

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

NIRAV MAHENDRA JAMINDAR,
Respondent.

Supreme Court Case
No. SC21-507

The Florida Bar File Nos.
2018-10,098 (20B)
2019-10,758 (20B)
2019-10,783 (20B)
2019-10,810 (20B)
2020-10,004 (20B)

Received, Clerk, Supreme Court

SEP 24 2021

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Nirav Mahendra Jamindar, 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 is represented by counsel in this matter.

3. There has been a finding of probable cause by the grievance committee as to TFB File Nos. 2018-10,098 (20B), 2019-10,758 (20B), 2019-10,783 (20B), 2019-10,810 (20B), 2020-10,004 (20B).

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

- A. Ninety-day suspension from the practice of law; and
- B. Payment of the disciplinary costs.

5. 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 interest of existing clients.

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

- A. As to Count I, TFB File No. 2018-10,098 (20B):

Respondent represented Sheddric Brown, Jr. (hereinafter referred to as Brown) in connection with felony second degree murder and related firearms charges. In or around May 2016, respondent visited Brown at the Lee County jail, in Fort Myers, Florida. Neither Brown nor his family ever contacted respondent about representing Brown. Brown was represented by the Public Defender's office when respondent visited Brown at the jail.

On or around August 19, 2016, Brown retained Absolute Law, P.A., the firm where respondent was employed, and respondent took on the representation of Brown. Respondent entered an appearance as counsel in Brown's case on August 22, 2016 and the Public Defender was withdrawn from the case. Respondent represented Brown at trial, and Brown was ultimately convicted and sentenced. Brown subsequently advised respondent he wanted to pursue an appeal.

On May 5, 2017, Brown's family paid Absolute Law, P.A. \$205.00 for the filing fee for Brown's appeal. On or around May 8, 2017, respondent left Absolute Law, P.A. Neither Brown nor Brown's family members received any correspondence advising of respondent's departure from Absolute Law, P.A. However, respondent states that the Brown Family reached out to respondent in May 2017. It was then that respondent advised the family he was no longer associated with Absolute Law, P.A.

On May 19, 2017, the Second District Court of Appeal issued an order stating Brown's appeal had been filed without a filing fee, which was actually \$300.00, and the same day, a partner at Absolute Law, P.A., filed a motion to withdraw from Brown's case. Absolute

Law's motion to withdraw was granted, and the Public Defender's office was appointed to pursue Brown's appeal.

After his departure from Absolute Law, P.A., respondent was "Of Counsel" for the law firm of Schwartz and Zonas between approximately April 2018 and November 2018. Respondent relocated to Key West on or about August 15, 2019, and as of December 2019, respondent's bar profile reflected that he was still serving in the capacity of "Of Counsel" for Schwartz and Zonas. Respondent filed notices of appearance in Collier County and Monroe County which still reflected he was "Of Counsel" for the law firm of Schwartz and Zonas through at least October 2019. There were also internet listings for respondent that as of December 2019 advertised respondent was "Of Counsel" for Schwartz and Zonas. Respondent explained that any listings reflecting respondent's "Of Counsel" designation from the Schwartz and Zonas firm after November 2018 were done in error and were the result of an oversight after leaving the firm.

Respondent admits to violations of the following Rules Regulating The Florida Bar in connection with Count I: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-1.3 (Diligence); Rule 4-

1.4 (Communication); Rule 4-1.16(d) (Declining or Terminating Representation - Protection of Client's Interest); Rule 4-4.2 (Communication with Person Represented by Counsel); and Rule 4-7.18(a) (Direct Contact with Prospective Clients – Solicitation). The bar filed a notice of voluntary dismissal without prejudice as to Rule 4-8.4(c) (Misconduct – a lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice) in relation to this count.

B. As to Count II, TFB File No. 2019-10,758 (20B): Attorney Shannon H. McFee was advised by his client, Nicholas Prisco, that a private investigator, Keith Perry contacted him within a very short time period after his arrest in order to solicit him as a client on behalf of respondent. Mr. Perry advised Mr. Prisco to hire respondent since his fees were less expensive but assured that respondent would provide the same level of representation as other prospective attorneys.

