

Supreme Court of Florida

TUESDAY, JULY 19, 2022

CASE NO.: SC22-911

Lower Tribunal No(s).:
2022-50,596(17C); 2022-50,634(17C)

THE FLORIDA BAR

vs. JAMES SANTOS WILKIE

Petitioner(s)

Respondent(s)

The Petition for Emergency Suspension filed pursuant to Rule 3-5.2 of the Rules Regulating the Florida Bar is approved and it is hereby ordered that Respondent is suspended from the practice of law until further order of this Court, and Respondent is ordered:

a. to accept no new clients from the date of this Court's order and to cease representing any clients after 30 days from the date of this Court's order. Within 30 days from the date of this Court's order, respondent shall wind down all pending matters and shall not initiate any litigation on behalf of clients. Respondent shall withdraw from all representation within 30 days from the date of this Court's order. In addition, respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will withdraw from said representation within thirty days from the date of this Court's order and will immediately turn over to any successor the complete financial records of any estate, guardianship, or trust upon the successor's appointment.

b. to furnish a copy of the suspension order to all clients, opposing counsel, courts before which James Santos Wilkie is counsel of record, and state, federal, or administrative bars of which respondent is a member, as required by Rule 3-5.1(h), and to furnish Staff Counsel with the requisite affidavit listing all clients, opposing counsel and courts so informed within 30 days after receipt of the Court's order. Respondent shall also fully comply with Rule Regulating the Florida Bar 3-6.1, if applicable.

c. to refrain from withdrawing or disbursing any money from any trust account related to respondent's law practice until further order of this Court, a judicial referee appointed by this Court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8, and to deposit any fees, or other sums received in connection with the practice of law or in connection with respondent's employment as a personal representation, guardian or trustee, paid to respondent after issuance of this Court's order of emergency suspension, into a specified trust account from which withdrawal may only be made in accordance with restrictions imposed by this Court. Further, respondent shall be required to notify bar counsel of The Florida Bar of the receipt and location of said funds within 30 days of this Court's order.

d. to not withdraw any money from any trust account or other financial institution account related to respondent's law practice or transfer any ownership of any real or personal property purchased in whole or in part with funds properly belonging to clients, probate

estates for which respondent served as personal representative, guardianship estates for which respondent served as guardian, and trusts for which respondent served as trustee without approval of this Court, a judicial referee appointed by this Court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8.

e. to notify, in writing, all banks and financial institutions where the respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or related to services rendered as a guardian, or related to services rendered as a trustee, or where respondent maintains an account that contains funds that originated from a probate estate for which respondent was guardian, or trust for which respondent was trustee, of the provisions of this Court's order and to provide all the aforementioned banks and financial institutions with a copy of this Court's order. Further, respondent shall be required to provide bar counsel with an affidavit listing each bank or financial institution respondent provided with a copy of said order.

f. to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar

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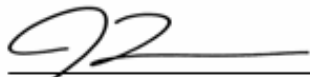
The Court hereby authorizes any Referee appointed in these proceedings to determine entitlement to funds in any trust account(s) frozen as a result of an Order entered in this matter.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

MUÑIZ, C.J., and CANADY, POLSTON, LABARGA, LAWSON, COURIEL, and GROSSHANS, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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Served:

ALLIE F. HUSTON
JAMES SANTOS WILKIE
PATRICIA ANN TORO SAVITZ