

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC22-590

v.

The Florida Bar File
No. 2021-50,291 (9B)

VEGINA TRIMETRICE HAWKINS,
Respondent.

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On April 28, 2022, The Florida Bar filed its Complaint against respondent in these proceedings. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

Received, Clerk, Supreme Court

AUG 03 2022

B. Narrative Summary Of Case.

1. In June 2019, respondent served as a circuit court judge in the Seventeenth Judicial Circuit of the State of Florida.

2. On the morning of June 11, 2019, respondent interrupted a court employee's work in another courtroom and summoned him into a secure hallway.

3. As the employee walked into the hallway, respondent placed her hands on or near his neck and made a back and forth shaking motion for a period of less than two seconds. The employee immediately stepped back and the two individuals engaged in a discussion.

4. Respondent's actions were captured on a courthouse security camera.

5. The incident occurred because respondent was displeased by the employee's failure to have provided respondent with the documentation needed to prepare for her afternoon docket.

6. The employee reported the matter later that same day.

7. After reviewing the camera footage of the incident with the Chief Judge of the Seventeenth Judicial Circuit, respondent was advised to self-report her conduct to the Judicial Qualifications Commission (JQC) and respondent immediately did so.

8. Respondent and her attorney provided a statement to the JQC, dated June 26, 2019, in which respondent apologized, but maintained her "contention" that she never touched the employee, but merely, "invaded his personal space."

9. Despite her belief that she did not physically touch the employee, respondent later, after a JQC hearing which addressed the issue in detail, admitted the video showed she did, in fact, touch the employee and that her actions were inappropriate.

10. Respondent was suspended without pay on July 19, 2019 pursuant to a Judicial Qualifications Commission (JQC) proceeding.

11. After losing a primary election, respondent resigned from the bench, effective November 20, 2020, and the JQC proceedings were dismissed prior to a hearing taking place.

III. RECOMMENDATIONS AS TO GUILT

I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar:

3-4.3 The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive nor is the failure to

specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.

4-8.4(b) A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

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, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

Oath of Admission to The Florida Bar: "I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and

judicial officers; I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

I note that respondent and the bar stipulated to the bar voluntarily dismissing rule 4-8.4(c).

Respondent will eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks,

business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.2 Failure to Maintain the Public Trust

Suspension is appropriate when a lawyer in an official or governmental position knowingly fails to follow proper procedures or rules and causes injury or potential injury to a party or to the integrity of the legal process.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Turner, 95 So. 3d 215 (Fla. 2012) (Table of Cases)

– Pursuant to a Conditional Guilty Plea for Consent Judgment, an attorney was suspended for ninety-days after being removed from the bench for engaging in judicial misconduct. Turner impermissibly solicited and accepted campaign contributions, repeatedly intruded into the personal/family life of a female court employee causing the employee substantial emotional distress, acted in open court to undermine judicial decorum, and engaged in a pattern of misconduct raising serious concerns

about his fitness for office. In mitigation, Turner had no prior disciplinary history, suffered from personal or emotional issues that were brought to light during the JQC proceedings through the testimony of a psychologist who examined Turner, voluntarily participated in therapy to address his issues, and suffered the imposition of other sanctions by being removed from the bench in a publicized JQC case. Additionally, Turner was suspended from the bench during the pendency of the JQC proceedings and received no income for several months as a result. Turner also expressed remorse for his actions. In aggravation, Turner engaged in a pattern of misconduct, engaged in multiple offenses and had substantial experience in the practice of law.

Inquiry Concerning a Judge re Diaz, 908 So. 2d 334 (Fla. 2005) – In a JQC proceeding, the county judge entered into a stipulation for a public reprimand, fourteen-day suspension and \$15,000.00 fine for sending anonymous emails to another county judge that could have been construed as being an implied threat of organized group retaliation against the recipient due to the recipient's alleged practice of reporting illegal immigrants to the federal authorities. Judge Diaz also sent a similar email to the local ethnic bar association to call attention to the other judge's alleged practice of reporting illegal immigrants.

The Florida Bar v. Murphy, The Florida Bar File No. 2016-30,532

(10B) – An attorney received an admonishment for minor misconduct dated May 6, 2016 after being removed from the bench by the Supreme Court of Florida following an incident with an Assistant Public Defender (APD) in a crowded courtroom. Murphy had a loud, verbal argument with the APD, used profanity during the argument, directed the APD into the hallway while threatening him with bodily harm and had a physical altercation with the APD in the hallway. Murphy re-entered the courtroom and proceeded to handle the APD's cases in the APD's absence. The Court removed Murphy from the bench despite his proffer of mental health issues. In mitigation, Murphy had no prior disciplinary history, was remorseful, fully cooperated with the bar, had an excellent reputation, was suffering from diagnosed mental health issues due to combat injuries and suffered removal from the bench.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

- A. Ninety-day suspension with automatic reinstatement.
- B. Respondent will contact Florida Lawyers Assistance, Inc. (FLA, Inc.), at 800-282-8981 for an evaluation within thirty (30) days of the order

of the Supreme Court of Florida accepting the Report of Referee in this matter. Within sixty (60) days of the order, respondent will provide the bar's headquarters office with proof that respondent has scheduled an evaluation. Respondent will abide by all recommendations made by FLA, Inc. including, but not limited to, entering into a rehabilitation contract. Should a rehabilitative contract result from the FLA, Inc. evaluation, respondent agrees to be placed on probation for the period of the FLA contract, but such probationary period shall not exceed five years.

C. Respondent will pay a FLA, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with her FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees.

D. In the event FLA, Inc. recommends respondent attend therapy sessions with a licensed mental health counselor, it is respondent's responsibility to ensure that the counselor submits quarterly reports to The Florida Bar during the probationary period. The quarters are March 31,

June 30, September 30 and December 31. The reports shall confirm respondent's counseling and inform The Florida Bar of respondent's continuing ability to engage in the active practice of law. Respondent is responsible for the submission of the quarterly statements to The Florida Bar.

E. 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.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 49

Date admitted to the Bar: October 4, 2004

Prior Discipline: None

3.2(b) Aggravation

(9) substantial experience in the practice of law.

3.3(b) Mitigation

- (1) absence of a prior disciplinary record;
- (2) absence of a dishonest or selfish motive;
- (3) personal or emotional problems;
- (5) full and free disclosure to the bar or cooperative attitude toward

the proceedings; and

- (12) remorse.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida

Bar:

Administrative Fee	\$1,250.00
Investigative Costs	\$923.95
Court Reporters' Fees	\$65.00
TOTAL	\$2,238.95

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law,

pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 29th day of July, 2022.



Lisa Shira Small, Referee

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies via email to:

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