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March 15, 2010

Mr. David W. Marston
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Dear Mr. Marston,

Thank you for writing *Malice Aforethought*. When I reached page 80 your reference to former Philadelphia attorney Jordan L. Peiper hit home. Jordan was my former lawyer and commercial law professor at the Wharton School, Evening Division.

I met Jordan while taking classes during the 1985 summer session. Jordan later represented me in business and personal matters. Jordan lectured at Penn from 1973 through 1989. Jordan was a very popular instructor and enjoyed teaching. It's too bad about his problem with the trust fund.

In 1988 Jordan asked to borrow \$50,000 from me but could not say why he wanted the money. We were standing in the kitchen in my apartment at the Wanamaker House on Walnut Street. Recently I had sold a car business in Langhorne. I didn't make the loan because his request was so mysterious. Then Jordan asked for \$2,000, purportedly to pay his property taxes. I agreed and he did some legal work in return.

Jordan's daughter was a student at the University of Chicago preparing for a career as a medical illustrator. He lamented her decision not to attend Penn where her tuition would be free. And there was a fire at his home. While lighting a cigarette his wife accidentally set their long-hair dog on fire and it ran under the bed. A substantial fire ensued, but the dog was okay. Perhaps he borrowed from the trust fund for those expenses.

The last time I saw Jordan he was incarcerated at a minimum security detention facility near West Philadelphia. While visiting Jordan I noted the place did not even have a fence. Jordan explained he could have easily walked to the corner and boarded a bus for home, but being a lawyer, he understood the long-term consequences and decided to stay. Ironically there was a guard at the front desk to watch his visitors and enforce a \$10 limit on cash gifts. He complained about the lack of good reading material and was still making excuses about the missing \$50,000, blaming it on accounting errors. Enclosed is some background information for Jordan's career at Penn and mine as an alumnus.

At the time Jordan was disbarred I was pretty naive and thought lawyer misconduct was rare. Then I moved to Florida. The lawyer antics here seem stranger than fiction.

A story in the St. Petersburg Times reported that attorney Dennis Correa stole \$900,000 from a number of trust funds. Correa was disbarred but only received probation. The outrageous twist was his next job, teaching ethics at St. Petersburg Junior College. The Times reported that Correa was part of a program called "ROPE", for *Restoration of Professional Ethics*. Correa was the second ROPE participant; the first was another lawyer too. I took a few legal assisting classes and learned that the college was run by lawyers, which explains its willingness to hire fallen colleagues.

Neighboring Hillsborough County has its share of lawyer scandal too. The state attorney committed suicide over gambling debts. A grand jury presentment found judges having sex in chambers. And an honest judge - Gregory Holder - allegedly spent over a million dollars clearing his name besmirched by critics. The state recently reimbursed Judge Holder \$70,000 toward his defense. Enclosed you will find some news accounts.

Sometimes an ordinary person can successfully use the courts, like when I sued my credit card company, see Gillespie v. HSBC Bank, et al, case no. 5:05-cv-362-Oc-WTH-GRJ, US District Court, Middle District of Florida, Ocala Division. But that is the exception.

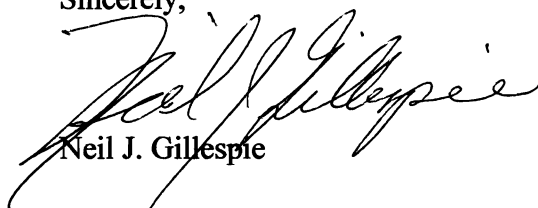
Also enclosed you will find a copy of *Legal Abuse Syndrome* by Karen Huffer, MS, MFT, which had several references to *Malice Aforethought* and brought your book to my attention. Recently I retained Ms. Huffer as my Americans with Disabilities Act (ADA) accommodations designer and advocate for a civil case alleging lawyer misconduct in Hillsborough County. My former lawyers defrauded me in the settlement of a matter. The case is in its fifth year, still alive on my original pro se complaint.

Given your interest in legal ethics, I thought you may be able to advise me about access to court issues, both ADA and ordinary constitutional matters. While I stated a valid cause of action, I am being home-towned and otherwise obstructed by the court. There may be an important federal question or two in my case. Even a referral would be helpful.

Otherwise the experience led me to ideas about a business system for law. Internet based legal service companies have been around for awhile, but my idea is different because it is market driven and reduces economic inefficiencies.

Thanks again for writing *Malice Aforethought*.

Sincerely,



Neil J. Gillespie

enclosures



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DAVID W. MARSTON

David Marston concentrates his practice in the general corporate area, including internal investigations and corporate governance issues. He recently represented the Special Litigation Committee of a public company in a major internal investigation. Mr. Marston also has had extensive experience with mergers and acquisitions, particularly in the context of companies being acquired out of Chapter 11 proceedings following reorganization.

Following graduation from Harvard Law School in 1967, Mr. Marston served as an officer on active duty in the U.S. Navy until 1970. He began his private practice as an associate at Montgomery, McCracken, Walker & Rhoads in Philadelphia. In 1973, Mr. Marston was designated by U.S. Senator Richard S. Schweiker to serve on his Washington staff as Legislative Counsel, with additional responsibilities in the constituent relations and speechwriting areas.

In 1976, Mr. Marston was appointed by President Ford to serve as United States Attorney for the Eastern District of Pennsylvania. In that office, he compiled a nationally recognized record of successful prosecutions against corruption. Following that service, Mr. Marston was the Republican candidate for Mayor of Philadelphia.

Thereafter, Mr. Marston started his own legal practice, and in 1985, he was selected by the Pittsburgh-based firm of Buchanan Ingersoll to head up and expand its Philadelphia office. That office had grown to approximately 40 attorneys by 1994, when Mr. Marston left to become a partner at Reed Smith. There, he was head of the Reed Smith corporate practice in their Philadelphia, New Jersey and New York offices.

Mr. Marston has authored books on the FBI ("Inside Hoover's FBI: The Top Field Chief Reports," Doubleday, 1984, with Neil J. Welch) and legal profession ("Malice Aforethought," Wm. Morrow, 1991), and has written numerous other articles on various subjects for publications including *Fortune*, *Sports Afield* and *Travel*.

Education

Harvard Law School (J.D., 1967)

Maryville College (B.A., History/English, 1964)

Professional Admissions

Supreme Court of Pennsylvania, 1967

Philadelphia Court of Common Pleas, 1967



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AWARD

United States Court of Appeals, Third Circuit, 1976

Professional Activities

Member, American Bar Association

Member, Pennsylvania State Bar Association

Publications

"[Distressed Debt: Forget the Vultures, Your Lenders May Be Circling](#)," *Corporate & Finance Alert*, September 8, 2009

"[Downsizing Danger: Will the WARN Act Apply?](#)," *Corporate & Finance Alert*, August 4, 2009

"[An inside scoop on talk radio](#)," *Philadelphia Inquirer*, May 17, 2009

"[Corbett's choice: Prosecute or politick](#)," *Philadelphia Inquirer*, April 8, 2009

"[DIP Financing Issues and Alternatives](#)," *Corporate & Finance Alert*, April 7, 2009

"[Lock Up the Greedy Wall Street Crooks? A Prosecutor's Perspective](#)," *Corporate & Finance Alert*, October 28, 2008

"Lawyer's Screech Aims at Outrage, Succeeds Only at Annoyance," *The Baltimore Sun*, June 18, 2006

Honors/Awards

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MALICE AFORETHOUGHT

HOW LAWYERS
USE OUR
SECRET RULES
TO GET RICH,
GET SEX,
GET EVEN...
AND GET AWAY
WITH IT

DAVID W. MARSTON

"David Marston's *Malice Aforethought* is a fascinating exposé of the illegal, corrupt, and unethical practices of some members of the legal profession. But what is even more disturbing is that those guilty of such practices too often receive only a gentle slap on the wrist from bar associates and others with responsibilities to punish those who engage in such practices. Some of the abuses he describes are so blatant that if they appeared in a movie, viewers would find it hard to believe that they could have been based on fact. Mr. Marston has written one of those rare books in which the facts of the abuses he describes are worse than fiction."

—FORMER PRESIDENT
RICHARD M. NIXON

"David Marston has written a book that anyone who has any association with lawyers should put at the top of their list. It reads like fiction but, unfortunately, it is not."

—DREW LEWIS
Chairman of Union Pacific
Corporation and Former
Secretary of the Depart-
ment of Transportation

"Mr. Marston, in his candid illumination of the dark side of the practice of law, has set an example of courage for his fellow 'good lawyers' who together must, in the cause of justice, demand meaningful institutional reforms."

—NEIL J. WELCH
Former Assistant
FBI Director



ISBN 0-688-07705-6

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MALICE AFORETHOUGHT

How Lawyers Use Our Secret Rules to
Get Rich, Get Sex, Get Even...
and Get Away with It

David W. Marston

Malice Aforethought is a no-punches-pulled insider's account of runaway abuses in the American legal profession. Spotlighting real lawyers in action behind closed doors, this book is the first major exposé of how lawyers break the law and skirt their own ethical rules—frequently at the expense of their clients. But surprisingly, it is also downright funny.

Previous criticism of the profession has centered on institutional flaws, or on individual “bad apples”: the personal injury lawyer with a phony insurance claim, an insider-trading corporate attorney, a drug lawyer laundering criminal profits to get his fee. Those characters are all here. But *Malice Aforethought* goes much further, identifying bad lawyers across the country, describing how they operate in every area of the profession, and detailing the legal loopholes they jump through to remain in good standing.

The startling conclusion: Bad lawyers are not just sleazy ambulance chasers, bed-hopping divorce lawyers, or slippery criminal defense attorneys. Instead, lawyer misconduct cuts across the mainstream of the profession, involving the vast majority of lawyers—who dodge their professional duties under the rules they themselves write.

The informal tone of this fast-moving book does not diminish its hard-hitting message. The American Bar Association—

(continued on back flap)

(continued from front flap)

pictured here as an ordinary, money-hungry trade union—may not like it, which only emphasizes this book's importance to every client, would-be lawyer, indeed to everyone with an interest in our system of law and justice. *Malice Aforethought* portrays a greed-driven profession, fat and complacent despite its failure to deliver on its most basic commitments to the public.

