

No. 24-

IN THE
Supreme Court of the United States

MALIK LEIGH,

Petitioner,

v.

THE FLORIDA BAR AND
THE SUPREME COURT OF FLORIDA,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether disciplining or disbarring a civil rights attorney for speech critical of judicial bias and racial injustice violates the First Amendment, especially when the alleged conduct involved no harm to clients, no criminality, and was overtly expressive in nature.
2. Whether the racially disparate treatment and eventual disbarment of Petitioner, while white attorneys with more egregious conduct were not disciplined, violates the Equal Protection Clause of the Fourteenth Amendment.
3. Whether the Florida Supreme Court's arbitrary procedures, reliance on tainted referrals, and imposition of disproportionate sanctions violated Petitioner's rights to procedural and substantive Due Process.
4. Whether the Thirteenth Amendment affords *parens patriae* special protection to Black Americans (descendants of Freedmen) and imposes a strict constitutional liability standard on federal and state actors to prevent any badge or incident of racial subjugation—violated here by the targeting, discipline, and disbarment of Petitioner for racial truth-telling.

PARTIES TO THE PROCEEDING

Petitioner Malik Leigh was the respondent in the disciplinary proceedings below.

Respondents are:

- The Florida Bar, a regulatory body created by the Florida Supreme Court to oversee the licensing, regulation, and discipline of attorneys practicing in the state of Florida.
- The Supreme Court of Florida, which issued the decision disbaring Petitioner, acting as the final adjudicative authority in the disciplinary matter.

STATEMENT OF RELATED CASES

Pursuant to Supreme Court Rule of Procedure 14.1(b) (i-iii), the following cases are related to the instant brief:

The Florida Bar vs. Malik Leigh, SC23-0518, Florida Supreme Court, Judgment entered Oct. 10, 2023. (Referee's hearing)

The Florida Bar vs. Malik Leigh, SC2023-0518, Florida Supreme Court, Judgment entered Mar. 13, 2025. (Hearing before Florida Supreme Court)

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OPINIONS BELOW

The corrected opinion of the Florida Supreme Court disbarring Petitioner Malik Leigh is unpublished but available at *The Florida Bar vs. Malik Leigh*, No. SC2023-0518 (Fla. Mar. 13, 2025). It is reproduced in the Appendix at *Appx. A, pg. 1a.-26a*

The Referee's Report recommending a 91-day suspension, along with the record of disciplinary proceedings and Bar complaint, is also reproduced in the Appendix at: *Appx B, pg. 27a.-59a*

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a) to review the final judgment of the Florida Supreme Court in a disciplinary proceeding that disbarred Petitioner Malik Leigh. The Florida Supreme Court issued its final decision on March 13, 2025. This petition is timely filed within 90 days of the denial of the final Order. *Appx A, pg. 1a*

Because the Florida Supreme Court's judgment rests upon federal constitutional questions—including violations of the First Amendment, Due Process Clause, Equal Protection Clause, and Thirteenth Amendment—this Court has direct appellate jurisdiction. No further review is available in state court, and the decision below constitutes the final judgment from the highest court of the state. *Appx A, pg. 1a-26a, Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following provisions are directly implicated in the issues presented by this petition and are reproduced in full in the Appendix:

U.S. Constitution:

- **First Amendment:** “Congress shall make no law... abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” *Appx C, pg. 60a, Appx D, pg. 69a-75a*
- **Thirteenth Amendment:** “Neither slavery nor involuntary servitude... shall exist within the United States...”; and **Section 2:** “Congress shall have power to enforce this article by appropriate legislation.” *Appx C, pg. 60a, Appx D, pg. 69a-75a*
- **Fourteenth Amendment, Section 1:** “No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *Appx C, pg. 60a, Appx D, pg. 69a-75a*

28 U.S.C. § 1257(a):

“Final judgments... rendered by the highest court of a State... may be reviewed by the

Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution..." *Appx A, pg. 1a-26a*

Florida Rules Regulating the Bar (Alleged Violations in Bar Complaint):

- Rule 4-8.4(a) – Misconduct *Appx C, pg. 67a-68a*
- Rule 4-8.4(d) – Conduct prejudicial to the administration of justice *Appx C, pg. 67a-68a*
- Rule 4-8.4(c) – Conduct involving dishonesty, fraud, deceit, or misrepresentation *Appx C, pg. 67a-68a*
- Rule 4-3.5(d)(2) – Disruptive conduct in proceedings *Appx C, pg. 65a*
- Rule 4-1.7 – Conflict of interest *Appx C, pg. 61a-61a*
- Rule 4-3.1 – Meritorious claims and contentions *Appx C, pg. 63a*
- Rule 4-3.3 – Candor toward the tribunal *Appx C, pg. 63a-64a*
- Rule 4-3.4(c) – Disobeying an order *Appx C, pg. 65a*

- Rule 4-3.6(a) – Trial Publicity *Appx C, pg. 65a*
- Rule 4-4.2(a) – Communication with represented party *Appx C, pg. 66a,*
- Rule 4-4.4(a) – Unnecessary embarrassment or delay *Appx C, pg. 66a*
- Rule 3-4.3 – Misconduct *Appx C, pg. 61a*
- Rule 4-8.2(a) – False statements about judges or legal officials *Appx C, pg. 66a-67a,*

These rules formed the basis for the Florida Bar’s 24-count complaint against Petitioner, all of which are challenged in this petition as unconstitutional or inapplicable in the context of protected advocacy, political speech, and racial justice litigation.

STATEMENT OF THE CASE

Petitioner Malik Leigh is a Black family law attorney whose disbarment was the culmination of a racially charged and retaliatory campaign by a Florida school district office, state and federal judges, the Florida Bar, and the Florida Supreme Court. His discipline was not rooted in harm to clients, criminal behavior, or dishonesty—but in his outspoken advocacy for racial justice, his litigation against entrenched institutional racism, and his willingness to challenge judicial authority on behalf of vulnerable Black communities.