Mr. Perry is a longtime friend of respondent's spouse, who worked for respondent, and respondent explained that his wife had been asking her friends to obtain business for respondent without his knowledge. Respondent failed to adequately supervise his wife and

ensure her conduct was compatible with his professional obligations as a lawyer.

Respondent admits to violations of the following Rules Regulating The Florida Bar in connection with Count II: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-5.3(b) (Responsibilities Regarding Nonlawyer Assistants - Supervisory Responsibility); Rule 4-7.18(a) (Direct Contact with Prospective Clients – Solicitation); and Rule 4-8.4(a) (Misconduct – violate or attempt to violate Rules of Professional Conduct, knowingly assist, or induce another to do so through acts of another).

C. As to Count III, TFB File No. 2019-10,783 (20B): Attorney Lee Hollander was advised by his client, Skyler Wayne, that a private investigator, Keith Perry, contacted his mother, Jane Wayne, within a very short time period after Mr. Wayne's arrest in order to solicit Mr. Wayne as a client on behalf of respondent. In the phone call Ms. Wayne received from Mr. Perry, he inquired if Mr. Wayne had an attorney, and Jane advised they were speaking with attorney Hollander. Mr. Perry urged Ms. Wayne to call respondent that day, which was a Sunday, and advised her respondent would answer the call.

Mr. Perry is a longtime friend of respondent's spouse, who worked for respondent, and respondent explained that his wife had been asking her friends to obtain business for respondent without his knowledge. Respondent failed to adequately supervise his wife and ensure her conduct was compatible with his professional obligations as a lawyer.

Respondent admits to violations of the following Rules Regulating The Florida Bar in connection with Count III: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-4.2 (Communication with Person Represented by Counsel); Rule 4-5.3(b) (Responsibilities Regarding Nonlawyer Assistants - Supervisory Responsibility); Rule 4-7.18(a) (Direct Contact with Prospective Clients – Solicitation); and Rule 4-8.4(a) (Misconduct – violate or attempt to violate Rules of Professional Conduct, knowingly assist, or induce another to do so through acts of another).

D. As to Count IV, TFB File No. 2020-10,004 (20B): Attorney and former Collier County Judge Mike Carr was advised by his client, Samuel Robert Tanielian that a private investigator, Keith Perry, contacted his mother, Kim Tanielian, within a very short time period

after Mr. Tanielian's arrest in order to solicit him as a client for respondent and urged Ms. Tanielian to call respondent.

Mr. Perry is a longtime friend of respondent's spouse, who worked for respondent, and respondent explained that his wife had been asking her friends to obtain business for respondent without his knowledge. Respondent failed to adequately supervise his wife and ensure her conduct was compatible with his professional obligations as a lawyer.

Respondent admits to violations of the following Rules Regulating The Florida Bar in connection with Count IV: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-5.3(b) (Responsibilities Regarding Nonlawyer Assistants - Supervisory Responsibility); Rule 4-7.18(a) (Direct Contact with Prospective Clients – Solicitation); and Rule 4-8.4(a) (Misconduct – violate or attempt to violate Rules of Professional Conduct, knowingly assist, or induce another to do so through acts of another).

E. As to Count V, The Florida Bar File No. 2019-10,810 (20B), the bar filed a notice of voluntary dismissal without prejudice.

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

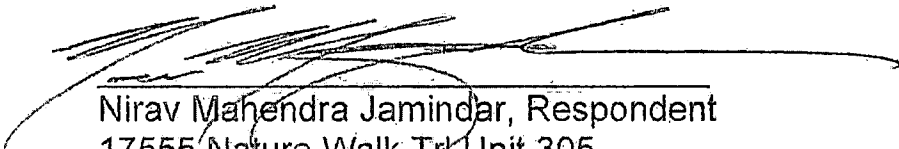
8. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

9. 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 hold himself out as a licensed attorney.

10. 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 \$1,490.00. 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.

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

Dated this 25th day of August, 2021.


Nirav Mahendra Jamindar, Respondent
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Dated this 1st day of September, 2021.

/s/ Richard Baron
Richard Baron, Counsel for Respondent
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Dated this 1st day of September, 2021.

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