Policing itself through secret rules unknown to the general public—and, it turns out, to most lawyers—the legal system has poisoned itself. And everyone else is paying for it.

Now, for the first time, *Malice Aforethought* lets clients and others in on the secret lawyer rules, providing a colorful, anecdotal account of how lawyers use the tricks hidden in them.

This book is about crime and punishment. How lawyers cheat clients and commit crimes—and why “professional courtesy” lets them escape punishment. How they cover up. And our ability to stop it.



Photograph by Standard Photo Service, Inc.

David W. Marston, a former United States attorney and co-author of *Inside Hoover's FBI*, currently practices law in Philadelphia.

Jacket design by Richard Rossiter

William Morrow & Company, Inc.
105 Madison Avenue
New York, N.Y. 10016

Printed in U.S.A.

Malice Aforethought

The problem with commingling is that, sooner or later, someone almost always notices that the money is missing. For Philadelphia lawyer Jordan L. Peiper, the discovery came later; it was not until 1989 that suspicious relatives found that at least \$50,000 had vanished from the widow's trust Peiper had administered since 1973. When Peiper refused to explain where the money went, an angry judge sentenced him to six months in jail for contempt.

But most lawyers who pocket money wrongfully never go to jail because they never get caught.

Why?

Because the money they mishandle is money willingly paid to them by clients for actual legal fees. But there's a trick: In contrast to hotels and car rental companies and dozens of other legitimate businesses, we're willing, actually happy, to be paid in cash. Not all of us insist on it. Joel Hyatt accepts Visa and Master Charge, and Big Firms expect checks in payment of their inch-thick bills. But some lawyers prefer cash so much that they'll discount their fee to get it, and very few attorneys, even in Big Firms or Hyatt Legal Service centers, turn down good old American greenbacks.

Here's what happens when they don't: When a client hands a young lawyer a \$500—or \$5,000—cash retainer, the lawyer, often for the first time in his life, has a big wad of money, cash money, in his hand. And typically, no one else knows about it, because retainers are paid in one-on-one office meetings, or in a remote corner of a courthouse corridor, or in the parking lot outside the police station.

What should he do with it?

In answering that, the lawyer will find three quick ways to trigger a sharp pain in his midsection.

- He can steal from his partners.

Attorneys who practice with partners are supposed to put all fees into the partnership pot. The partners will hear

Philadelphia Inquirer

Philadelphia Inquirer, The (PA)

October 24, 1989

ATTORNEY IMPRISONED FOR NOT TELLING WHERE TRUST'S \$50,000 WENT

Author: Cynthia Mayer, Inquirer Staff Writer

Edition: FINAL

Section: LOCAL

Page: B03

Index Terms:

PA COURT SENTENCE

Estimated printed pages: 3

Article Text:

When Maud Harrison Gibbs died in 1973, she took care to provide her daughter with a house in Rosemont, with enough security to pay for a gardener and a maid. She also left a large trust to be administered by Philadelphia lawyer Jordan L. Peiper.

The house in Rosemont is still standing, but this week Peiper, 55, was in prison, sentenced to six months for refusing to explain what happened to about \$50,000 of the estate.

A judge jailed the Center City attorney for contempt of court, saying Peiper had "dragged his feet" in producing a full accounting of the estate for almost a year and a half.

"He asked for 24 hours more at the last hearing, but I told him that proved to me he was in contempt," said President Judge Francis J. Catania of the Delaware County Court. "If he could have it in 24 hours, then he could have had it months earlier."

Peiper could not be reached for comment yesterday, and his attorney refused to comment. But according to court papers, he and the Gibbs family have been wrangling over the estate for almost a year and a half, with Gibbs' daughter, Sarah Gibbs McClure, trying to get a full accounting of the estate, while Peiper asked for more time.

Neither side can agree on whether money is missing, and both have hired accountants. No criminal charges have been filed.

But according to court papers filed by the Gibbs family, Peiper admitted that he had deposited some of the estate money in his own escrow account, where it was mingled with funds from other estates Peiper was administering.

An accountant hired by McClure has testified that almost \$290,000 in securities and interest are

unaccounted for. But there are also deposits that have not been accounted for, and the total shortfall amounts to about \$50,000, said Michael Solomon, the accountant.

McClure first became "suspicious," according to court papers, after she discovered that taxes on her mother's large Rosemont home had not been paid.

Paying the taxes was Peiper's responsibility, according to McClure, because they were to be paid out of the trust.

In June 1988, McClure fired Peiper and demanded an accounting of the estate funds. For the next 16 months, Peiper repeatedly asked for extra time - once saying that a fire in his home had delayed the work, according to court documents.

Peiper, a general-practice lawyer with offices in the Land Title Building, has administered the estate since 1973.

In court papers, he denies wrongdoing, saying no funds are missing, and says that he has supplied as full an accounting as possible considering some documents have disappeared over 16 years.

Finally, in August, Catania ordered Peiper to show cause why he should not pay about \$35,000 in apparently missing funds to Delaware County's Register of Wills. Peiper did not pay the money, and at a hearing Oct. 12, Catania sentenced him to six months in Delaware County Prison for contempt of court.

He will be held there until he provides a full accounting, according to Catania.

McClure would not comment on the case, other than to say, "It's not a pleasant situation. . . . The lawyer is paying his dues, which doesn't make me particularly happy, but I think he deserves it."

At Peiper's Center City office, his law partner said he was unaware that his associate had been jailed.

"He's been out ill for the last 10 days with a virus," said Daniel Gelber. When asked whether he had tried to phone Peiper at home, he said, "Oh no. I wouldn't disturb him at home."

Memo:

CLEARING THE RECORD, PUBLISHED OCTOBER 25, 1989, FOLLOWS:

A story in yesterday's Inquirer on the imprisonment for contempt of court of Center City lawyer Jordan L. Peiper stated incorrectly that he is a law partner of Daniel Gelber. The two share offices but are not partners.

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Record Number: 8903100018

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY	:	No. 731	Disciplinary Docket
COUNSEL,	:	No. 2	
Petitioner	:		
	:		
	:	Disciplinary Board No. 5 DB	
v.	:	90	
	:		
	:	Attorney Registration	
JORDAN L. PEIPER,	:	No. 04152	
Respondent	:	(Philadelphia)	

O. R. D. E. R

PER CURIAM:

AND NOW, this 31st day of January, 1990, there having been filed with this Court by Jordan L. Peiper his verified Statement of Resignation dated January 11, 1990, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Jordan L. Peiper be and it is hereby accepted and he is DISBARRED ON CONSENT from the Bar of the Commonwealth of Pennsylvania; and it is further ORDERED that he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

Westlaw.

110 S.Ct. 1315 (Mem)

Page 1

494 U.S. 1015, 110 S.Ct. 1315 (Mem), 108 L.Ed.2d 491

(Cite as: 494 U.S. 1015, 110 S.Ct. 1315)

Supreme Court of the United States
In the Matter of DISBARMENT OF
Jordan L. PEIPER
No. D-874

March 5, 1990

It is ordered that Jordan L. Peiper, of Philadelphia, Pennsylvania, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

494 U.S. 1015, 110 S.Ct. 1315 (Mem),
108 L.Ed.2d 491

END OF DOCUMENT

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110 S.Ct. 2582
496 U.S. 902, 110 S.Ct. 2582, 110 L.Ed.2d 263
(Cite as: **496 U.S. 902**)

Page 1

Supreme Court of the United States
In the Matter of DISBARMENT OF Jordan L.
PEIPER
No. D-874

June 4, 1990

Former decision, [494 U.S. 1015](#), [110 S.Ct. 1315](#).

Disbarment order entered.

U.S.,1990
Matter of Disbarment of Peiper
496 U.S. 902, 110 S.Ct. 2582, 110 L.Ed.2d 263

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CLIN ASST PROF ORTHODONTICS
DENT/6003
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PERKINS, G HOLMES, DEAN EMER 8-8323
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3806 OLIVE ST, PHILA, PA 19104

PERKINS, ZELMA [227]-2899
ADM ASST PSYCHIATRY
305 BLOCKLEY/6021
928 BULLOCK AVE, YEADON, PA 19050

PERKONS, SAR [221]-2197
PHARMACIST NBC
NBC/1692
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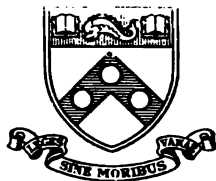
PERKOWSKI, SANDRA, DR [221]-2130
RESIDENT IN ANESTHESIA
NBC/1692

PERLMAN, RICHARD L, DR [227]-2184
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1989/1990 DIRECTORY



V N I V E R S I T A S
P E N N S Y L V A N I E N S I S
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NEIL JOSEPH GILLESPIE

ob studia a Professoribus approbata ad gradum

ASSOCIATE IN BUSINESS ADMINISTRATION

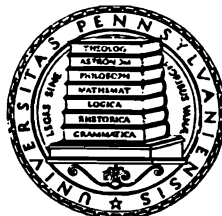
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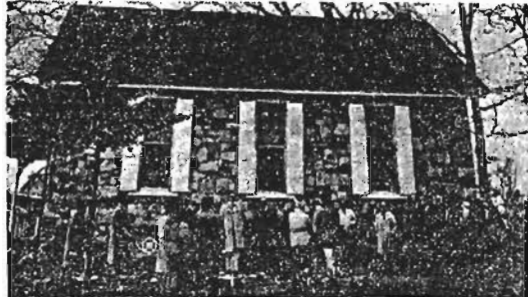
Sheldon Hackney
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Russell E. Palmer
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Real Estate Transactions

Middletown tracts are sold for \$1.9 million

Two tracts of land along Old Lincoln Highway, Middletown Township, have been purchased by Ken Gar Ridge for \$1,900,000 a deed filed in the Bucks County Recorder of Deeds office discloses. The land together with the buildings was sold by Neil J. Gillespie.

Other real estate transactions in Bucks County include:



One-room Edgehill school near Oxford Valley Mall
... built in 1894 and sold last month

Spared

Middletown businessmen
buy historic schoolhouse

By Joe Cialini
Courier Times Staff Writer

The site of the historic Edgehill School in Middletown Township will not become a car wash, but a used car lot might be in its future.