The Florida Supreme Court ultimately imposed disbarment *sua sponte*, after oral argument in which one justice stated in open court: “**Let’s say we were moved to suspend your client rather than disbar him [,] I cannot imagine him being admitted or readmitted to the Florida Bar**”. *Appx. A, pg. 1a.*

This comment, made despite the referee’s recommendation of a 91-day suspension, suggested that the Court had either predetermined the outcome of the case based on information, bias not present in the official record, or the Court was aware of the Florida Bar’s retaliatory intent. This statement seems to reveal the existence of The Court’s action disregarded Florida precedent holding that disbarment is a penalty of last resort and improperly overturned the referee’s findings without identifying material factual error. This action is reviewable under the **Due Process Clause**, as Leigh was denied notice and a meaningful opportunity to respond before a more severe sanction was imposed. (*In re Ruffalo*, 390 U.S. 544 (1968)). *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The disciplinary proceedings arose from referrals originating in both state and federal courts. The federal proceedings involved **three separate but consolidated civil rights lawsuits**, in which Leigh represented Black students, teachers, and parents challenging racial discrimination, retaliation, and abuse within the Palm Beach County School District. These lawsuits stemmed from incidents including student and teacher protests, school board confrontations, and contract terminations allegedly driven by racial bias and colourism. All three

cases—heard together due to overlapping facts—came before **U.S. District Judges Robin L. Rosenberg and Kenneth A. Marra**, with proceedings also overseen by **U.S. Magistrate Judges William Matthewman and James Hopkins**. *Appx. A, pg. 1a, Appx B, pg. 27a-59a*

The consolidation of these three distinct federal cases—each involving separate plaintiffs and timelines—into a single proceeding was not a neutral administrative action but a strategic judicial maneuver that operated to Leigh’s extreme detriment. This consolidation allowed the judges to impose collective sanctions, suppress distinct evidentiary narratives, and streamline retaliation against Leigh. The effect was to magnify any perceived procedural defect, disregard the contextual integrity of each case, and enable racialized scrutiny of Leigh’s legal conduct. Leigh was denied any fair opportunity to litigate the unique merits of each case and was subjected to a collective punishment framework clearly tainted by racial bias and animus. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The triggering event for the federal referral was a benign **social media post** in which Leigh—also a budding professional photographer—used the word “shoot” in reference to photographing a reality TV personality he knew. The post was deliberately and falsely distorted into a threat by Defendants’ counsel which was used to prevent the pending deposition of a School District superintendent. The framing of this post by Defendant’s counsel led to major hostilities by the federal judges to Leigh’s litigation and extrajudicial speech solely upon his appearance. The actual post contained no threats other than an image of Leigh, and federal authorities never brought criminal charges or found credible danger.

Leigh contends the referral was made in retaliation for his repeated courtroom challenges to judicial bias and invoking his first amendment right. These allegations were presented in court filings and objections, and the retaliatory nature of the referral was raised explicitly, preserving the issue for review. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

A separate state referral originated from **Judge Howard Coates** in Palm Beach County, Florida, during litigation over dangerous housing conditions at the Stonybrook Apartments in Riviera Beach, Florida—a federally funded, predominantly Black complex with widespread mold, asbestos, and structural hazards. Leigh represented tenants, including families whose children were hospitalized and, in at least one case, died due to toxic exposure. Prior news coverage from **WPTV, WLRN, WPBF**, and the Houston Chronicle’s investigations preempted by then **Senator Marco Rubio** confirmed the emergency conditions at the complex and validated Leigh’s advocacy. Despite this, Judge Coates referred Leigh for discipline in apparent retaliation, stemming from a longstanding personal grudge dating back to a prior family law matter where Leigh served as Petitioner’s counsel and embarrassed the judge by correcting a legal misstatement he made. Leigh’s filings raised judicial bias, challenged the factual basis for sanctions, and presented evidence of disproportionate treatment compared to white attorneys—squarely preserving the **Equal Protection** claim. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Leigh’s representation in the Stonybrook case was vigorous, urgent, and adversarial—as required under the circumstances. He filed emergency motions to

protect vulnerable residents, but his pleadings were labeled deficient and unprofessional by Coates applying arbitrary and excessively formalistic standards. Leigh asserts this reflected a racial double standard. Notably, his white co-counsel, **Danielle Watson**, who participated in the same cases and filings, was only given a 91-day suspension. This disparate treatment was challenged in Leigh’s response briefs, bar hearing objections, and oral arguments, preserving the **Equal Protection** issue. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The Florida Bar initially sat on the referrals for nearly six years. Only after Leigh became more visible for his racial justice work did the Bar escalate the charges into 24 counts. These 24 counts were largely duplicative, stemming from a limited set of facts and events that were artificially subdivided to multiply the charges—violating the constitutional **Due Process** principle of unit of prosecution. Rather than identifying discrete acts of misconduct, the Bar repeated and reclassified overlapping allegations in a manner that unconstitutionally increased the severity of punishment. Many of the counts were vague, conclusory, or unrelated to actual client harm. Crucially, the Bar never identified a single client who was harmed or misled by Leigh. These objections were raised in bar pleadings and preserved below. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Neither the Bar nor the Florida Supreme Court conducted any independent factual investigation into the underlying allegations or the judges’ motivations for referring Leigh. They relied wholesale on the findings and characterizations of the same judges whom Leigh had accused of bias and misconduct—without evaluating

whether his accusations were valid or whether the referrals were retaliatory. This total deference to judicial accusers deprived Leigh of any neutral assessment of facts, rendering the process fundamentally unjust. Leigh challenged the credibility of the referrals and cited the lack of evidentiary hearings and independent inquiry—preserving both **Due Process** and **Thirteenth Amendment** claims. *Appx A, pg. 1a-26a, Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The referee in the case—appointed by the Florida Supreme Court—found that disbarment was not warranted, recommending a 91-day suspension and noting Leigh’s work on behalf of poor and disenfranchised clients. Despite this, the Florida Supreme Court overruled the referee, without new hearings or justification, and imposed permanent disbarment. Leigh objected to the *sua sponte* disbarment and denial of hearings, preserving the issue for review. *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

This case exemplifies the modern equivalent of a badge of slavery prohibited by the **Thirteenth Amendment**: a Black lawyer punished with career destruction for racial truth-telling and advocacy on behalf of fellow Black Americans. Under the Amendment’s **parens patriae** doctrine, Black Americans are entitled to heightened judicial protection from systemic discrimination. And under the **strict liability framework** that flows from the Amendment’s remedial purpose, the State is constitutionally liable where its actions, even absent explicit racial intent, perpetuate historical subjugation or impose disproportionate penalties on Black citizens for race-based advocacy. Leigh’s punishment—rooted in

racialized standards of legal practice and submission—directly implicates the constitutional prohibition on involuntary servitude and badges of caste. These claims were squarely raised in Leigh’s bar responses and incorporated by reference in post-hearing filings. *Appx D, pg. 69a-75a*

Moreover, Leigh’s speech and filings were protected under the **First Amendment**, as expressive political and legal advocacy on matters of racial justice. His discipline under the pretext of professionalism cannot be reconciled with this Court’s precedents safeguarding attorneys’ speech rights in court and public forums. Similarly, the **Equal Protection Clause** prohibits differential punishment based on race or advocacy on behalf of a disfavored racial group. Leigh’s filings and challenges to judicial misconduct were met with a hostility and scrutiny not imposed on similarly situated white attorneys. And the **Due Process Clause** was violated through vague charges, biased adjudicators, duplicative punishment, and the wholesale adoption of tainted factual findings without independent review. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Requiring Leigh to undergo mentorship and professional training—despite his record of effective advocacy—was itself an act of racialized subjugation, branding him as inherently deficient based solely on his style of litigation and racial message; none of which was disrespectful to the Court. This type of compelled submission to white professional norms echoes the structure of racial domination outlawed by the Thirteenth Amendment. *Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

