

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

CASE NO. SC10-637
SC10-639
SC10-1583

v.

TFB NOS. 2009-10,487(13C)
2009-10,863(13C)
2010-10,023(13C)
2010-11,081(13C)

KURT D. MITCHELL,
Respondent.

_____ /

CONDITIONAL GUILTY PLEA
FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Kurt D. Mitchell, and files this Conditional Guilty Plea. This plea is filed pursuant to Rules Regulating The Florida Bar 3-7.9(b), and tendered in exchange for the disposition contained herein.

1. Respondent, is, and at all times herein mentioned, was a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is acting freely and voluntarily in this matter. Respondent has had the opportunity to seek legal representation of his choice and has chosen to proceed *pro se*.
3. Respondent is not board certified by The Florida Bar in any area of practice.

4. Respondent is currently the subject of disciplinary proceedings which have been assigned the following file numbers and it is the intent of the parties that this conditional guilty plea for consent judgment is for the resolution of all pending matters: TFB File Nos. 2009-10,487(13C), 2009-10,863(13C), 2010-10,023(13C), and 2010-11,081(13C).

5. The allegations underlying this plea are as follows and provide the factual basis for discipline to be imposed against Respondent:

a.) Supreme Court Case No. SC10-637, TFB No. 2009-10,487(13C): During the course of litigating a civil case, Respondent engaged in a series of email exchanges with opposing counsel that were disparaging, humiliating and discriminatory against opposing counsel. Respondent also engaged in a hostile verbal exchange with opposing counsel during a deposition and made disparaging remarks about opposing counsel in a pleading filed with the court.

b.) Supreme Court Case No. SC10-639: Count I (TFB No. 2009-10,863(13C)): Respondent became involved in a dispute with his landlord, Stanley Kosierowski, and they became opposing parties in litigation. Respondent sent a number of emails to Kosierowski in which he made remarks that were disparaging, humiliating, and discriminatory against Kosierowski.

Count II (TFB No. 2010-10,023(13C)): Court reporter, Sharon Julian, filed a Bar complaint against Respondent concerning his failure to pay for a deposition transcript which she contends he ordered. Respondent denied all allegations made by Ms. Julian, thereby denying ordering the transcript; However, Ms. Julian provided evidence to the contrary. In his response to the Bar, Respondent made a false statement of material fact in connection with this disciplinary matter by denying that he had ordered the transcript.

c.) Supreme Court Case No. SC10-1583, TFB No. 2010-11,081(13C): Respondent attended the deposition of his client in a civil case. Respondent engaged in a hostile confrontation with opposing counsel at the deposition in the presence of the client and the court reporter. Respondent's conduct at the deposition was unprofessional, disruptive, and intimidating to the court reporter. Respondent also made remarks on the record at a subsequent court hearing that were disparaging to opposing counsel.

6. Respondent admits that by reason of the foregoing he has violated the following Rules Regulating The Florida Bar:

a.) Supreme Court Case No. SC10-637, TFB No. 2009-10,487(13C): Rule 3-4.3 (commission of any act that is unlawful or contrary to honesty and justice); and Rule 4-8.4(d) (conduct in connection with the practice of law that is prejudicial to the

administration of justice).

b.) Supreme Court Case No. SC10-639: Count I (TFB No. 2009-10,863(13C)): Rule 4-8.4(d) (conduct in connection with the practice of law that is prejudicial to the administration of justice). Count II (TFB No. 2010-10,023(13C)): Rule 3-4.3 (commission of any act that is unlawful or contrary to honesty and justice); and Rule 4-8.1(a) (false statement in connection with a disciplinary matter).

c.) Supreme Court Case No. SC10-1583, TFB No. 2010-11,081(13C): Rule 3-4.3 (commission of any act that is unlawful or contrary to honesty and justice); and Rule 4-8.4(d) (conduct in connection with the practice of law that is prejudicial to the administration of justice).

7. Respondent consents to the following discipline:

a.) **10-day suspension** from the practice of law.

b.) Respondent shall attend the Florida Bar's Anger Management workshop within one year of the date of the Order approving the Report of Referee. Respondent shall pay the fee for attending the workshop in the amount of \$750.00.

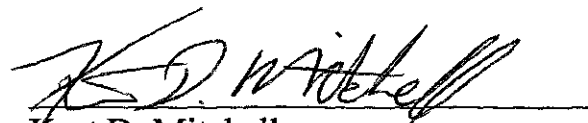
8. If this plea is accepted, then Respondent agrees to pay all costs associated with this case pursuant to Rule 3-7.6(q) of the Rules Regulating The Florida Bar, in the total amount of **\$1,997.99**, which are set forth in The Florida Bar's Motion to Assess Costs, and that interest at the statutory rate shall accrue and be payable beginning 30

days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar. Respondent agrees that he will not attempt to discharge the obligation for the payment of The Florida Bar's costs in any future proceeding, including without limitation, a Petition for Bankruptcy.

9. Respondent further acknowledges his obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which Respondent is involved.

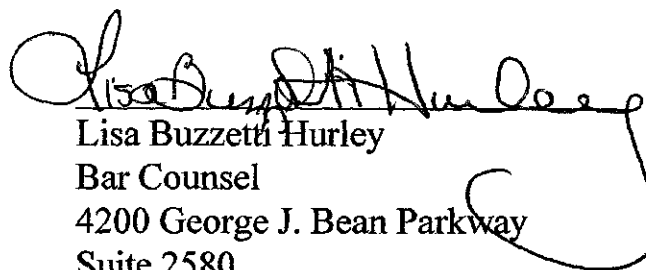
10. Should this Conditional Guilty Plea for Consent Judgment not be approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, it and all the statement herein are void and of no effect whatsoever.

Dated: 8-27-2010



Kurt D. Mitchell
Respondent
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Dated: 8-30-10



~~Lisa Buzzetti Hurley~~

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Approved By: Lansing C. Scriven, Designated Reviewer
Kenneth Lawrence Marvin, Staff Counsel