

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

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THE FLORIDA BAR,

CASE NOS. SC10-640
SC10-1584

Complainant,

TFB NOS. 2009-10,745(13C)
2010-10,873(13C)

v.

NICHOLAS FRANCIS MOONEY,

Respondent.

_____ /

CONDITIONAL GUILTY PLEA
FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Nicholas Francis Mooney, 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 is represented by William L. Bromagen, Esquire.
3. Respondent is not board certified by The Florida Bar in any area of practice.

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4. Respondent is currently the subject of disciplinary proceedings which have been assigned TFB File Nos. 2009-10,745(13C) and 2010-10,873(13C) and it is the intent of the parties that this be a full resolution of all pending matters.

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. SC10-640, TFB No. 2009-10,745(13C): During the course of litigation, 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. Respondent contends that his conduct was a reaction to opposing counsel making disparaging remarks about his son with special needs.

b.) Supreme Court Case No. SC10-1584, TFB No. 2010-10,873(13C): Respondent took the deposition of an opposing party in a civil case. Respondent engaged in a hostile confrontation with opposing counsel at the deposition in the presence of the deponent and the court reporter. Respondent's conduct at the deposition was unprofessional and disruptive to the proceeding. Respondent contends that his conduct was a reaction to what he perceived was an assault upon him by opposing counsel with a notepad and disparaging remarks made by opposing counsel about his son with special needs.

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

a.) Supreme Court Case No. SC10-640, TFB No. 2009-10,745(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. SC10-1584, TFB No. 2010-10,873(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.) **Public Reprimand** to be administered before the Board of Governors of the Florida Bar.

b.) Respondent shall attend the Florida Bar's Professionalism 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.

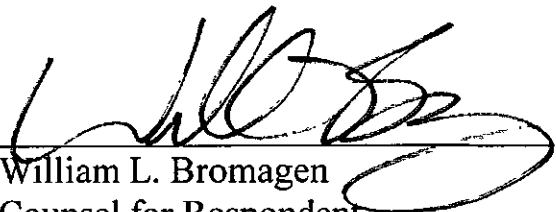
8. If this plea is accepted, then Respondent agrees to pay all costs associated with this case pursuant to Rule 3-7.6(q) of the Rules Regulating The Florida Bar, in the total amount of **\$2,470.19**, which are set forth in The Florida Bar's Motion to Assess Costs, and that interest at the statutory 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.

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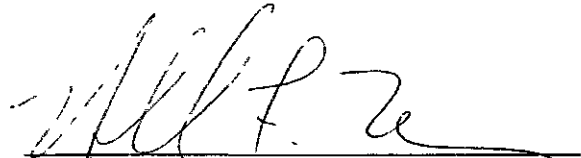
9. Respondent further acknowledges his obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay 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.

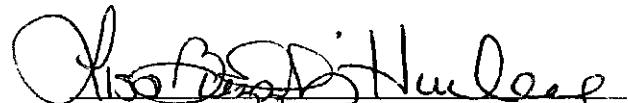
Dated: 10-12-10


William L. Bromagen
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(813) 261-3870
Florida Bar # 599603

Dated: 10/12/10


Nicholas Francis Mooney
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Dated: 10/13/10


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