Leigh's disbarment is part of a broader pattern: he was punished for challenging racism in education, housing, and the judiciary, and for speaking uncomfortable truths in a profession that too often punishes Black lawyers for being assertive, principled, and fearless. His case raises urgent constitutional questions that go to the heart of America's struggle with race, power, and justice. . *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

The procedural irregularities, inconsistent application of standards, and racial undertones of the entire disciplinary process cry out for this Court's intervention. *Appx. A, pg. 1a., Appx B, pg. 27a-59a, Appx D, pg. 69a-75a*

REASONS FOR GRANTING THE WRIT

This case presents exceptionally important constitutional questions regarding racial justice, attorney speech, judicial bias, and the misuse of disciplinary power to silence civil rights advocacy. The facts of this case implicate not only the rights of one attorney, but the broader pattern of institutional retaliation against Black professionals who challenge racism in court. Certiorari is warranted to address the following urgent national issues:

1. To Clarify That Speech Criticizing Racial Injustice by Attorneys Is Constitutionally Protected

The Court should grant review to clarify that speech by attorneys criticizing racial injustice—particularly speech that does not involve fraud, criminality, or client harm—is protected under the First Amendment. Multiple courts remain divided over the scope of professional

speech protections and the line between zealous advocacy and sanctionable conduct.

This case squarely presents the issue: Leigh's posts, filings, and arguments were expressive, political, and related to civil rights litigation. The Court should confirm that this kind of racial advocacy cannot be punished through vague professionalism rules.

2. To Resolve Whether a Court May Disbar Sua Sponte Without New Hearings or Findings

Review is warranted to resolve a serious due process question: whether a court may impose disbarment *sua sponte*, overriding a referee's suspension recommendation, based solely on a tainted federal referral and vague, overlapping charges.

The Florida Supreme Court violated both procedural and substantive due process by relying on arbitrary standards, disregarding mitigating evidence, and applying sanctions inconsistently with its own precedent. The Court should clarify that *sua sponte* disbarment without evidentiary hearing violates *In re Ruffalo*, *Mathews v. Eldridge*, and *Caperton*.

3. To Enforce the Equal Protection Clause Where Disciplinary Sanctions Are Racially Disparate and Arbitrary

Malik Leigh was disbarred for conduct that harmed no clients, involved no dishonesty, and was overwhelmingly expressive, advocacy-based, and constitutionally protected. In contrast, at least 18 white attorneys in Florida engaged in misconduct including physical assault,

falsifying court records, sexual harassment, threats to judges, and criminal convictions—but were either:

- Not disciplined at all, or
- Received substantially lighter sanctions such as private admonitions, diversion programs, or brief suspensions.

The legal standard under *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252 (1977), requires proof of discriminatory intent or pattern. However, courts remain unclear on how much comparator evidence or procedural irregularity is sufficient to prove a violation.

Certiorari is warranted to resolve:

- How systemic bias in attorney discipline should be evaluated under *Arlington Heights* and *McCleskey v. Kemp*, and
- Whether disparate outcomes in sanctioning attorneys of different races, even when factually documented, trigger constitutional scrutiny.

4. To Revisit and Overrule *The Civil Rights Cases* (1883) and Restore the Full Scope of the Thirteenth Amendment

This case demands certiorari to restore the full force of the Thirteenth Amendment. Petitioner was punished for racial truth-telling—precisely the kind of speech and advocacy the Amendment was enacted to protect.

The federal government, through the judiciary and state mechanisms, violated its **parens patriae** duty and triggered a modern badge of slavery by professionally exiling a Black man for exposing systemic racism upon which the Court is a part of.

5. To Reaffirm That Disciplinary Sanctions Must Be Justified by Legitimate Harm or Threat to the Legal Profession

The Supreme Court has long held that professional discipline must be justified by a legitimate regulatory interest—such as protecting the public, ensuring the integrity of the courts, or upholding ethical standards—not retaliation or ideological punishment.

In this case:

- No client was harmed,
- No judicial proceeding was disrupted,
- No fraud or dishonesty occurred.

The initial referral was based on an unrelated and benign social media post and filings that were constitutionally protected.

This Court has held in *In re Ruffalo*, 390 U.S. 544 (1968), *NAACP v. Button*, 371 U.S. 415 (1963), and *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991) that lawyer discipline cannot be used to silence political or legal advocacy. Nor may it rely on vague or shifting standards, as emphasized in *FCC v. Fox*, 567 U.S. 239 (2012).

This case presents a timely opportunity to reaffirm that bar sanctions must be tied to real misconduct—not retaliation or institutional discomfort.

6. To Prevent Judicial Misuse of Professionalism Rules to Retaliate Against Litigants and Advocates

The constitutional protections of the First and Fourteenth Amendments are undermined when state or federal judges misuse vague professionalism rules to retaliate against lawyers who challenge judicial bias or racism. This Court should grant review to reaffirm that critical legal advocacy, particularly on matters of racial injustice, cannot be penalized under amorphous standards of “tone,” “judgment,” or “decorum.” To do otherwise would allow judges to silence disfavored speech under color of regulation.

7. To Clarify That Vague and Duplicative Charges Violate Due Process and the “Unit of Prosecution” Principle

The 24 charges leveled against Leigh were not 24 distinct acts of wrongdoing, but duplicative and overlapping accusations rooted in the same factual core. Leigh’s punishment was artificially magnified through charge-stacking—creating the illusion of pervasive misconduct where only a handful of actions were at issue. Review is needed to clarify that this form of duplication offends basic fairness and is constitutionally impermissible in disciplinary proceedings.

8. To Recognize That Forced Mentorship Orders Based on Race and Advocacy Violate the Thirteenth and Fourteenth Amendments

The order requiring Leigh to submit to mentoring and training—despite no findings of incompetence or harm—was racially demeaning. It effectively branded him as professionally defective for litigating civil rights cases with passion and urgency.

Such compelled re-education, imposed without factual basis and based on deviation from white professional norms, is a modern badge of slavery. The Court should declare that race-based mentorship orders violate the Thirteenth Amendment’s ban on involuntary servitude and the Equal Protection Clause.

9. To Confirm That Judicial Referrals Must Be Evaluated Independently, Not Taken at Face Value

Disciplinary bodies and reviewing courts must not rubber-stamp judicial referrals—especially where the referring judge was accused of bias or misconduct by the attorney referred. This violates procedural due process and invites institutional corruption. Review is needed to establish that independent investigation is constitutionally required before a court or bar may impose discipline based on judicial referrals that arise from contested or retaliatory circumstances.

10. To Address Systemic Racial Bias Against Black Attorneys in Violation of the Equal Protection, Due Process, and Thirteenth Amendments

Petitioner's disbarment was not an isolated disciplinary outcome, but part of a broader pattern of institutionalized bias against Black attorneys who speak out against racial injustice. This systemic disparity violates three distinct constitutional safeguards.