The structure was recently purchased by two township businessmen after a car wash firm backed out of a deal to buy it. And one of the ways the two are considering using the property is as a used car lot.

Neil Gillespie, owner of Kar Kingdom, and Daniel Day, a realtor, paid \$87,500 for the former school, located at the intersection of Routes 1 and 213 and next to the Joshua Tree restaurant. That is the same amount bid by National Pride at a public auction last year.

National Pride, which had hoped to build a car wash on the site, was unable to complete the sale because of high interest rates and a tight loan market.

Gillespie and Day made settlement on the property Jan. 20 but have not decided what to do with it.

"We are considering saving the building and keeping it in the style it's in," Day said.

One-room schoolhouse

Although the structure was converted to a six-room house years ago, it is one of the last one-room schoolhouses in Lower Bucks County. The sale of the house prompted township officials to see if they could save the building.

Barbara Russell, chairwoman of the township's Historical Preservation Commission, had urged township supervisors to do what they could to save the building and the township convinced National Pride to withdraw a permit to demolish the building while alternatives were considered.

Before a final decision could be made, however, National Pride decided not to go through with the purchase and the building became the property of Day and Gillespie, who were unsuccessful bidders at the public auction.

"We bought it as an investment," Gillespie said.

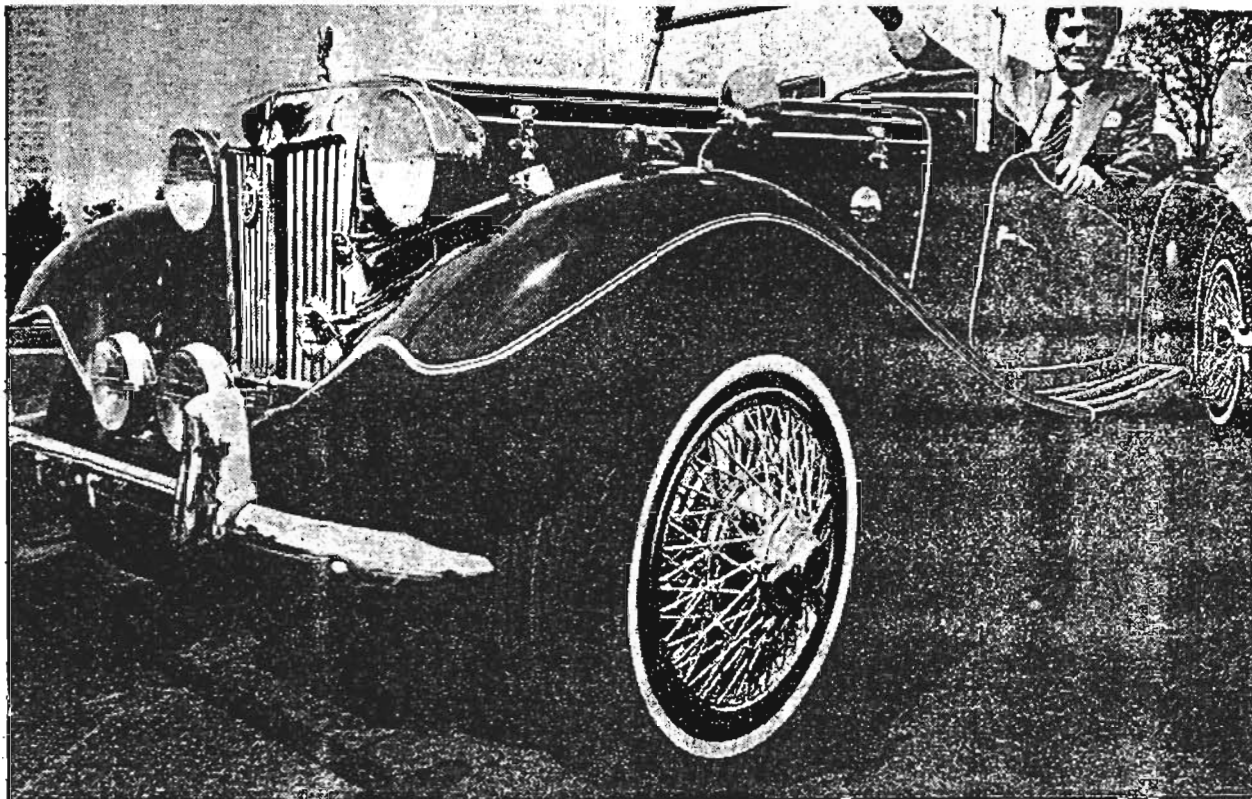
Day said one of the possible uses of the building is as an office, but he said he and his partner have not reached a final decision yet.

Used car lot

On Jan. 23 Gillespie wrote to Middletown building inspector E. Max Elnenkel to say he hoped to use the property for the sale of used cars.

Elnenkel responded four days later, however, that the zoning ordinance affecting the property "specifically prohibits any use which involves, as its main use, a direct service to the general public."

The two would then need to apply for a zoning variance and Day said he and Gillespie still are considering what use they can make of the building and the property.



Courier Times photo by Art Gentile

Neil Gillespie, president of Kar Kingdom in Middletown Township, displays the London Roadster.

New roadster has '40s image

Middletown dealer offers spiffy sports car

By Dave Chandler
Courier Times Business Editor

Kar Kingdom, a Middletown Township business, has become the exclusive area automobile dealer for the London Roadster, an American-made convertible that looks like a British sports car of the 1940s.

"A lot of new cars today all look alike," said Neil J. Gillespie, president of Kar Kingdom, which is located at Lincoln Highway and Route 213.

"But no one is going to confuse this car," he continued. "It's an original."

The London Roadster is Kar Kingdom's first line of new cars, Gillespie said. Up until now, the dealership only sold

used cars.

The top-of-the-line London Roadster model sells for \$16,985, Gillespie explained. "It really is a fun kind of car," he said.

The car is manufactured by London Motors Corp. of Dearborn, Mich.

"The company has been in business for 19 years," Gillespie said. "Up until now, the company sold directly to the public through ads in the Wall Street Journal and the New York Times."

"But now, they decided to increase their market share by establishing dealers."

Gillespie, a Levittown native and a graduate of Bishop Egan High School, said he found out

about the London Roadster in an advertisement in the Wall Street Journal.

"I called about getting a dealership," he said. "I flew out to Detroit and liked it. It's very similar to the early MGs (a British sports car) of the late 1940s and early 1950s."

"It's a very high-quality car. It's 78-percent hand made."

The London Roadster has a 1.8-liter, 4-cylinder engine. It has rack and pinion steering, disc brakes in the front and drum brakes in the rear, an independent four-wheel suspension, and a non-rust, fiberglass body on a steel frame.

A customer interested in buying a London Roadster must know how to drive a car

with manual transmission.

"It's modeled after the line of real sports cars, and they didn't come with an automatic shift," Gillespie said.

Kar Kingdom was started in 1980, Gillespie said. Its office building is located in the former Edge Hill School building, which was built in 1894 and used as a school until the 1940s.

After that, the building was used as a residence up until the time Kar Kingdom bought it.

In order to display the London Roadster, Gillespie built a showroom adjoining Kar Kingdom's office building. The dealership also recently built a service center to handle all of its cars.

YAMPOLSKY, MANDELOFF, SILVER & COMPANY, P.C.

Certified Public Accountants

1420 WALNUT STREET, SUITE 200
PHILADELPHIA, PA 19102

TELEPHONE (215) 545-4800
FAX (215) 985-1161

December 13, 1991

To whom it may concern:

I have been requested to set forth a history of my relationship with Mr. Neil Gillespie, which is as follows:

- 1) I have known Neil since 1978 when I became his accountant. At that time, Neil was an automobile sales person.
- 2) Several years after I began performing Neil's personal income tax work, he began his own used automobile business which was incorporated under the name of Kar Kingdom, Inc. The Company operated from a rental location for approximately two years, at which time Neil purchased a car lot in Langhorne, Pennsylvania to further the growth of the business. Under Neil's direction, Kar Kingdom, Inc. continued to grow from one year to the next, realizing sales approaching \$2,000,000 per year and employing approximately seven individuals.
- 3) Kar Kingdom, Inc. operated successfully through mid 1988, at which time the lot was sold due to a down turn in the automobile business in Langhorne.
- 4) During 1989 and 1990, Neil was instrumental in the formation of two Companies, Automotive Specialists, Inc. and Global Business Services, Inc. Neil lent his professional expertise to Automotive Specialists, Inc. while he offered professional business consulting services through his Company, Global Business Services, Inc.
- 5) Neil maintained his personal residences in Philadelphia from 1984 through 1989, most of this period residing at the John Wanamaker House.
- 6) While Neil's business interests have suffered due to the ongoing current recession, our office continues to consider Neil as a quality client and a friend.

Page 2

Neil Gillespie
December 13, 1991

We would be happy to provide any other information required regarding Neil Gillespie if requested.

Sincerely,

A handwritten signature in black ink, appearing to read "T.D. Silver", with a stylized flourish at the end.

Terry D. Silver

TDS/kw/Gillespie

Ethics class led by lawyer who stole from clients

[CITY Edition]

St. Petersburg Times - St. Petersburg, Fla.

Author: DAVID BALLINGRUD

Date: Dec 13, 1994

Start Page: 1.B.6.B

Section: TAMPA BAY AND STATE; TAMPA TODAY

Text Word Count: 648

Document Text

Figuring nobody knows sin like a sinner, St. Petersburg Junior College has hired a former lawyer who stole from his clients to teach a class on ethics.

Dennis Correa pleaded guilty to five counts of grand theft a year ago, after years of shuffling money from one client account to another in a desperate attempt to cover up a trail of theft. By the time authorities caught on, more than \$900,000 was missing.

"They say you are as sick as your secrets," Correa said at his sentencing. "And I was a very sick man."

But Correa's experiences, and his repentant attitude, qualify him to speak to students about ethics with special insight and impact, said Ed Long, SPJC associate vice president. "Sharing their experiences with students is a way these people can pay something back to society," Long said.

Correa is teaching one class at the Clearwater campus and has lectured at other ethics classes on other SPJC campuses, Long said. As an adjunct instructor, he is being paid about \$1,700 for a 16-week term ending this month.

