

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

SCOTT LEONARD NEWMAN,

Respondent.

Supreme Court Case  
No.

The Florida Bar File  
No. 2021-00,392(2B)

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**FORMAL COMPLAINT FOR RECIPROCAL DISCIPLINE**

The Florida Bar, complainant, files this Complaint against Scott Leonard Newman, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on February 18, 1998, and is subject to the jurisdiction of the Supreme Court of Florida.

2. In addition to membership in The Florida Bar, respondent was a member of the New York state bar, admitted on September 16, 1998, subject to the jurisdiction of Supreme Court of The State of New York Appellate Division, Second Judicial Department.

3. This is a reciprocal discipline action, based on the Opinion and Order, dated March 3, 2021, which imposed a one-year suspension. A copy is attached hereto as Exhibit "A."

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4. The suspension was based on the following conduct:

A. On May 19, 2015, the respondent, as attorney for the seller in a real estate transaction, deposited down payment funds in the amount of \$28,000.00 into his attorney escrow account located at Citibank, entitled "The Newman Law Firm Attorney Trust Account" (hereinafter escrow account), and as part of this transaction, he was required to maintain those funds in his escrow account until the property's closing.

B. Prior to the March 28, 2016, closing, respondent disbursed funds unrelated to this transaction, causing his escrow account balance to fall well below what he was required to maintain, as follows:

C. On July 31, 2015, the respondent withdrew \$22,000.00 from his escrow account and transferred those funds to a personal checking account belonging to the respondent and his wife.

D. This disbursement reduced the balance in the escrow account to \$6,000.00, \$22,000.00 below the amount the respondent was required to maintain.

E. On November 13, 2015, the respondent withdrew \$5,500.00 from his escrow account, thereby reducing the balance to

\$500.00, which was \$27,500.00 below the amount the respondent was required to maintain.

F. On March 15, 2016, the respondent made an ATM cash withdrawal of \$250.00 from his escrow account, thereby reducing the balance to \$250.00, which was \$27,750.00 below the amount the respondent was required to maintain.

G. On March 17, 2016, the respondent deposited \$16,000.00 in earned legal fees and expenses from an unrelated matter into his escrow account.

H. On March 17, 2016, the respondent made a \$250.00 ATM cash withdrawal from his escrow account, thereby reducing the balance to \$16,000.00, which was \$12,000.00 below the amount the respondent was required to maintain.

I. On March 21, 2016, the respondent transferred \$300.00, via ATM, from his escrow account to his attorney operating account, and also withdrew \$10,000.00 and deposited it into a personal savings account belonging to the respondent and his wife.

J. Following these transactions, as of March 21, 2016, the balance in his escrow account was \$5,700.00, which was \$22,300.00 below the amount the respondent was required to maintain.

K. Subsequently, on March 28, 2016, the day the real estate transaction closed, the respondent withdrew \$28,000.00 from his personal savings account and deposited those funds into his escrow account, raising the escrow account balance to \$33,700.00.

L. At the closing later the same day, the respondent issued six checks totaling \$21,690.00 from his escrow account, leaving \$6,310.00 of the down payment funds remaining on deposit. Of those remaining funds, the respondent was required to maintain \$4,095.00 for payment of taxes related to the sale.

M. Despite this, prior to the satisfaction of the tax liabilities, the respondent, on July 18, 2016, withdrew \$5,000.00 from his escrow account, reducing the balance to \$2,010.00, below what he was required to maintain.

N. Thereafter, the respondent on or about March 23, 2017, issued a check in the amount of \$4,095.00 in satisfaction of the outstanding tax fees, however, he did so from his attorney operating account.

O. In addition, throughout the relevant period, the respondent failed to maintain records of all deposits into and withdrawals from his escrow account, showing the date, source, and

description of each item deposited, and the date, payee, and purpose of each withdrawal or disbursement; and failed to maintain a contemporaneous ledger book or similar record for the account, showing the source of all funds deposited into it, the names of all persons for whom the funds were held, and the description and amounts of all persons to whom these funds were disbursed.

P. The respondent submitted an affidavit in the New York matter in which he conditionally admitted the foregoing facts, and that those facts establish that he (1) misappropriated funds entrusted to him as a fiduciary incident to his practice of law; (2) commingled personal funds with funds entrusted to him as a fiduciary, incident to his practice of law; (3) failed to make or maintain required bookkeeping records for his escrow account; and (4) engaged in conduct that adversely reflects on his fitness as a lawyer, in violation of rules 1.15(a) and (d), and 8.4(h) of the Rules of Professional Conduct (22 NYCRR 1200.0), respectively.

Q. The parties in the NY matter agreed to respondent's consent to the agreed discipline of a one-year suspension of his New York license to practice law, and the discipline was in accord with precedent from the NY court under similar circumstances.

5. By operation of Rule 3-4.6, Rules Regulating The Florida Bar, the Opinion and Order of the Supreme Court of The State of New York Appellate Division, Second Judicial Department shall be considered as conclusive proof of such misconduct in this disciplinary proceeding.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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## **CERTIFICATE OF SERVICE**

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided by email to Scott Leonard Newman, at [snewman@personalplanninglaw.com](mailto:snewman@personalplanninglaw.com); and that a copy has been furnished by United States Mail via Certified Mail No. 7017 1070 0000 4774 3057, return receipt requested, to Scott Leonard Newman, whose record bar address is The Newman Law Firm, 16 Sutton Terrace, Jericho, NY 11753-1928; and by email to Rose L. Garrison, Bar Counsel, [rgarrison@floridabar.org](mailto:rgarrison@floridabar.org); on this 2<sup>nd</sup> day of February, 2022.



Patricia Ann Toro Savitz  
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Rose L. Garrison, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845, and [rgarrison@floridabar.org](mailto:rgarrison@floridabar.org). Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, [psavitz@floridabar.org](mailto:psavitz@floridabar.org).



**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,  
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.