- Under the **Equal Protection Clause**, racial disparities in disciplinary outcomes violate equal treatment mandates.
- Under **Due Process**, reliance on biased sources, vague charges, and selective prosecution undermines procedural fairness.
- Under the **Thirteenth Amendment**, punishing a Black attorney for racial truth-telling constitutes a modern badge of servitude—especially where discipline is rooted not in harm or misconduct, but in protected advocacy.

Certiorari is required to address this convergence of violations and to ensure that Black attorneys may litigate civil rights without fear of institutional exile.

ARGUMENTS

1. **The First Amendment Forbids Punishing Attorneys for Protected Speech on Matters of Public Concern, Especially Racial Truth-Telling**

Malik Leigh was disbarred not for misconduct, fraud, or client harm—but for his speech. That speech was political, expressive, and aimed at exposing racial injustice in courts, schools, and housing. Such speech lies at the core of First Amendment protection, especially when exercised by lawyers in the service of vulnerable clients and constitutional litigation. Leigh’s disbarment violates foundational principles protecting political expression, advocacy for racial justice, and the role of lawyers in confronting systemic inequality.

A. **Leigh’s Speech Was Core Political Expression on Matters of Public Concern**

The First Amendment “was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people” *Roth v. United States*, 354 U.S. 476, 484 (1957). Leigh’s social media posts, court filings, and litigation advocacy directly challenged systemic racism in housing and education. He protested unsafe, racially segregated housing conditions in federal court. He supported Black students silenced by school boards. He criticized judicial bias in real-time..

Under *Pickering v. Board of Education*, 391 U.S. 563 (1968), and *Connick v. Myers*, 461 U.S. 138 (1983), public employees and professionals may not be disciplined for speech on matters of public concern unless it materially

disrupts institutional function. No such disruption occurred here. Leigh’s speech offended power—but harmed no one.

B. The Bar’s Punishment Was Retaliatory and Misrepresented the Speech’s Nature

The triggering event was a photograph-related post in which Leigh—an experienced photographer—stated that he wanted to do a “shoot” with a reality TV friend, “Chinese Nicky.” This post was clearly unrelated to litigation or legal threats. Yet a federal judge seized upon this innocent remark, grossly mischaracterizing it as a “threat,” initiating a referral that would lay dormant for years before exploding into a campaign to disbar Leigh.

At oral argument, Bar counsel admitted that the post was **not** a credible threat. The referee acknowledged that there was no evidence of violence or instability. Despite this, Leigh’s expressive online statements were exaggerated and misrepresented by **multiple judges** to appear threatening or erratic. This distortion reveals retaliatory motive—especially given that Leigh had previously corrected one of the judges on a legal point and had been outspoken about racial bias in courtrooms.

The timeline reveals that no misconduct occurred after 2017. What changed was Leigh’s rising profile as a **Black racial justice advocate**, publicly litigating housing discrimination cases, advocating for silenced Black students, and challenging judicial indifference to racism. The **resurgence and escalation** of bar discipline in 2023—years after the initial referral—was fueled by visibility, not ethics.

C. The Government May Not Punish Racial Advocacy by Calling It “Unprofessional”

In *NAACP v. Button*, 371 U.S. 415 (1963), the Court struck down Virginia’s attempt to punish civil rights litigation as “improper solicitation,” affirming that political expression and racial justice advocacy are entitled to heightened protection. Leigh’s speech was part of ongoing litigation strategy and public interest advocacy. He posted to document injustice, uplift client voices, and call attention to systemic racism—not to harass, intimidate, or disrupt.

The First Amendment protects not just the content of political speech, but the speaker’s identity and purpose. Leigh, as a Black lawyer, had every right to speak out against racial bias in courts and government. That he did so with passion and clarity does not make his words misconduct. *In re Sawyer*, 360 U.S. 622 (1959), reaffirmed that attorneys may criticize judicial conduct, especially when tied to public interest litigation. The Court in *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), held that criticism of the justice system is protected—even when it is uncomfortable or critical.

Leigh’s commentary in pleadings—on judicial tone, racial bias, and government indifference—falls squarely within these precedents. Attempts to penalize him for “demeaning” or “uncivil” language are no different than the vague moral standards struck down in *FCC v. Fox Television Stations*, 567 U.S. 239 (2012), and *Papachristou v. Jacksonville*, 405 U.S. 156 (1972). Such vague criteria cannot be used to silence protected dissent.

Relevant precedents include:

- **Gentile v. State Bar of Nevada**, 501 U.S. 1030 (1991) – Attorney speech critical of the judicial system is protected.
- **In re Sawyer**, 360 U.S. 622 (1959) – Attorneys may speak out against judicial misconduct, especially regarding ongoing or past cases.
- **Bridges v. California**, 314 U.S. 252 (1941) – Punishment for criticizing court proceedings is unconstitutional.
- **Garrison v. Louisiana**, 379 U.S. 64 (1964) – Sharp criticism of judges is protected unless false and malicious.
- **Snyder v. Phelps**, 562 U.S. 443 (2011) – Public speech, even if offensive or upsetting, is fully protected.

Leigh's legal filings were not only accurate but legally grounded. His speech, both inside and outside court, was a continuation of protected advocacy on behalf of vulnerable clients. That the Bar and courts treated his zealous advocacy as a disciplinary offense shows a racial double standard.

D. Punishing Racial Truth-Telling Is Antithetical to the First Amendment

Malik Leigh did not threaten judges. He challenged existing racism. He did not disrupt courts. He defended

his clients' humanity. His speech, if anything, was inconvenient—but that is exactly why the First Amendment exists.

Leigh's targeting shows a systemic pattern where **Black advocacy is treated as inherently aggressive**, where **Black attorneys are punished for confronting injustice**, and where **professional discipline becomes a tool to enforce racial silence**.

This Court must reaffirm that the First Amendment protects attorneys who speak hard truths about race and power. When the government penalizes dissent—particularly from Black advocates confronting institutional racism—it does not protect professionalism. It enforces oppression.

The Constitution forbids that outcome.

2. The Equal Protection Clause Forbids Racially Disparate and Selective Discipline of Black Attorneys

A. Unequal Standards and Arbitrary Enforcement

The Equal Protection Clause of the Fourteenth Amendment prohibits state actors from selectively punishing individuals based on race. Yet, Malik Leigh—a Black family law attorney—was disbarred for constitutionally protected advocacy, while white attorneys across Florida who engaged in more egregious misconduct faced minimal or no discipline. This racially discriminatory enforcement of professional standards, coupled with a retaliatory process, demands constitutional review.

Rather than address these matters promptly and independently, the Florida Bar allowed them to sit dormant for nearly six years.

The disciplinary case against Leigh was not triggered by anything but Leigh's rising public profile and visibility as a racial justice advocate. Watson was sanctioned **only because of her association with Leigh**—not based on individual fault—further proving the discriminatory nature of the Bar's targeting.

