

VIA FAX (850) 488-9810
Email and First Class Mail

August 3, 2010

Mr. Erik M. Figlio, General Counsel
Executive Office of the Governor
The Capitol, Suite 209
Tallahassee, Florida 32399

RE: Better qualified applicants, June 15, 2010 JNC interviews

Dear Mr. Figlio:

Last week Mr. Bajo provided the applications of Patrick Courtney, Kim Seace and Christopher Watson. After reviewing them I am more convinced that each were strong applicants and would have made better nominations than Mr. Rodems. In particular each appeared to have answered the financial history questions more fully than Mr. Rodems.

In an email to Mr. Bajo July 22, 2010 I asked the following regarding the financial history questions on the application for judge. As of this letter Mr. Bajo has not responded.

“Concerning the Financial History questions, the JNC application ask for tax returns for the proceeding three years, including returns for a professional association, but allows alternative reporting of a single number for each of three years. So it appears the alternative reporting without tax returns does not include income or loss from a professional association, is that correct?”

There are questions on the application about gross and net income:
Question 1. State the amount of gross income you have earned...
Question 2. State the amount of net income you have earned...

If a lawyer is in a professional association, it would seem that the answers to question 1 and question 2 would not be the same, since the gross income would be higher than the net income, right? How closely does the JNC investigate this part of the application?”

In reviewing the responses to the financial history questions of Mr. Courtney, Ms. Seace and Mr. Watson, each answered as one might expect, with the gross income amount higher than the net income reported. Not so with the responses by Mr. Rodems. Attached is page 21 of Mr. Rodems' application dated April 9, 2010 for the vacancy of Judge Huey¹. For questions 1 and 2, Mr. Rodems' gross income and net income reported are identical for the respective years. For questions 3 and 4, Mr. Rodems' only additional

¹ Yesterday when I realized I did not have Mr. Rodems' application for the vacancy of Judge Black, I requested it from Mr. Bajo, and am awaiting a response. However I expect it to be substantially the same as all of Mr. Rodems' prior applications.

income reported is for the year 2006 where he reported "\$1,526.24, Adjunct Instructor, Hillsborough Community College".


All of Mr. Rodems' responses to the financial history questions are incredulous. For example, Mr. Rodems' responses to questions 1 and 2, that his gross income from the practice of law equals his net income from the practice of law, does not account for any expenses. Mr. Rodems' responses to questions 3 and 4 raise more questions. It is doubtful that Mr. Rodems, who reported income ranging from a high of \$237,873 (2006) to a low of \$130,000 (2007) has no additional income other than for the year 2006 where he reported \$1,526.24 as an adjunct instructor. No investment income? Not even bank account interest? This is not credible for someone earning this level of income.

Regarding the business involvement questions 33a through 33c, Mr. Rodems failed to disclose his involvement with BRC Properties, LLC, which according to its articles of organization filed with the Florida Secretary of State was "organized to engage in the business of real estate ventures and to transact any lawful business for which a limited liability company may be organized under the laws of the State of Florida. Under article 9 Mr. Rodems is listed as secretary.

Mr. Rodems' application, when compared to the applications of Mr. Courtney, Ms. Seace and Mr. Watson, shows the most formal complaints of misconduct (Mr. Watson had no formal complaints of misconduct). Mr. Rodems is the only applicant of the group being sued by a former client. Mr. Rodems failed to disclose his counterclaim against me on his application for judge dated April 9, 2010.

Thank you for your consideration.

Sincerely,


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cc by email:

Mr. Pedro F. Bajo, Jr., Chairman, 13th Circuit JNC, pedro.bajo@bajocuva.com
Mr. Chris A. Barker, Vice Chair, 13th Circuit JNC, by fax*
Mr. Ronald P. Hanes, 13th Circuit JNC, rhanes@trombleyhaneslaw.com
Ms. Barbara Wilcox, 13th Circuit JNC, RWilcox106@aol.com
Mr. John J. McLaughlin, 13th Circuit JNC, john@wagnerlaw.com

Mr. William J. Schifino, Jr., 13th Circuit JNC, wschifino@wsmslaw.com
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Mr. Patrick Bowler Courtney, patrick@lanskyandcourtney.com
Ms. Kim Suzanne Seace, seacelaw@aol.com
Mr. Christopher D. Watson, watsonc@pd13.state.fl.us

Enclosure, page 21, Financial History, Mr. Rodems' application dated April 9, 2010

*Due to past issues with harassing email sent to me by Mr. Rodems, I only communicate with Barker, Rodems & Cook and its lawyers by fax, postal letter, or equivalent.

FINANCIAL HISTORY

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

2008 – \$164,272; 2007 – \$130,000; 2006 – \$237,873

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

2008 – \$164,272; 2007 – \$130,000; 2006 – \$237,873

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

2008 – None; 2007 – None; 2006 – \$1,526.24, Adjunct Instructor, Hillsborough Community College

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

2008 – None; 2007 – None; 2006 – \$1,526.24, Adjunct Instructor, Hillsborough Community College