The program is called "ROPE," for Restoration of Professional Ethics. Correa is the second participant. The first, another lawyer, is no longer in the program.

SPJC "has always been on the cutting edge of ethics education," Long said. "We were the first junior college in America to require an ethics course as a graduation requirement."

Thus far, student evaluations of Correa have been positive, he said.

But not everyone is happy with the arrangement.

Science professor Jerry Smith, a biology instructor at the SPJC Clearwater campus for 20 years, called the situation "an embarrassment to the school."

"When I heard about it, I couldn't believe it. I support the ethics program, but I don't think they need it taught by a convicted felon.

"If they want to hire him and bring him in as a bad example, I have no problem with that. But they've made him a member of the faculty, and that's wrong.

"It's a little like Ted Bundy teaching women a class on personal safety."

Harold Dent said he isn't sure what to make of Correa's appointment. Dent is trustee of the Myrtle Trembley Trust, from which Correa took about \$390,000.

"There was only about \$60,000 he didn't get," Dent said Monday. "And he's only paid back about \$1,600. But if he's

sincere, and if it will help pay back the money, I'll be glad."

Correa said he understands the skepticism.

"I know there are negative feelings toward me," he said, "but I think my story can benefit the community."

For 16 years, Correa built a reputation as a respected trust attorney, overseeing up to \$25-million in estates and trusts.

At his sentencing by Pinellas Circuit Judge Claire K. Luten a year ago, a number of well-known people, including SPJC president Carl Kuttler, asked for leniency. Luten not only departed from sentencing guidelines but gave Correa 30 years of probation, a lighter sentence than even his attorney had suggested.

Correa said Monday he intends to pay back the money he took.

He said his family and church have continued to support him, but finding work has been tough. "It seems every time someone writes an article about me, I lose a job. But I know that's a consequence of what I did."

He said he would like to continue in the SPJC job but knows he can't count on it. "The program will be reviewed; I will be reviewed. I was told that up front."

But students need to hear his message, he said.

"Frankly, I think I know good-bad, right and wrong, and yet look how badly I failed. I can show students how these things can happen.

"I stumbled and fell badly, and so I tell the students, catch yourself before you stumble, before you hurt yourself and others."

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Abstract (Document Summary)

Dennis Correa pleaded guilty to five counts of grand theft a year ago, after years of shuffling money from one client account to another in a desperate attempt to cover up a trail of theft. By the time authorities caught on, more than \$900,000 was missing.

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Final Indignities

AN EDITORIAL INVESTIGATION

By JEFFREY GOOD, Times staff writer
©St. Petersburg Times, published September 11, 1994

Third of four parts

How long must Karen Wanich wait?

Ms. Wanich is a 50-year-old woman with cerebral palsy who uses a wheelchair. When her Aunt Myrtle died, she waited for the inheritance that would help her face old age with more than a government disability check.

The money never came.

When St. Petersburg lawyer Dennis D. Correa was convicted of stealing \$900,000 from seven estates and punished only with probation, Ms. Wanich and other beneficiaries waited for Correa to make good on his promise of speedy repayment.

They're still waiting.

[Twice trusting, twice betrayed](#): After seeing lawyers plunder their inheritances, victims of estate rip-offs suffer again when the legal system leaves them empty-handed.

A judge set Correa free to make restitution, but officials have collected only a pittance. The Florida Bar promises justice through a victim's repayment fund, but fails to deliver. State law provides for insurance policies to compensate the victims of looted estates, but judges routinely skimp on this important protection.

It's bad enough that Florida law provides so many opportunities for dishonesty in probate estates and living trusts. It's doubly outrageous that when money is taken, officials forget the victims.

After scraping for decades on a secretary's wage, Myrtle Trembley turned to lawyer Dennis D. Correa for help in leaving a final gift to her niece and other loved ones. She trusted Correa completely, said Mrs. Trembley's sister-in-law, Rosemary Dent. "He was like a god to her."

Correa returned that faith by stealing \$391,000 from Mrs. Trembley's savings, and more than \$500,000 from six other estates. On Nov. 8, he stood before Pinellas Circuit Judge Claire Luten to admit his guilt and plead for mercy.

Correa didn't come to court alone. An impressive parade of supporters filled the courtroom with talk of remorse and restitution.

Correa's therapist said the lawyer felt deep sorrow and had "worked really hard in therapy." A financial planner talked of giving Correa a job with a potential "six-figure income" that could help quickly repay victims. Banking scion Hubert Rutland III pledged "my personal financial support."

Finally, there was Correa himself. He declared, "I will repay these people."

Judge Luten has slapped other rip-off artists with long prison terms. In this case, she went easy.

State sentencing guidelines allowed a 7-year prison term, and even Correa's lawyer hoped for no better than two and a half years. But Luten decided instead to release Correa on probation. She cited his "strong support group," his "sincere remorse," and his "desire to pay restitution."

That was ten months ago. By now, the restitution should be cascading in, right?

Wrong. Correa has paid less than 1 percent of his \$910,000 debt. Karen Wanich's share so far totals only \$272.

Although Correa technically stole from his deceased clients, it is their beneficiaries who suffer. Take Ms. Wanich. She is forced to rely on her father to make up the difference between a modest government disability check and her needs for shelter, food and heat in the hard Pennsylvania winter. Bill Wanich does his best, but he worries about what will happen when he's gone.

"I'm 74 years old," he says. "Who's going to take care of her?"

In stealing Aunt Myrtle's gift, Correa stole Karen Wanich's financial security and her father's peace of mind. Wanich is outraged that the legal system set Correa free without demanding that he make good on the promise of rapid repayment.

"As I see it, there's no penalty," Wanich said. "It's a joke on the whole legal system."

Correa has his excuses. His lawyer, Shawn Burklin, said Correa can't begin his "six-figure" job until a higher court rules on prosecutors' appeal of Luten's probation sentence. Correa's prospective employer doesn't want to train him for a job if he might go to prison, Burklin said.

But what of Correa's other resources? Property records show that he and his wife sold their home for \$327,000 shortly before Correa's arrest; what happened to the money from that sale? Burklin promised to answer that question, but never called the Times back. Correa also owned a pleasure boat, which was sold last year for \$3,000. Once again, Burklin did not explain where that money went.

Correa did not answer questions from the Times, but his lawyer said, "He has a great desire to make full restitution."

Correa's desire won't buy Karen Wanich one loaf of bread. Meanwhile, officials are doing little to hold Correa to his promises.

The Department of Corrections, which oversees Correa's probation, has established a "suggested schedule" of restitution that would have Correa paying \$3,198 a month. Although Correa has paid just over one month's worth of that sum, DOC spokeswoman Laura Levings said officials are satisfied: "The guy is making an effort."

The lesson of Correa's case is clear. A lawyer who robs nearly \$1-million from vulnerable clients can walk away without a prison term or significant financial penalty. All he has to do is show up in court with some fancy promises, and then stroll out the courthouse door.

As Correa enjoys his freedom, Karen Wanich waits for justice.

A fair share for lawyers

Many thieving lawyers are like Correa. They can't, or won't, repay stolen money. To help these people and improve the legal community's image, Florida lawyers have created a victim's reimbursement fund.

The Florida Bar Clients' Security Fund is one of the oldest in the nation. It is far from the best.

Teresa Hile is one of the victims who went to the fund looking for a measure of justice. Hile had trusted St. Petersburg lawyer Jay M. Thorpe to handle her mother's estate; instead, the lawyer stole \$172,000.

Hile was devastated. At a hearing in May, Hile testified that the theft forced her to file bankruptcy, lose her car, and forgo important care and medication for her learning-disabled son. Rather than being able to benefit from her mother's life savings, she had to take a \$5.50-an-hour job, even as she struggles to overcome breast and bone cancer.

"Before all this happened, I could borrow \$30,000 on my signature and I did," the 47-year-old testified. "Now that's not possible, probably never will be in my lifetime. At a time when I should be retiring or be able to be at home to take care of my health, I have to work in order to try to keep some insurance."

Thorpe was convicted of grand theft, ordered to repay the money, and sent to jail. So far, he has made no restitution. In hopes of speeding reimbursement, Hile filed a claim with the Clients' Security Fund late last year.

She shouldn't hold her breath.

According to a 1993 study by the American Bar Association, Florida's fund was the second-slowest in the nation in paying claims. When and if the Bar gets around to paying Hile, it will likely reimburse only a fraction of what her lawyer stole.

To appreciate how badly Florida's legal community treats its victims, consider a similar program in New Jersey. While Florida takes a year to 18 months to pay most claims, New Jersey takes six months. While Florida pays a maximum of \$50,000 per claim (and often much less), New Jersey pays up to \$200,000.

The key to New Jersey's success -- and Florida's failure -- is money. And not a lot of money.

In New Jersey, most lawyers contribute \$50 a year to the victims' fund. In Florida, by contrast, each lawyer chips in only \$11. Starved for cash, the Florida fund relies on a hard-working but tiny staff and the lawyers who serve as volunteer investigators.

Although on paper the fund pays up to \$50,000 on large claims, it is so short on money that last year's maximum payment was \$35,000 -- in a state where lawyers have stolen ten times that much.

The Florida Bar clearly wants to use the Clients' Security Fund to improve its public image. It's time lawyers put their money where their PR is.

The solution is simple: a modest increase in the fees lawyers pay to the victims fund. Increasing each lawyer's yearly contribution by \$40 would generate an extra \$2-million for the fund, enough to elevate it toward New Jersey's level of consumer service.

Forty dollars. That's how much an average estate lawyer would charge for fifteen minutes of his time. But ask lawyers about that modest contribution, and listen to them howl.

We're honest professionals, the refrain goes. Why should we pay for the crimes of the bad apples?

Because decency demands it. Citizens trust lawyers to uphold the law that provides them with a handsome living. When one lawyer violates that trust, every lawyer is diminished. The victims are waiting for Florida lawyers to recognize that fact, and make amends.

Skimping on bond coverage

When all else fails, the law provides for an insurance policy to cover theft of estate funds. But all too often, judges blithely eliminate this important safeguard -- and beneficiaries are left empty-handed.