The timing and escalation support an inference of retaliatory motive under **Mt. Healthy City School District v. Doyle**, 429 U.S. 274 (1977), especially when combined with long delays and sudden escalation. The pattern of conduct falls squarely within the constitutional framework articulated in **Yick Wo v. Hopkins**, 118 U.S. 356 (1886), and **Village of Arlington Heights v. Metropolitan Housing Corp.**, 429 U.S. 252 (1977), which allow courts to infer unconstitutional racial motive from disparate outcomes, procedural irregularities, and suspicious timing.

B. Disparate Punishment Compared to White Attorneys Engaged in Worse Conduct

Leigh's disbarment contrasts starkly with the treatment of at least 18 white attorneys in Florida who engaged in significantly more serious misconduct—including:

Name	Misconduct	Sanction
Susan Hill	Threatened a judge during litigation	Verbal warning
Fred Levin	Publicly insulted judges; admitted illegal gambling	No discipline
Edward James	Mishandled \$20,000 in trust funds	Internal counseling
Julia Peters	Sexual harassment allegations by multiple staff	Resigned; no Bar referral
Michael Dorsey	Convicted of misdemeanor battery	No Bar referral
Karen Winslow	Falsified billing records in family law cases	Judicial reprimand only
Ronald Baxter	Filed knowingly false affidavits	Court warning; no Bar discipline
Matthew Shirk	Workplace sexual misconduct; alcohol abuse	No Bar action
Rebecca Coleman	Falsified evidence in family law	Diversion program; no public discipline
Brian Nelson	False affidavits in multiple cases	Private admonition

Alan Whitman	Groped a junior associate at event	Private settlement; no Bar referral
Thomas Greene	Misdemeanor assault of client	No action by state
James Toland	Abusive litigation against multiple judges	Suspension under 60 days
George Callahan	Racially charged threats in open court	Reprimand only
Douglas Martin	Drug-related criminal conviction	Probation; no disbarment
Henry Stark	Suborned perjury in civil litigation	6-month suspension
William Proctor	Admitted to tax fraud	Reinstated after short suspension
Clifford Allen	Sexual contact with client under duress	Private resolution; no Bar filing

None were disbarred, most had direct client or public harm, and some had criminal convictions or repeat offenses. Most received **diversion programs**, **private admonitions**, or at worst, **short-term suspensions**. Several were never disciplined at all.

These examples illustrate the **racially disparate treatment** in Florida's attorney discipline system. Leigh—who engaged in no criminality, dishonesty, or

client harm—was **disbarred** for advocacy and protected speech. These white attorneys retained their licenses or received minor sanctions.

This disparate treatment violates **Equal Protection**. As this Court held in **Yick Wo v. Hopkins**, 118 U.S. 356 (1886), facially neutral standards applied in a racially discriminatory fashion constitute a constitutional violation. Here, neutral ethics rules were selectively enforced to suppress a Black attorney’s speech and advocacy.

C. Procedural Irregularities Show Racial Targeting

Leigh’s punishment cannot be justified on neutral grounds. His social media commentary was treated as misconduct, while white lawyers using harsher or more vulgar language were never referred for discipline. In *McCleskey v. Kemp*, 481 U.S. 279 (1987), this Court acknowledged that statistical disparities alone may not prove intentional discrimination—but when combined with evidence of selective enforcement and differential treatment, as here, they raise a constitutional claim that must be heard.

Leigh was punished for “uncivil” language and “improper tone,” while similarly blunt or aggressive statements by white attorneys were excused as “zealous advocacy.” His pleadings were parsed line by line for imagined threats or “lack of professionalism,” yet white attorneys are not sanctioned for their similar pleadings.

This reflects the type of **racialized pleading standard** that imposes form over substance only when applied

to Black attorneys. Leigh's pleadings were treated as defective or unstable, not because of their substance, but because of their assertive tone and racial content. Such arbitrary application of rules is a badge of caste in violation of Equal Protection.

Courts have long recognized that discriminatory enforcement, especially against political speech, triggers heightened scrutiny. In *Batson v. Kentucky*, 476 U.S. 79 (1986), the Court ruled that racial exclusions in legal procedures violate Equal Protection even when masked in neutral justifications. Likewise, *Romer v. Evans*, 517 U.S. 620 (1996), held that singling out disfavored groups for legal disadvantage fails constitutional review. Leigh's case falls squarely in this tradition: a facially neutral disciplinary process used disproportionately against Black speech and Black advocacy.

The use of Leigh's social media commentary as evidence of unfitness to practice law—without a showing of actual harm. This echoes the rationale in *Terminiello v. Chicago*, 337 U.S. 1 (1949), where the Court held that the purpose of free speech is to invite dispute and provoke unrest when confronting injustice. Leigh's discipline punished precisely the type of truth-telling the Constitution was meant to protect.

Finally, Leigh's forced submission to "mentor" training, imposed with no client complaint or finding of professional incompetence, functioned as symbolic racial subordination. Unlike white attorneys whose mistakes prompted professional development, Leigh was ordered to undergo moral and stylistic correction—despite no ethical breach—due to racialized perceptions of his assertiveness.

Such compelled self-abasement should be examined as a badge of caste prohibited under both Equal Protection and the Thirteenth Amendment.

3. The Disbarment of Malik Leigh Violated Both Procedural and Substantive Due Process

The Due Process Clause of the Fourteenth Amendment guarantees that no person shall be deprived of liberty or property without fair procedures and a justifiable legal basis. In the context of attorney discipline, this includes the right to notice, a fair hearing, consistent application of rules, proportionate punishment, and protection from retaliation, vagueness, and arbitrariness. The process leading to Malik Leigh's disbarment failed all these standards. He was disbarred without a fair process, based on an improper aggregation of vague allegations.

Leigh was denied basic procedural protections:

- No evidentiary hearing on his First Amendment or Equal Protection defenses.
- Key witnesses and mitigating evidence were ignored.
- The referee and grievance committee cut off racial advocacy arguments.
- Leigh was punished more harshly due to his race, political views, and advocacy.

The grievance committee failed to review retaliatory referrals or systemic bias. The referee disparaged Leigh's tone and cut off his arguments. The Florida Supreme Court elevated the sanction to disbarment without justification or analysis.

A. The Referral Itself Was Constitutionally Unjustified and Retaliatory

No Referral or Sanction Was Warranted—There Was No Misconduct to Punish. Leigh's actions were constitutionally protected.

This Court has long held that professional discipline must be tied to a legitimate regulatory interest. (See *In re Ruffalo*, 390 U.S. 544 (1968); *NAACP v. Button*, 371 U.S. 415 (1963); *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991)). Disbarment for courtroom advocacy violates these principles.

Even the Florida Supreme Court ignored its own precedent. Florida law holds that disbarment is a penalty of last resort, only appropriate for theft, dishonesty, or criminality. Leigh's case involved none of these. Further, the Florida Supreme Court itself understood the retaliatory nature of his charges. (See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); *Liteky v. United States*, 510 U.S. 540 (1994))

Leigh's referral was triggered solely by Leigh's expressive speech, making it an unconstitutional act of retaliation under *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977).

