bar's Professionalism Workshop within 6 months of the Supreme Court order accepting this consent judgment.

C. Respondent has contacted Florida Lawyers Assistance, Inc. (FLA, Inc.), has been evaluation and the evaluation does not recommend a rehabilitation contract.

D. Respondent shall pay The Florida Bar's costs in this matter.

6. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the

order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interests of existing clients.

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

As to The Florida Bar File No. 2019-50,660(17J):

A. On or about February 20, 2019, respondent represented Mark Metellus in a criminal trial before the Honorable Sherwood Bauer, in the Circuit Court of the Nineteenth Judicial Circuit, in and for Martin County, Florida, Case No. 4317CF000259A.

B. During the course of the trial, a sidebar was held between Judge Bauer, respondent, co-counsel for the defense, and the assistant state attorney.

C. During such sidebar, respondent conducted himself in a disrespectful manner toward Judge Bauer, exhibiting a lack of respect and decorum.

D. Respondent accused Judge Bauer of lacking impartiality.

E. Respondent then moved for a mistrial.

F. During a hearing regarding respondent's motion for mistrial (which was ultimately denied), respondent interrupted the judge over 20 times and continually spoke over the judge.

G. At one point, respondent interrupted the court by stating, "First of all, I am entitled to a record, you may not want me to have a record, but you have been speaking for 93 seconds, I have been counting."

H. When Judge Bauer advised respondent that he was being rude, respondent stated "You're being rude to my client."

I. Respondent's conduct evinced disregard for the dignity and sanctity of the judicial system in general and Judge Bauer in particular.

J. Respondent's conduct was disruptive of the proceedings and prejudicial to the orderly administration of justice.

K. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.3 [Misconduct and Minor Misconduct.]; 4-3.5(a) [A lawyer shall not seek to influence a judge, juror, prospective juror, or other decision maker except as permitted by law or the rules of court.]; 4-3.5(c) [A lawyer shall not engage in conduct intended to disrupt a tribunal.]; 4-8.2(a) [A lawyer shall not make a statement that

the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.].

As to The Florida Bar Case No. 2020-50,691(17J):

L. Respondent represented a client in an adoption case and filed a Verified Petition to Appoint Emergency Custody of Surrendered Child and Preliminary Approval of Placement of the Surrendered Infant in the Prospective Home.

M. The trial court denied the petition with prejudice as it was legally insufficient on its face.

N. Respondent demonstrated incompetence and lack of decorum during a hearing in that matter.

O. In a different case, *State of Florida v. Andrew Covert*, respondent failed to appear at a properly noticed hearing. An Order to Show Cause and an Amended Order to Show Cause (Due to Sheriff's Office Failure to Timely Serve) was issued by Judge Roby.

P. Respondent, in a letter to the court, stated he was in Géorgia at the time of the hearing due to meeting with another client and as a result of falling ill, remained in Georgia.

Q. Respondent was allowed to withdraw from the case.

R. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.3 [Misconduct and Minor Misconduct.]; 4-1.1 [Competence.]; 4-3.5(c) [A lawyer shall not engage in conduct intended to disrupt a tribunal.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.].

As to The Florida Bar File No. 2021-50,033(17J):

S. Respondent represented a client in an adoption case (the same adoption case referred to in The Florida Bar File No. 2020-50,691(17J)).

T. Respondent failed to properly handle the adoption case and failed to properly prepare certain necessary documents.

U. Specifically, the court found that respondent did not advise the mother that the document she was signing irrevocably surrendered her parental rights to her child. The mother thought she

was only signing papers for the child to go home with respondent's client.

V. Neither respondent nor anyone else conducted a pre-consent interview of the mother or gave advance notice regarding her execution of the consent. Furthermore, the mother was never advised of her right to have an independent witness and the consent was not executed in the presence of 2 (two) witnesses.

W. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.3 [Misconduct and Minor Misconduct.]; 4-1.1 [Competence.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.].

8. In mitigation of his actions, respondent asserts the following:

A. Respondent has been a member of The Florida Bar since December 1, 2014 and has no prior disciplinary history.

B. Respondent had no selfish or dishonest motive in these matters.

C. Respondent has made full and free disclosure to the bar and has had a cooperative attitude toward these proceedings.

D. Respondent is inexperienced in the practice of law.

E. Respondent suffers from a physical and/or mental disability or impairment.

F. Respondent is remorseful for his conduct in these matters.

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

10. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

11. Respondent agrees to eliminate all indicia of respondent's status as an attorney on social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever. Respondent will no longer himself out as a licensed attorney.

12. 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

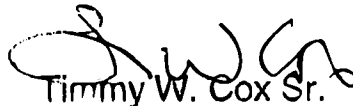
unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to 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.

13. 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 or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

14. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

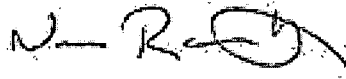
15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 11 day of March, 2020.



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Dated this 6th day of April, 2021.



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