The family of Inez Michelsen-Hoyer learned this lesson the hard way. When Ms. Michelsen-Hoyer died, the family and judge saw no need to require a bond of the lawyer serving as executor of her estate. After all, Michael L. Nikolas was the family lawyer, a man they trusted absolutely.

Nikolas returned that trust by stealing \$414,000. According to court records, he used the money to pay office expenses, make mortgage payments on his parents' home, and help run a place called Lou's Restaurant.

Nikolas pleaded guilty to grand theft last year, was sentenced to a year in jail and ordered to repay the money. So far, he has paid about 1 percent of his debt. A bond could have repaid the entire amount, but the judge presiding over the case said he generally waives that insurance policy for lawyers handling estates.

"I rarely require lawyers to post bonds," said Palm Beach Circuit Judge Gary Vonnhof.

Such decisions are all-too-common. Judges routinely waive the bond, or require a bond too low to cover assets vulnerable to theft. In Pinellas County, judges deserve credit for consistently requiring some bond, but the bonds are often low. Pinellas court guidelines call for \$100,000 estates to carry \$25,000 bonds, for instance, and \$1-million estates to carry \$100,000 protection.

Judges cite several reasons for skimping on bond coverage: They trust their lawyer colleagues. Some people waive the bond in their wills (often at their lawyer's suggestion). But the most important reason, say judges and lawyers, is to save estates the cost of a bond premium.

How absurd. Would these same judges insure a \$100,000 home for one-quarter its value? Of course not. Yet, that's exactly what they are doing with other people's property.

Here's the real irony: Estate bonds cost only a fraction of what they could save.

To guard against attorney Nikolas' \$414,000 theft, the beneficiaries would have spent \$1,395 on a yearly bond premium. In the case of St. Petersburg lawyer Lauren Sill, who stole \$270,000 from an estate, each of the 32 beneficiaries could have had bond protection for \$30 a year. (The expense would not come out

of pocket; bond premiums are simply subtracted from the inheritance.)

Surely, many beneficiaries would be willing to sacrifice a fraction of their inheritance to guard against losing it all. If some wanted to go without a bond, they should be allowed to -- as long as they understand they are giving up important protection.

Beneficiaries are waiting for judges to give them that choice -- before it's too late.

Lawyers occupy a special position of trust in our legal system. As officers of the court, they enjoy great freedom and power. When lawyers abuse that power to plunder an inheritance, the system must help make things right.

Too often, Florida courts and lawyers have forgotten that duty.

Recall the case study that began this series. [Joe Thomas](#) was an 86-year-old man who died believing that the courts would distribute his life savings to 32 beloved grandnieces and grandnephews. Instead, attorney Lauren Sill stole \$270,000 -- nearly all the money.

Thomas' heirs are working folks who planned to use Uncle Joe's gift to pay off medical bills, send their kids to school, or invest in a safer home. Instead, for years, they have waited.

Sill pleaded guilty to grand theft this year and was ordered to make restitution, but she has paid nothing. Judges ordered an estate bond, but it only replaced \$25,000 (some of which will cover legal expenses). A claim is pending with the Bar's victim fund, but the heirs can only hope to collect a small slice of their inheritance.

The money is lost. So is their faith in the Florida courts.

"They keep writing and telling us, 'Soon.' Why do they keep telling us that?" said one heir, Margaret Jendrezak. "It's just wrong. . . And nobody tried to make it right."

Like the other victims, Uncle Joe's family is waiting . . . to be remembered.

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Report: Web of scandal at Hillsborough courthouse

Records describe accusations of sexual affairs and secret safe deposit boxes.

By CHRISTOPHER GOFFARD and JEFF TESTERMAN

© St. Petersburg Times, published December 12, 2000

TAMPA -- A months-long inquiry into the Hillsborough County courthouse has found accusations ranging from sexual affairs in a judge's chambers to death threats and secret safe deposit boxes.

A grand jury report of the matter remains sealed, but investigative records released Monday suggest a broad web of scandal.

The records show that Circuit Judge Gregory Holder told investigators of conversations he had with bailiff Tara Pisano, who made the following claims:

Pisano and Circuit Judge Gasper Ficarrotta had sex in Ficarrotta's chambers while Holder conducted jury trials in the next room. Ficarrotta offered his resignation after the affair became public.

Pisano saw large amounts of money in Ficarrotta's office, including a cash-filled security box.

Pisano saw Ficarrotta solicit and receive money from lawyers for Sheriff Cal Henderson's 2000 election campaign. Judges are ethically forbidden from raising money for political candidates.

Holder also alerted investigators to an incident in which Pisano accused her husband, sheriff's Cpl. Carmine Pisano, of threatening to kill Ficarrotta in response to the affair.

The Sheriff's Office made no report of that incident.

Sheriff's Maj. Robert DeLuna told the Times Monday that Tara Pisano called him one night last year to report that she had been in an argument with her husband, and that he made threats against the judge and drove off.

DeLuna said he and other deputies waited at Judge Ficarrotta's house to ensure his safety, but Cpl. Pisano didn't show up that night. The next day, he denied making a death threat.

"It's not against the law to threaten anybody except the president of the United States, unless there's an overt act to substantiate it," said Sheriff Cal Henderson. "We didn't do an investigation because one was not needed."

Carmine Pisano declined comment Monday.

The release of reports Monday from the Florida Department of Law Enforcement and Hillsborough

sheriff's authorities comes three days after a grand jury issued its report on the courthouse matters.

For 15 days, only people named in the report, called a presentment, can see it. They can decide to contest or seek suppression of parts of the report.

The grand jury began looking into courthouse goings-on after Holder's complaint that his bailiff found Robert Bonanno in Holder's darkened chambers last July.

The grand jury handed down no indictments.

Fundraising

One area of the grand jury's inquiry was whether Judge Ficarrotta had assisted in campaign fundraising for Henderson.

According to the FDLE documents, lawyers Bennie Lazzara and Joseph Ficarrotta -- a distant cousin of Gasper Ficarrotta -- told investigators that in 1999, Ficarrotta contacted them separately regarding a fundraiser for the sheriff.

Among those involved was Michael Sheehan, the sheriff's corporal who oversees courthouse bailiffs and who has been named in the sealed grand jury presentment.

FDLE agents discovered that Judge Ficarrotta and Sheehan share a safe deposit box at a Bank of America branch on Davis Islands. The report does indicate what the safe deposit box was used for.

Henderson said his internal affairs division would investigate allegations against Sheehan of improper political activity, and against Pisano of having sex on duty.

Judges

The FDLE documents also indicate for the first time the five-year extramarital affair between Judge Bonanno and his former court clerk, Joan Helms.

In an interview with Special Prosecutor Jerry Hill and an FDLE agent, Helms, 48, said her sexual relationship with Bonanno began in 1995 and ended earlier this year. Helms was the court clerk assigned to Bonanno in the civil trial division during 1998.

Helms, who has since left her \$27,955-a-year clerk's job and now works in the family intake department at the Hillsborough Courthouse, testified before the grand jury for 37 minutes on Nov. 15. The grand jury then heard from Bonanno, accompanied by attorney Ralph Fernandez, for about an hour and 20 minutes.

Helms told investigators she spent her breaks and lunch hours with the judge in his chambers on a regular basis, often discussing what she said were "discrimination problems" involving her job. While working as Bonanno's court clerk, Helms said the two worked closely.

"That was nice," Helms told investigators. "It gave us time to talk and be together."

Sexual encounters with Bonanno occurred during the evenings or on weekends at Helms' home in north

Tampa, she said, never at the courthouse.

Reached at her home Monday evening, Helms declined to comment on the FDLE report.

One of the more provocative details in the report concerned Ficarrota.

Judge Holder quotes bailiff Pisano as saying Ficarrota went shopping with her at Victoria's Secret and that he wore her T-back underwear in his private office.

Ficarrota resigned his position several days after testifying before the grand jury. The resignation likely brought to an end any investigation by the state's Judicial Qualifications Commission.

Ficarrota did not return a call seeking comment.

Confidentiality

Also on Monday, an attorney for Bonanno said he planned to ask a judge to root out the unnamed source of a Tampa Tribune article that revealed a grand jury's findings about his client.

The grand jury's report was sealed Friday by Pinellas-Pasco Circuit Judge Susan Schaeffer, who presided over the group's review of misconduct allegations at the Hillsborough County Courthouse.

"This information was confidential and not to be disclosed under any circumstances," said Ralph Fernandez, Bonanno's attorney.

The Tribune reported Saturday that the grand jury concluded Bonanno had conducted an extramarital affair in his chambers at the Hillsborough County Courthouse and that such conduct was unbecoming of a judge. According to the Tribune, the grand jury recommended that Bonanno resign and that the Judicial Qualifications Commission, which polices Florida's judges, investigate him.

Tribune attorney Gregg Thomas said he would not comment on Fernandez's allegations until a formal court filing had been made. Fernandez said a motion would be filed today.

- Times staff writer Sarah Schweitzer contributed to this report.

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Saturday, February 13

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Conflict In The Courthouse

During the past several years, the Hillsborough County Courthouse has been rocked by a series of scandals involving judges, bailiffs and clerks. The incidents have ranged from torrid extramarital affairs, to a judge being found prowling inside a colleague's empty chambers. Some associated with the courthouse have been investigated by the Florida Judicial Qualifications Commission and a special grand jury and several judges have retired or stepped down.

In The News



Name: Chief Judge F. Dennis Alvarez
March 2001 - Alvarez announces his retirement from the bench. Alvarez denies that his departure is part of a settlement with the Judicial Qualifications Commission, although others say it was investigating his handling of the courthouse scandals.



Name: Judge Robert Bonanno
December 2001 - Bonanno announces his resignation. While the JQC said it had had found no evidence of criminal wrongdoing in its own investigation, a move to impeach Bonanno was afoot in the state legislature.



Name: Judge Gasper Ficarrotta
October 2000 - Ficarrotta resigns amid investigations by the JQC and a special grand jury of his affair with bailiff Tara Pisano, and allegations that Ficarrotta helped solicit contributions for Sheriff Cal Henderson's re-election campaign.



Name: Judge Ed Ward
June 2000 - Ward announces his retirement three months after he is accused of sexually harassing four female colleagues, including two judges. He was scheduled to appear before the Florida Judicial Qualifications Commission on those charges.