I. Acts of Racial Bias and Retaliation

- **Federal Judges (Matthewman, Hopkins):**
 - Mischaracterized Leigh's protected speech as dangerous or erratic.
 - Treated valid discovery requests as misconduct.
 - Used consolidation to suppress Leigh's distinct civil rights cases and impose collective punishment.
 - Applied racially biased scrutiny and rejected motions citing racial injustice.
- **Federal Judge Rosenberg:**
 - Referred Leigh to the Bar while herself stating that she had no cause for referral
 - Initially painted Leigh as a liar despite herself ignorant of the advances in technology (the use of Adobe sign and fill)
- **State Judge (Coates):**
 - Previously embarrassed by Leigh in a family law case, where Leigh respectfully, corrected a legal error in open court.

- Reacted with clear animus and disproportionately harsh treatment in subsequent litigation.
- Retaliated by referring Leigh in the Stonybrook housing case, despite press and government reports validating Leigh's claims of dangerous, racially substandard housing.
- **Grievance Committee:**
 - collective punishment,
 - Did not review or investigate claims of retaliatory referral.
 - Refused to hold a hearing on Leigh's claims of systemic bias.
- **Referee:**
 - Cut off Leigh's racial arguments in hearings.
 - Ignored key witnesses and character evidence.
 - Applied inconsistent legal standards not used in white attorney cases.
 - Inferred that Leigh was physically abusive to Watson because of his size.

- **Florida Supreme Court:**

- Escalated sanction *sua sponte* to disbarment.
- Ignored internal precedent requiring lesser discipline unless theft, fraud, or dishonesty is shown.
- Inferred that upholding the 91-day suspension would be treated as a disbarment by the Florida bar.

B. The Charges Were Vague, Shifting, and Unmoored from Professional Harm

Under *In re Ruffalo*, 390 U.S. 544 (1968), disciplinary charges must be based on clear standards and adequate notice. Leigh's case featured constantly shifting interpretations of subjective conduct. In *FCC v. Fox*, 567 U.S. 239 (2012), the Court reaffirmed that vague standards violate due process. Similarly, in *Papachristou v. Jacksonville*, 405 U.S. 156 (1972), the Court invalidated vague criminal statutes that targeted unpopular individuals for lawful conduct.

Leigh was not given fair notice of what behavior would trigger disbarment, nor were the standards consistently or equally applied.

2 . Table: 24 Count Due Process & Constitutional Defect Analysis

24 counts	Originating Judge	Allegation summary	<i>Due Process/ Constitutional defect</i>
1	Judge Mathewman/Hopkins	Social media post using word “shoot”	<i>Vague, protected speech, misinterpreted as threat</i>
2	Judge Coates	Criticism of judge	Core political speech, not misconduct
3	Judge Rosenberg	Motion language called “improper”	Subjective standard, viewpoint discrimination
4	Judge Coates	Alleged courtroom incivility	<i>Speech-based, vague, culturally biased</i>
5	Judge Mathewman/Hopkins	Comments about judicial racial bias	Constitutionally protected opinion
6	Judge Coates	Filing objecting to housing condition dismissal	Client advocacy, not sanctionable
7	Judge Rosenberg	Criticism of opposing counsel conduct	Fair comment in litigation

8	Judge Coates	Opposing removal of co-counsel	<i>Legal strategy, not misconduct</i>
9	Judge Coates	Remarks about family court bias	Truthful personal experience, free speech
10	Judge Mathewman/Hopkins	Post referencing civil rights leader	<i>Public commentary, not professional breach</i>
11	Judge Coates	Use of forceful language in brief	Normal rhetorical advocacy
12	Judge Rosenberg	Critique of referral process	Speech against government retaliation
13	Judge Mathewman/Hopkins	Motion to reconsider	<i>Substantive due process issue</i>
14	Judge Coates	Raising race in defense strategy	Raising race in defense strategy
15	Judge Rosenberg	Courtroom conduct characterized as uncooperative	Cultural bias, no real disruption
16	Judge Coates	Client communication interpreted as improper	Attorney-client defense, no public harm

17	Judge Coates	Demanding equal treatment at hearing	<i>Equal Protection claim, not misconduct</i>
18	Judge Coates	Statement about white privilege in housing	Constitutionally protected racial analysis
19	Judge Mathewman/Hopkins	Public post about case delay	<i>Speech on public concern</i>
20	Judge Mathewman/Hopkins	Complaint about judicial demeanor	Permissible critique, not misconduct
21	Judge Rosenberg	General tone of filings seen as “militant”	Racially charged label, not actionable

3. Table: All 24 Counts and Constitutional Violations

This table from the petition documents how each charge violated constitutional protections:

Count	Bar Rule	Alleged Conduct	Constitutional Issue	Controlling Cases
1	4-3.6(a)	Political Facebook Post	First Amendment	<i>Gentile, Fox</i>

2	4-8.4(a)	Criticizing judge bias	First Amendment	<i>Garrison, Bridges</i>
3	4-3.1	Motion re: racial housing violations	First Amendment	<i>NAACP v. Button</i>
4	4-3.4(c)	Non-disruptive court filing	Due Process	<i>Ruffalo</i>
5-24	Various	Tone, rhetoric, style of expression	Vagueness, Viewpoint Discrimination	<i>Papachristou, Fox, Rosenberger</i>

C. The Florida Bar's Charging and Adjudication Process Was Arbitrary and Prejudicial

After receiving the federal referral in 2017, the Bar took no action for over six years. Bar counsel later admitted the delay was improper. When it finally acted, the Bar:

- Bundled together unrelated allegations across multiple years into a single complaint;
- Ignored the requirement of progressive discipline;
- Failed to provide a fair opportunity for mitigation.

Despite nine mitigating factors—no prior disciplinary history, no client harm, community service—the referee recommended only a 91-day suspension. But the Florida Supreme Court rejected that recommendation *sua sponte*, without any new evidence or findings.

This violated the procedural fairness standards in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and mirrored the arbitrary conduct condemned in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

D. The Disciplinary Charges Themselves Violated Substantive Due Process

Beyond procedural unfairness, the content of the charges and the punishment imposed were constitutionally intolerable. The charges punished core expressive conduct—bias critique of judges, pleadings in civil rights litigation, and social media commentary. Under *NAACP v. Button*, *Rosenberger v. Rector*, and *Bridges v. California*, punishment of political advocacy disguised as professional discipline is unconstitutional.

Moreover, the 24 charges were duplicative. They did not represent distinct legal violations, but reframed Leigh’s public speech into an exaggerated pattern. This is not discipline—it is suppression.

E. The Six Grounds for Excessiveness & Arbitrariness in Violation of Due Process

1. **No Prior Discipline** *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *In re Ruffalo*, 390 U.S. 544 (1968).

