

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

CASE NO. SC16-1330
[TFB Nos. 2014-70,055 (11G)
2015-70,460 (11G)]

v.

BERNARDO ROMAN, III,

Respondent.

_____ /

RECOMMENDATIONS AS TO GUILT
AND
NOTICE OF DISCIPLINARY HEARING¹

The Court held a four-day trial in this case, wherein evidence was received in the form of testimony and exhibits. Considering the arguments, applicable law and rules presented by the Florida Bar and the Respondent, this Court finds that the facts, circumstances and evidence presented, regarding the Respondent's conduct, support a finding of guilt as to certain Florida Bar rules.

The Court recommends the Respondent be found guilty or not guilty of the following Rules Regulating the Florida Bar, as indicated below:

¹ This ruling and notice does not constitute the Report of Referee. Following the disciplinary hearing, a separate comprehensive written report will be issued in accordance with Rule 3-7.6(m) of the Rules Regulating the Florida Bar.

Case No. SC16-1330

[TFB Nos. 2014-70,055 (11G); 2015-70,460 (11G)]

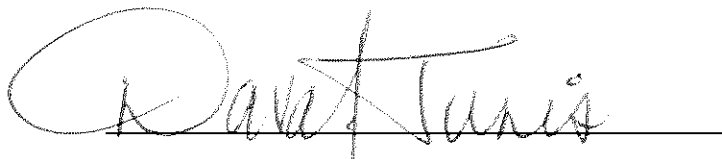
- Rule 4-1.2(d): counseling a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent – Eight Counts – **GUILTY**
- Rule 4-3.1: bringing or defending a proceeding, or asserting or controverting an issue therein – Five Counts – **GUILTY**
- Rule 4-3.3: knowingly making a false statement of material fact or law to a tribunal – Eight Counts – **GUILTY**
- Rule 4-3.4(a): obstructing another party's access to evidence or otherwise unlawfully altering, destroying or concealing documents the lawyer knows are relevant to a pending proceeding – Eight Counts – **GUILTY**
- Rule 4-3.4(b): fabricating evidence, counseling or assisting a witness to testify falsely – One Count – **GUILTY**
– Two Counts – **NOT GUILTY**
- Rule 4-3.4(c): knowingly disobeying an obligation under the rules of a tribunal – Two Counts – **GUILTY**
- Rule 4-3.4(d): making frivolous discovery requests or intentionally failing to comply with a legally proper discovery request by opposing counsel, in a pretrial procedure – Two Counts – **GUILTY**
- Rule 4-3.4(f): requesting a person to refrain from voluntarily giving relevant information to another party – One Count – **GUILTY**
- Rule 4-4.1(a): knowingly making a false statement of material fact or law to a third person – One Count – **GUILTY**
- Rule 4-4.1(b): knowingly failing to disclose a material fact to a third person – One Count – **GUILTY**

- Rule 4-8.1(a): knowingly making a false statement of material fact or law in connection with a disciplinary matter – One Count – **GUILTY**
- Rule 4-8.1(b): failing to disclose a fact to correct a misapprehension in connection with a disciplinary matter – One Count – **GUILTY**
- Rule 4-8.4(c): engaging in conduct involving dishonesty, fraud, deceit or misrepresentation – Eight Counts – **GUILTY**
- Rule 4-8.4(d): engaging 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 or humiliate litigants or other lawyers – Eight Counts – **GUILTY**

WHEREUPON, it is **ORDERED** and **ADJUDGED** that:

A disciplinary hearing on the sanction to be imposed will be convened at the Richard E. Gerstein (REG) Justice Building, Courtroom 6-3, located at 1351 N.W. 12th Street, Miami, FL 33125 on Friday, July 7th, 2017 at 9:30 am.

DONE and **ORDERED** in chambers in Miami-Dade County, Florida, this 29th day of June, 2017.

A handwritten signature in black ink, appearing to read "Dava J. Tunis", is written over a horizontal line.

Dava J. Tunis, Referee
Circuit Court Judge

Copies furnished to:

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this 29th day of June, 2017.



Judicial Assistant/Deputy Clerk