Name: State Atty. Harry Lee Coe III
July 2000 - Coe commits suicide shortly after learning that Gov. Jeb Bush has ordered an inquiry into his conduct in office. Coe had been accused of soliciting loans from employees and using his office computer to visit gambling sites.



Name: Court Bailiff Tara Pisano
March 2001 - Pisano was suspended for 10 days on a charge of conduct unbecoming an officer for having sex at the courthouse with former Circuit Judge Gasper Ficarrotta. She and Ficarrotta had a 16-month affair that ended in 1999.

Compiled by Tribune researcher Buddy Jaudon

Colleague Lied About Clique, Former Chief Judge Writes



Dennis Alvarez

TAMPA - Retired Hillsborough County Chief Judge F. Dennis Alvarez is heatedly denying a former colleague's assertion that Alvarez invited him to join a clique of judges who notified one another when their friends were appearing in court.

▶ [Full story](#)

Related Documents

Here is a list of documents related to the case of Judge Gregory P. Holder.

List Of Documents:

- E-mail from Judge Holder's former assistant to the Air Force investigator last April.
[Read document](#)
- Transcript of Holder's conversation with Air Force investigator Col. David Leta from last March. Holder acknowledges his signature but can't say if it is his paper.
[Read document](#)
- Transcript of Holder's deposition with the JQC on Nov. 5. Here, he does not acknowledge his handwriting on the same documents discussed in earlier document.
[Read document](#)
- Full text of statement of Col. Gregory P. Holder to the Air Force.
[Read document](#)

Background stories

- [May 08, 2004: Colleague Lied About Clique, Former Chief Judge Writes](#)
- [May 03, 2004: Chief Judge Wants Probes To Wrap Up](#)
- [May 02, 2004: Ex-Judge Recounts Invitation To Clique](#)
- [Feb. 18, 2003: Experts Doubt Judge's Account](#)
- [Feb. 18, 2003: Major Meets With Bosses](#)
- [Feb. 18, 2003: Profile: Rene "Rocky" Rodriguez](#)
- [Feb. 15, 2003: Major Blames Inquiries On Affair](#)
- [Feb. 14, 2003: Sheriff, Major Clash Over Bill](#)
- [Feb. 13, 2003: Memo: Major Rings Up \\$6,000](#)
- [Jan. 28, 2003: New Inquiry Keys On Sheriff's Major](#)
- [Jan. 19, 2002: Probe Mars Major's Charmed Life](#)
- [May 18, 2002: FBI Probe Puts Estate Case Judge On Guard](#)
- [Aug. 24, 2001: Bailiff Talks Of Mischief Among Judges](#)
- [June 20, 2001: Grand Jury To Bonanno: Leave](#)
- [March 2, 2001: Alvarez To End Reign On Bench](#)
- [Jan. 31, 2001: Bailiff Who Reported Judge Faces Inquiry](#)
- [Oct. 27, 2000: 1 Judge Quits; Other Faces Trial](#)
- [Sept. 7, 2000: Chief Judge, Bailiff Subpoenaed](#)
- [Aug. 6, 2000: Courthouse Only Looks Silly, Insiders Maintain](#)
- [Aug. 1, 2000: Judge Accuses Colleague Of Break-In](#)
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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR HILLSBOROUGH COUNTY

IN RE: AN INVESTIGATION INTO JUDICIAL MISCONDUCT
IN HILLSBOROUGH COUNTY.

PRESENTMENT

Late in the afternoon of Thursday, July 27, 2000, Bailiff Sylvia Gay used her key to enter the offices of Circuit Judge Gregory Holder in the Hillsborough County Courthouse. Gay who is assigned by the Hillsborough County Sheriff's Office to work for Judge Holder was there to retrieve some personal effects. When she entered the offices, she found to her surprise that they were occupied by Judge Robert Bonanno.

Behind this seemingly simple scenario lie many complicated legal and ethical issues which have captured the attention and affected the operation of the Hillsborough County judicial system since that July day. To sort out these issues, we the Grand Jury for Hillsborough County for the Fall Term of 2000, were asked to conduct an investigation into Judge Bonanno's conduct and other related matters. In the process, we met on six separate occasions, listened to the testimony of twenty-four witnesses, examined many items of documentary evidence, and made a visit to Judge Holder's offices. As a result of our investigation, we today recommend the resignation or removal of Judge Bonanno from his position as a judge of the Thirteenth Judicial Circuit. We will also have several other observations to make, but we begin with what is the primary focus of our inquiry. Based

on the testimony we heard, we make the following factual findings.

In addition to serving as a circuit judge, Judge Holder is a reserve military judge assigned to the United States Air Force Judiciary. From time to time this requires his presence at military trials held outside of the State of Florida. July 27, 2000, was such a day. However, his judicial assistant kept his office open throughout the day until she left at 4:30 p.m. At that time she turned off all the lights in Judge Holder's suite of offices and checked all of the doors leading into the suite. All of them were locked. In order to understand what followed, it is helpful to know the layout of the suite, and to that end a diagram is attached to this report as Exhibit A.

Because of Judge Holder's absence, Bailiff Gay was temporarily assigned to work for another judge on the twenty-seventh. However, as was her custom, she stored her personal effects in Judge Holder's break room. Thus, when her normal workday ended she returned to Judge Holder's offices at about 5:20 p.m. The third floor of the courthouse where they are located was quiet and as it was before 5:30 p.m. when the cleaning crew would clock in and begin its rounds, she expected to find no one there.

Using her key, Bailiff Gay unlocked the front door of the suite and entered into the waiting room. To her surprise and consternation, she saw that lights were on in the break room and Judge Holder's private office. She stood still for several seconds, but when she saw a reflection or shadow moving in a furtive manner on a picture hanging on the wall in the private office, she called out the word "hello" in a raised tone of voice. When this elicited no response, she again called out "hello" in an even louder tone. After a moment's pause, Judge Bonanno appeared through the door of the private office into the waiting

room. He said he was there to talk to Judge Holder about several matters and thought that Judge Holder was not leaving town until that evening. He then engaged Bailiff Gay in a few moments of idle conversation before they both left the suite together.

Upset by the incident, Bailiff Gay sought to inform Judge Holder of what had happened. With the help of Judge Holder's wife, she was successful. Judge Holder was equally concerned. Although he knew that Judge Bonanno, like all the other judges with offices on the third floor of the courthouse, had a key to his office, he could think of no good reason for him to be there under the conditions in which Bailiff Gay found him. As a consequence, he contacted the Chief Judge and requested a meeting with the Chief Judge and Bonanno. That meeting was scheduled for the following Monday.

At the Monday meeting, Judge Bonanno immediately attacked Judge Holder for implying that he might have done anything wrong. Affronted by this attitude, Judge Holder terminated the meeting and requested an official investigation of the matter, which led to our involvement.

The investigation of Judge Bonanno's entry into Judge Holder's offices was undertaken by the Hillsborough County Sheriff's Office and the Florida Department of Law Enforcement. While we need not review that investigation in detail, there are certain points which are relevant to our conclusions. Primarily they concern statements given by Judge Bonanno to investigators and others relating to how he entered the offices of Judge Holder, how he found the offices, how he responded to Bailiff Gay's entry, and why he went there. As to his entry into Judge Holder's offices, he told investigators that he entered through the side hall door into Judge Holder's private office which he found to be ajar. This is

significant because of the credible testimony we received which indicated that the door was locked. Moreover, the evidence we received, as well as our own physical examination of the door, demonstrated that because of a closing bar at its top, it is impossible for that door to remain ajar. On the issue of how Judge Bonanno found the offices, he said in his statement to investigators that lights were on in the private office and hearing room but nowhere else. This flies in the face of Bailiff Gay's assertion that lights were on only in the private office and the break room. Another conflict between his story and Bailiff Gay's account is that he told investigators he called out Judge Holder's first name when he heard someone enter through the front door while Bailiff Gay heard only silence until Judge Bonanno walked into the waiting room. From our visit to Judge Holder's offices, we conclude that if Judge Bonanno had spoken at anything above a whisper, Bailiff Gay would have heard him.

The most significant part of the investigation dealt with the reason or motive for Judge Bonanno entering Judge Holder's offices. On that point, the evidence we received establishes that Judge Bonanno himself has at various times given conflicting answers to that question. For example, the Tuesday after the incident, he told a lawyer that he was in the offices to deliver statistics. Yet in various statements he told investigators that he went to the offices to discuss a particular case with Judge Holder. In other statements he mentioned not only a discussion of the case but also a need to discuss courthouse politics.

The evidence we heard establishes that others have very different opinions as to why Judge Bonanno went to Judge Holder's offices. Judge Holder has a reputation for being a forthright man who is willing to speak his mind and who takes a dim view of misbehavior

on the part of his colleagues. Thus, many people believed that Judge Bonanno went to Judge Holder's offices looking for written material or evidence of the misconduct of other judges who were friends of Judge Bonanno. In particular, they surmised that he might have been looking for material on Judge Gasper Ficarrotta.

While Judge Bonanno remains the primary focus of our report, we think it is important at this point to also examine the conduct of Judge Ficarrotta who has recently resigned from his position as a circuit judge. As can be seen from the evidence which we have just related, our inquiry into Judge Ficarrotta's conduct flows naturally from our investigation of Judge Bonanno. Moreover, we think that the parallels between Judge Ficarrotta's actions and those of Judge Bonanno are instructive. Finally, we believe that the public deserves some explanation as to the reasons behind Judge Ficarrotta's resignation.

The evidence which we heard establishes that Judge Ficarrotta conducted an extramarital affair with a Hillsborough County Bailiff, Tara Pisano, which lasted for more than a year. While we do not believe it is necessary for us to chronicle the details of their relationship, we think it is important to note that sexual relations occurred between them in the courthouse during normal business hours.

In addition, we find from the evidence that Judge Ficarrotta assisted with Hillsborough County Sheriff Cal Henderson's 2000 election campaign by helping to organize a fund raising party given by several lawyers on the Sheriff's behalf. Judge Ficarrotta was aided in this endeavor by Bailiff Pisano and by Corporal Michael Sheehan who is also employed by Sheriff Henderson. Again, we think it should be noted that both engaged in these activities while on duty. We should add that we heard no evidence that Sheriff

Henderson knew of or would have approved of Judge Ficarrotta's involvement in his campaign or of the fact that Pisano and Sheehan were doing campaign work on county time.