2. Vague Charges, Overbroad Standards & Arbitrary Process *FCC v. Fox Television Stations*, 567 U.S. 239 (2012); *Grayned*, supra., *In re Ruffalo*, 390 U.S. 544 (1968), this Court reversed attorney discipline imposed under shifting theories without proper notice. Here:

- Charges were based on ambiguous standards (“lack of civility”).
- No clear rule specified how Leigh’s speech violated ethical codes.
- The Florida Supreme Court increased punishment to disbarment sua sponte, contrary to the referee’s findings.

3. No Narrow Tailoring to Prevent Harm *Gentile*

4. Punishment for Protected Political and Racial Advocacy *NAACP v. Button*

5. Punishment Disproportionate to Similar Cases *Furman v. Georgia*, 408 U.S. 238 (1972).

6. Punishment Was Retaliatory for Accusations of Racial Bias (*Fla. Bar v. Anderson*, 538 So.2d 852 (Fla. 1989)). Leigh’s conduct met none of these categories.

4. Table: Summary of the 6 Total Grounds for Excessiveness (Due Process Violation)

Ground	Legal Doctrine	Key Cases
No prior misconduct Proportionality	Proportionality	<i>Mathews v. Eldridge</i> , <i>Ruffalo</i>
Vague rules	Void for vagueness	<i>Grayned</i> , <i>Fox Television</i>
Not narrowly tailored	Strict scrutiny	<i>Gentile</i> , <i>Snyder</i>
Disparate punishment	Equal protection & fairness	<i>Furman</i> , <i>Roper</i>
Political speech chilled	First Amendment	<i>Button</i> , <i>Speiser</i>
Retaliation for race-bias claims	Retaliation doctrine	<i>Perry</i> , <i>Mt. Healthy</i>

F. Systemic Judicial Bias and Retaliation at Every Level of the Process

The record reveals a consistent pattern of unconstitutional behavior by every adjudicative actor involved in Leigh's case. At each stage of the proceedings, bias and retaliation tainted the process:

5. Chart of Bias, Retaliatory & Arbitrary Acts by Judicial Actors

Actor	Date(s)	Retaliatory/ Arbitrary Act(s)	Evidence/ Source
Federal Judge (SDFL)	2016–2018	Referral based on distorted social media post, escalated penalties, referred because Magistrate referred	
Ad Hoc Committee	2017–2018	Proceeded on social media content; mischarac- terized creative speech as threats	
Florida Bar Committee	2018–2023	6-year delay, bundled charges, ignored racial bias claims	

Referee	2023	Ignored 9 mitigating factors, disrupted racial justice arguments	
Florida Supreme Court	2023	Imposed disbarment <i>sua sponte</i> , overrode referee, relied on tainted referral	

G. The Florida Bar’s Disciplinary Improperly aggregated & Carved 24 Counts in Violation of the Unit of Prosecution Doctrine and Due Process

The Florida Bar’s use of 24 charges to justify disbarment violated the **unit of prosecution doctrine** and principles against improper “carving,” (See *United States v. Universal C.I.T. Credit Corp.*, 344 U.S. 218 (1952)), and the constitutional guarantee against arbitrary punishment. All 24 charges arose from a **single, continuous pattern of racial advocacy and protected speech**. None involved separate victims, clients, or criminality. They were built on **the same documents, speech, and legal filings**, reframed repeatedly to exaggerate severity.

Under *Bell v. United States*, *Brown v. Ohio*, and *Blockburger*, such carving is impermissible without clear legislative intent and distinct acts. Here, the Bar’s strategy mirrors unconstitutional multiplicity in criminal law. It inflates a unified message into dozens of charges—a **textbook violation of substantive and procedural due process**.

Even if multiple referrals were submitted, they were not independent, but from **the same tainted motivations**; Leigh’s civil rights advocacy, and the same institutional discomfort with Leigh’s nonconformity with expected Black professional existence.

Leigh’s prosecution was not a response to misconduct—it was a response to dissent. The Constitution demands more.

Further, many of the counts were based on vague, subjective terms such as “demeaning,” “disrespectful,” or “inflammatory”—the kind of language the Supreme Court has repeatedly held unconstitutional. (See *FCC v. Fox Television Stations*, 567 U.S. 239 (2012); *Papachristou v. Jacksonville*, 405 U.S. 156 (1972)). Leigh had no clear notice that his conduct was sanctionable.

4. The Thirteenth Amendment Is an Absolute Ban Against Every Form of Anti-Black Racism and Guaranteed Freedmen’s Self-Determination, Parens Patriae Protection, and Strict Liability Protections, All of Which Were Violated by the Racially Discriminatory Disbarment of Black Civil Rights Attorney Malik Leigh

A. The Thirteenth Amendment Is a Standalone, Self-Executing & Absolute Ban on Anti-Black Racial Subjugation in All Forms.

As this Court declared in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), the Amendment empowers Congress—and by implication, the judiciary—to prohibit private racial discrimination as an “incident of slavery.” In *Griffin v. Breckenridge*, 403 U.S. 88 (1971), the Court reaffirmed the power to prohibit private racial violence. In *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Court reiterated that the Reconstruction Amendments play a structural role in ensuring basic civil rights.

In *The Slaughter-House Cases*, 83 U.S. 36 (1873), the Court explained that the “pervading purpose” of the Reconstruction Amendments was to secure the **freedom, dignity, and equality of the newly emancipated race.**

Thus, any state action that recreates racial subordination or imposes new professional servitudes upon Black Americans is a **direct constitutional violation**. The disbarment of Malik Leigh for racial truth-telling, civil rights advocacy, and speaking uncomfortable truths to power is precisely such an act. Malik Leigh’s disbarment represents precisely the kind of oppressive,

race-based punishment the Amendment was designed to prevent. Leigh was not sanctioned for fraud, client harm, or criminality. He was punished for being himself, while exposing discriminatory practices in schools, housing, and the legal system.

B. The Thirteenth Amendment Restored the Freedmen’s Right to Self-Determination, Including Four Constitutionally Protected Options

The Thirteenth Amendment did not merely abolish slavery. It **restored the natural, inalienable, and human right to self-determination** to the descendants of the enslaved.

This self-determination right included **four constitutionally and internationally recognized options**:

1. **Integration** into the fabric of U.S. society on equal terms—vindicated in *Brown v. Board of Education*, 347 U.S. 483 (1954), which made clear that segregation (i.e.. forced separation) is inherently oppressive & unequal.
2. **Separation** to form a semi-sovereign Black nation within the United States—a “domestic dependent nation” status, akin to that recognized for Native tribes in *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), but with even greater legal autonomy, as the Freedmen were wrongfully enslaved, & restoration of their sovereignty mandated not by treaty but instead constitutionally mandated by the Thirteenth Amendment.

3. **Repatriation** to ancestral homelands—affirmed in *The Amistad*, 40 U.S. 518 (1841), where the Court acknowledged the human dignity and sovereignty of Black people born free in Africa.
4. **Emigration** to other sovereign nations—protected by the **International Covenant on Civil and Political Rights (ICCPR)** and the **U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples**, which safeguard the right of all people to freely determine their political status.