After the relationship ended between Bailiff Pisano and Judge Ficarrotta, she brought Judge Ficarrotta's activities to the attention of the Judicial Qualifications Commission which initiated a secret investigation of him. That investigation has been terminated without its results being made public as a result of Judge Ficarrotta's resignation from the Bench. While we in no way condone the conduct of Judge Ficarrotta, we believe that his resignation was an honorable act which saved the taxpayers of this county and the state an untold amount of money.

We now return to our discussion of Judge Bonanno and the ways in which his situation parallels Judge Ficarrotta's. In the course of our investigation we found incontrovertible evidence that Judge Bonanno, like Judge Ficarrotta, conducted an illicit courthouse affair. This affair lasted for approximately five years and involved a person who was then an employee of the Hillsborough County Clerk's Office. The two spent much time together in Judge Bonanno's private offices and once attended a judicial conference together in Fort Lauderdale. While we acknowledge that a judge's private life is not public property, we think that improprieties committed on public time and public property are properly subject to public scrutiny.

What then are we to say about Judge Bonanno? First we must examine the issue of whether he committed a crime by entering Judge Holder's offices as he did. Based on the law as we understand it, we conclude that he did not. While we do not condone his conduct, we think that the fact that he, like many others, was assigned a key to Judge

Holder's offices gave him the legal if not moral right to enter as he did.

Having decided that issue, we turn to the question of what if any impact Judge Bonanno's conduct has had on his ability and right to hold office. Quite simply, we conclude, based on the evidence we have heard, that Judge Bonanno has violated Florida's Code of Judicial Conduct by demeaning his judicial office. Moreover, we believe that he has lost the credibility necessary for a judge. It is important that the public understand that we reach this conclusion based not only on the fact of his having been found in Judge Holder's offices under suspicious circumstances, which while poor form was not, as we have noted, a crime. Rather, we are more concerned about the incredible and conflicting accounts he has given about the incident. Whether his observation and memory are faulty or he is just plain lying, we cannot determine. What we can determine is that because of his lack of credibility and his conduct of his personal life, he is no longer fit to be a judge. We ask him to follow Judge Ficarrota's commendable example and immediately resign his position as a judge of the Thirteenth Judicial Circuit. However, if he should fail to do so, we urge the Judicial Qualifications Commission and the Florida Supreme Court to take action to immediately suspend him and then remove him from office after appropriate proceedings.

Before concluding, we believe it proper to make three observations about matters which while not directly related to our conclusions about Judge Bonanno were presented by the evidence we heard. The first deals with Bailiff Tara Pisano and Corporal Michael Sheehan. As we have noted, the evidence we heard established that she had sexual relations with Judge Ficarrota in the courthouse during working hours and that both she and Sheehan engaged in campaign activities while on duty. Although we do not know what

discipline this might command, we strongly recommend that the Sheriff initiate an internal affairs investigation. Given the price which Judge Ficarrotta has paid, we believe simple fairness demands that the conduct of his partners not go unexamined.

Our second observation deals with the Judicial Qualifications Commission. This is the agency charged with investigating misconduct on the part of judges and making recommendations to the Florida Supreme Court for appropriate discipline. As in the case of Judge Ficarrotta, they operate in secrecy during their investigative stage and should a judge resign prior to being formally charged, the investigation remains secret even if it contains evidence of a crime. Consequently, in the case of Judge Ficarrotta the public would never have known of the nature of his misdeeds but for our investigation. We do not believe that these rules instill confidence in the judiciary or otherwise serve the public well. Therefore, we would urge the Supreme Court and other appropriate authorities to examine the secrecy rules of the Judicial Qualifications Commission so as to bring the proceedings and records of that body into the sunshine.

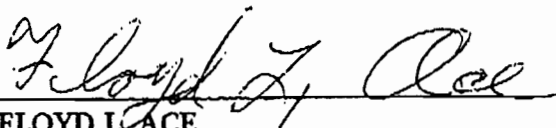
The third observation which we wish to make focuses on Chief Judge Dennis Alvarez and the office of Chief Judge of the Circuit. Opinion evidence we received indicated a concern with the practice of a chief judge serving an unlimited number of terms, as has long been the case in Hillsborough County, and with the ability of a long serving chief judge such as Judge Alvarez to effectively deal with problems like the ones we have examined in this report. On the other hand, others who testified before us thought that the current system works well. Based then on the record before us, while we might wish that the Chief Judge had taken a more active role in preventing the embarrassment our justice system has

suffered, we are simply not in a position to make a finding on this issue. However, we do believe it is an issue which deserves further examination, and we would strongly encourage our local judiciary as well as the Florida Supreme Court to undertake a careful study of the matter.

In closing, we think it is vitally important to say that there are many fine, hard-working judges in the Hillsborough County judicial system. We find it unfortunate that their reputations have been tarnished by the antics of a few, but we are certain that once this process is concluded, they will be able with a concerted effort to restore the public's confidence in its judiciary.

This report of the Hillsborough County Grand Jury made in open court this 8th Day of December, 2000.


NELDA SUZANNE LYNN, VICE FOREMAN

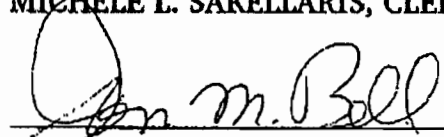

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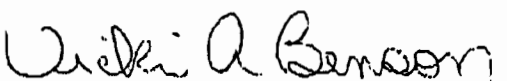

ROBERT E. BENSON



CAROL J. BYRNES

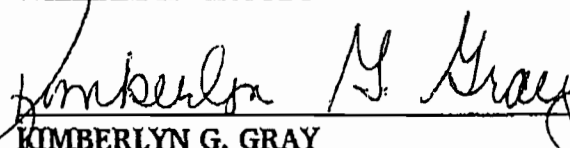

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SUSAN M. REILLY

Kevin H. Walker
KEVIN H. WALKER


CERTIFICATE OF STATE ATTORNEY

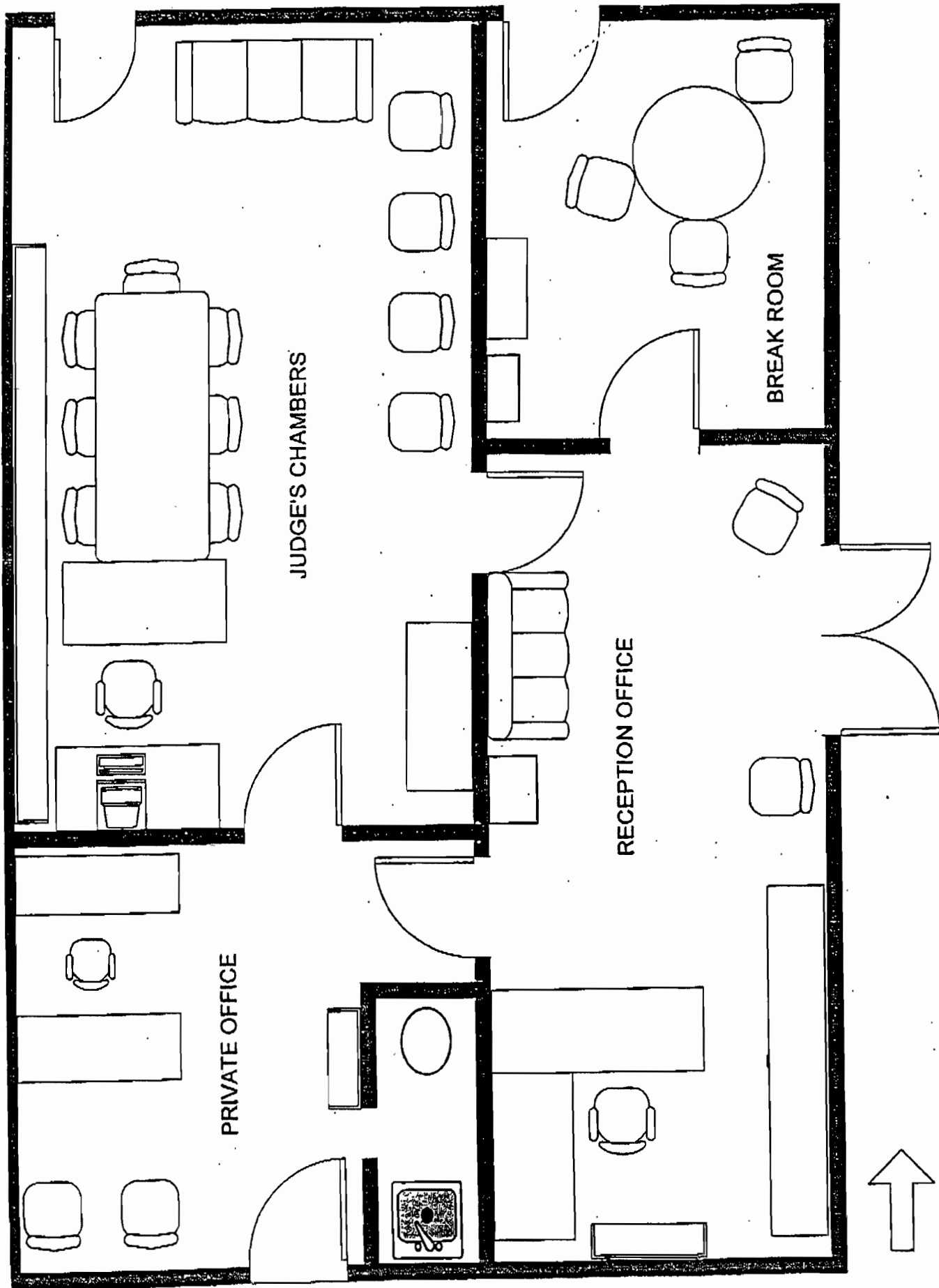
I, JERRY HILL, State Attorney of the Tenth Judicial Circuit being assigned to the Thirteenth Judicial Circuit by order of the Governor of Florida, do hereby certify that as authorized and directed by law, I have advised the Grand Jury in regards to returning this presentment.

THIS 8TH Day of December, 2000.

Jerry Hill
JERRY HILL
STATE ATTORNEY
TENTH JUDICIAL CIRCUIT

PRESENTED by the Grand Jury and filed in open court in Tampa, Hillsborough
County, Florida, this 8 Day of December, 2000.


CLERK OF THE CIRCUIT COURT



ENTRY
ROOM 370 EXHIBIT A

NOT TO SCALE



**OFFICE OF THE STATE ATTORNEY
SIXTH JUDICIAL CIRCUIT OF FLORIDA
PASCO AND PINELLAS COUNTIES**

BERNIE McCABE
State Attorney

November 27, 2000

The Honorable Jeb Bush
Governor, State of Florida
The Capitol, Room 209
Tallahassee, FL 32301

RE: Executive Order 00-215

Dear Governor Bush:

Pursuant to Executive Order 00-215, this office was assigned to investigate all matters arising out of investigations conducted by the Tampa Police Department and Florida Department of Law Enforcement related to Harry Lee Coe, III and his death. This office has conducted that investigation, which included interviewing 15 witnesses and reviewing over 250 reports from the Tampa Police Department and Florida Department of Law Enforcement. Also reviewed were numerous financial records, newspaper articles, media videos, photographs of the scene, and other relevant areas, and reports from the Medical Examiner's Office of the Thirteenth Judicial Circuit. As a result, we have determined as follows:

On July 13, 2000 the body of State Attorney Harry Lee Coe, III was discovered underneath the LeeRoy Selmon Expressway in Tampa, Florida. The body was approximately 100 feet away from Mr. Coe's residence at the Bay Oaks Apartment Complex. The cause of death was a self-inflicted contact gunshot wound to the left lateral eyebrow. The time of death was between 11:00 p.m. on July 12, 2000 and 7:00 a.m. on July 13, 2000. The firearm used was a .38 caliber Smith & Wesson pistol that belonged to Mr. Coe. Found near the body was a gun cleaning kit that was opened and apparently had been used to clean the pistol prior to its use. The cleaning kit had been purchased at a Sports Authority on July 8, 2000, several days prior to the suicide.

In reviewing the circumstances surrounding Mr. Coe's life just prior to his death, we have found a series of pending circumstances that we feel influenced Mr. Coe's actions.

With regard to his personal financial situation, Mr. Coe had a negative net worth of approximately \$150,000 with the majority of the debt being high interest credit cards. His bank records revealed a large number of checks that had been dishonored. The fees associated with those return checks for a 15-month period prior to his death were in excess of \$5,000. In addition, he had monthly liabilities of \$4,500 associated from his two prior divorce settlements. The bank records, coupled with the large number of dishonored checks held by local dog tracks (\$47,000), suggests that his financial indebtedness was largely a result of excess pari-mutuel wagering by Mr. Coe. He had grossly misrepresented his financial position on the financial disclosure forms required to be filed in conjunction with his reelection campaign.

A review of Mr. Coe's campaign account records, in conjunction with his personal account, indicates a commingling of campaign funds with several campaign deposits being made into his personal account. Analysis has revealed that Mr. Coe used these campaign funds for personal purposes. Further, under existing Florida Law, Mr. Coe established an office account in the amount of \$4,000 after his 1996 reelection campaign. Investigation has shown that this account was used as a "revolving credit account" with the \$4,000 being used for personal purposes. As a result of this activity, Mr. Coe filed several false quarterly office account reports with the Florida Division of Elections.

Additionally, the resulting financial problems apparently led Mr. Coe to borrow \$36,500 from several of his employees and a friend. At the time of his death, \$27,500 of these funds remained unpaid. On required financial disclosure forms, Mr. Coe reported some but not all of the employee loans. He also failed to report the total amount of these loans.

Evidence was also found to suggest Mr. Coe applied for and received travel mileage reimbursements in the years 1997 and 1999 in the amount of \$733.12 that he was not entitled to receive.

Prior to his death, Mr. Coe's office was presented with a public records request pursuant to Chapter 119, Florida State Statutes, for internet sites contained on his office laptop computer. Our investigation revealed that an unsuccessful attempt was made, at Mr. Coe's direction, to delete these records by an employee of the State Attorney's Office. The employee was specifically advised by Mr. Coe that there were no public records on the computer. A Florida Department of Law Enforcement laboratory examination of the computer discovered that between December 19, 1998 and the time of Mr. Coe's death, this


computer was used to access web sites relating to greyhound racing several hundred times. Mr. Coe had publicly denied accessing these sites.

In conclusion it is our opinion at the time of his death, Mr. Coe's financial situation was in disarray – he was heavily indebted and continued to gamble large amounts of money. Also, close friends indicated Mr. Coe was distraught over the unexpected recent death of his niece. Less than 24 hours prior to his death, he had been informed by your office of a pending Florida Department of Law Enforcement investigation into the circumstances surrounding the employee loans and the public records issue regarding the laptop computer. It is our belief that the likelihood of the disclosure of the aforementioned matters coupled with the negative impact on his campaign and community standing, along with the recent death of his niece, influenced him to take his life.

There was no evidence found of any corrupt or external influences that could be a factor in his death; however, it should be noted that numerous rumors and innuendoes were brought to our attention from a variety of sources. The allegations were investigated and found to be unsubstantiated and were therefore not made a part of this report.

Having completed the duties as assigned, I respectfully request to be released from any further responsibility in this matter.

Sincerely yours,



Bernie McCabe
State Attorney

BMcC/clg

Judge seeks \$1.92-million in costs defending self

After winning a case last month, Hillsborough Circuit Judge Gregory Holder wants the Judicial Qualifications Commission to pay his legal bills.

By CANDACE RONDEAUX

Published July 26, 2005

TAMPA - Hillsborough Circuit Judge Gregory Holder says he racked up a \$1.92-million tab fighting charges that he plagiarized an Air Force research paper. Now, a month after the case was dismissed, he wants the Judicial Qualifications Commission to foot the bill.

"I've paid considerable sums and so has my family," Holder said.

On Monday, Holder's attorneys filed a motion asking the JQC to pay the judge's legal bill. Holder hired attorneys from three separate law firms a little more than two years ago to defend against charges he plagiarized a 1998 research paper for a course at MacDill Air Force Base. His attorneys deposed dozens of witnesses and called several experts to the stand during the June JQC hearing.

Holder said he's personally shelled out about \$100,000 for his legal defense. It's just a fraction of what he owes, but it represents about 75 percent of his nearly \$135,000 annual salary. In a 2001 financial statement, the judge listed his net worth at \$265,680.

During the JQC hearing, several witnesses raised serious doubts about allegations that the former Air Force reservist had cribbed the paper from another student, E. David Hoard. No one was ever able to produce the paper Holder originally submitted. The JQC concluded the evidence against Holder was not convincing enough and dismissed the charges against Holder.

A June 23 JQC order recommended that the Florida Supreme Court award costs to Holder. But commission officials said costs are one thing, attorney fees are quite another.

"It seems awfully high to me," said JQC general counsel Tom McDonald.

McDonald said Tuesday that he hadn't seen the motion filed by Holder's attorney. But he said the JQC's annual budget is only about \$800,000.

"We can't pay it," said JQC general counsel Tom McDonald. "The state would end up paying it."

Holder's Tampa attorney, David Weinstein, said he was "cautiously optimistic" that the six-member panel that reviewed Holder's case would consider paying the estimated \$140,000 in costs. Weinstein acknowledged, however, that he'll

probably have a fight on his hands when it comes to collecting the roughly \$1.77-million in legal fees. But he said the fees are reasonable.

"It's not unusual for a case that goes on for several years and that involves experts and witnesses and depositions from around the country," Weinstein said. "We had to start from scratch investigating these charges ourselves. This was a very time-consuming and expensive proposition."

Charles Pillans, the JQC's special counsel on the Holder case, said the payment of attorney fees would be unprecedented.

"I think there will be an issue as to whether they're entitled to fees," he said.

Weinstein cited Florida common laws that entitle public officials who successfully defend against legal charges brought in connection with their jobs to seek to recover expenses. He has asked the court to appoint a special master to determine what, if any, fees can be collected from the JQC.

The JQC rarely dismisses charges after a full hearing. In 1987, Orlando Judge Joseph Baker faced an allegation that he had taken a leave of absence without getting permission from his chief judge. The JQC tried the case but decided the evidence was not convincing.

The commission's executive director could not be reached to comment on who bore responsibility for Baker's costs and fees.

In the Holder case, as with Baker, the JQC will make a recommendation to the court about the repayment of costs and fees. McDonald said he doubts Holder will get everything he's asking for.

"We probably will negotiate with him on costs but the court has ruled that fees are not to be repaid," McDonald said.

-- Candace Rondeaux can be reached at 813 226-3337 or rondeaux@sptimes.com

The cost of Judge Gregory Holder's defense

TOTAL COSTS: \$140,870.79

A sampling of costs

Expert expenses & fees: \$63,226.86

Copy fees: \$19,065.56

Trial exhibit expenses: \$2,547.78

Legal research fees: \$9,527.00

TOTAL ATTORNEY FEES: \$1,779,691.81

By law firm

Bales Weinstein: \$1,194,947.50

Sidley Austin Brown & Wood: \$533,627.50

James, Hoyer, Newcomer & Smiljanich: \$51,116.81

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Tampa judge to be reimbursed \$70,000 in plagiarism case

By [TOM BRENNAN](#) | The Tampa Tribune

The Florida Supreme Court has ordered the state to reimburse \$70,000 to Hillsborough Circuit Judge Gregory Holder for his expenses in successfully defending himself against plagiarism charges.

"I'm pleased this final chapter has ended with the Judicial Qualifications Commission paying costs that I incurred successfully clearing my name and reputation," Holder said today.

The seven-judge high court panel this month entered a judgment ratifying an agreement that Holder's attorneys struck with the state's JQC in August.

The JQC cleared Holder in 2005 of charges he plagiarized a research paper about eight years earlier. The dismissal was unanimous.

Holder attempted to recover \$1.77 million in legal fees he spent defending himself. The state Supreme Court ruled in 2006 that it didn't have authority to award such fees, but justices said the state constitution would allow for payment of costs.

Holder asked for \$140,870 in expenses in 2006.