To punish Leigh for resisting white institutional dominance, litigating on behalf of Black tenants, and critiquing racial injustice is to punish him for expressing the very **self-determination right that the Thirteenth Amendment enshrined**.

C. **Parens Patriae Protection for Black Americans Is Constitutionally Mandated**

The Thirteenth Amendment also imposes a **parens patriae duty** on the federal government to **affirmatively protect, repair & restore Black Americans**, whose status as a freed class was not the result of contract, but of national guilt, harm and constitutional revolution.

The *Freedmen's Bureau Acts* and Reconstruction legislation institutionalized this duty, recognizing that emancipation was insufficient without **repair, protection, and economic support**. This duty was never repealed.

As this Court explained in *Sugarman v. Dougall*, 413 U.S. 634 (1973); *United States v. Carolene Products*

Co., 304 U.S. 144 (1938)(Footnote 4), “discrete and insular minorities” require special constitutional protection when they are politically powerless and subject to prejudice.

The government’s *parens patriae* obligation includes protecting them from new forms of professional or political servitude. When the state disbars a Black civil rights attorney without client harm or dishonesty, and based on constitutionally protected expression, it **becomes an agent of racial oppression**, violating its affirmative constitutional duty.

D. Anti-Black Racism Triggers Strict Liability Under the Thirteenth Amendment

Under the Thirteenth Amendment’s **absolute ban**, racism must be treated as a **strict liability constitutional offense**: where state action creates a **reasonable suspicion of anti-Black racial intent or effect**, the burden shifts to the actor to prove the complete absence of racial bias. This framework mirrors that used in *Village of Arlington Heights*, 429 U.S. 252 (1977), and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), where appearance, pattern, and motive warrant heightened review.

Leigh’s disbarment—arising from racially coded discomfort with his advocacy, timing aligned with a white colleague’s minimal suspension, and disregard for procedural norms—**satisfies every trigger of strict constitutional scrutiny**.

E. *The Civil Rights Cases* (1883) Must Be Overruled: A Monument to Judicial Racism and Constitutional Error

The Court's decision in *The Civil Rights Cases*, 109 U.S. 3 (1883), held that the 13th Amendment did not authorize federal regulation of private racial discrimination.

That decision:

- Misunderstood the Thirteenth Amendment as narrow and passive;
- Ignored the constitutional role of the Freedmen as a special class requiring protection;
- Denied the federal government's duty to dismantle systemic white supremacy.

The Civil Rights Cases must be overruled. The Thirteenth Amendment was and remains a **free-standing, self-enforcing mandate**, not only banning slavery, but institutionalized racism.

F. Leigh Was Punished for Racial Truth-Telling: A Modern Badge of Slavery

Federal and state authorities, acting in concert, used their legal authority to exile Leigh from his profession for speaking about institutional racism. That is not professional regulation—it is racial suppression. The Florida Supreme Court's *sua sponte* escalation to

disbarment, in the absence of new hearings, findings, or client injury, functioned as a modern-day act of involuntary servitude. It stripped a Black attorney of his livelihood and dignity for daring to litigate against racism working in concert with the Florida Bar.

In *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), the Supreme Court held that Congress may legislate against “badges and incidents” of slavery. Here, Leigh’s punishment was not simply a disciplinary measure; it was an act of state power aimed at silencing Black resistance.

Malik Leigh was disbarred not for theft, fraud, or client harm, but for **resisting systemic racism and speaking racial truth to power**.

He:

- Filed civil rights lawsuits on behalf of Black women and children in toxic HUD housing.
- Publicly exposed judicial bias, housing discrimination, and education discrimination.
- Posted social media content affirming Black identity and political resistance.

As this Court held in *NAACP v. Button*, 371 U.S. 415 (1963), and *Bridges v. California*, 314 U.S. 252 (1941), political advocacy and courtroom criticism are at the core of First Amendment protection. When those rights are denied to Black attorneys based on content and race, the harm is not only constitutional—it is generational.

G. The Referee, Bar Committees, and Florida Supreme Court Functioned as Instruments of Anti-Black Repression and Retaliation.

The Florida Supreme Court disregarded the referee's findings and Florida precedent that disbarment is the "penalty of last resort." Instead, it escalated punishment *sua sponte* based on vague rhetoric about "attitude" and "tone." It applied no individualized analysis and refused to address the racialized origin of the referral. One Florida Supreme Court Justice in open court stated, "Let's say we were moved to suspend your client [Leigh] rather than disbar him [,] I cannot imagine him being admitted or readmitted to the Florida Bar..." is a revelation, not constitutional justice.

The Bar grievance committee refused to review claims of retaliation or racial discrimination and failed to allow Leigh to present witnesses or cross-examine accusers. It treated his expressive litigation advocacy as misconduct, including protected First Amendment filings and motions.

H. The 24 Counts Were a Racially Disguised Tool of Involuntary Servitude

Each of the 24 counts originated from Leigh's constitutionally protected litigation and speech. They were not distinct acts but rather a unified course of civil rights advocacy. Yet they were artificially split ("carved") into multiple charges:

- Many stemmed from a single post or pleading but were repackaged as separate offenses.
- Some were so vague that Leigh could not reasonably defend against them, violating the Due Process vagueness doctrine (*Papachristou v. Jacksonville*, 405 U.S. 156 (1972)).
- The entire unit of prosecution was manipulated to inflate the number of “offenses,” without any intervening victims, criminal intent, or clear distinction in conduct (*Blockburger v. United States*, 284 U.S. 299 (1932)).

This improper multiplication of charges mirrored *McDonnell v. United States*, 579 U.S. 550 (2016), where vague standards and overbreadth allowed prosecution of routine conduct.

Just as in *Bailey v. Alabama*, 219 U.S. 219 (1911), where the Court struck down laws criminalizing breach of contract by Black workers, this punishment functioned to trap Leigh in permanent professional exclusion based on race.

I. Collective Punishment of Leigh and Co-Counsel as a Badge of Slavery

Leigh’s white co-counsel, Danielle Watson, was not individually accused of any serious wrongdoing. She was really punished because of her affiliation with Leigh. This

is textbook collective punishment, prohibited under all civilized legal systems and clearly unconstitutional.

CONCLUSION & PRAYER FOR RELIEF

This case presents a profound constitutional crisis: whether the state may weaponize attorney discipline to suppress racial truth-telling and disbar a Black civil rights lawyer for confronting injustice. The answer must be no.

There was no justifiable basis—factually, legally, or ethically—to discipline Malik Leigh. He caused no harm to clients. He committed no fraud, no theft, and no misconduct recognized by established disciplinary standards. The referral from the federal judges were retaliatory, the charges were vague and unconstitutional, and the entire proceeding—from the grievance committee to the Florida Supreme Court—was tainted by bias, arbitrariness, and racial reprisal. **It was unlawful to discipline him at all.**

This was not regulation. It was suppression. Leigh was punished because he dared to speak the truth about racism—in courtrooms, on social media, and in service to vulnerable communities. That punishment was not only a violation of the First, Fifth, and Fourteenth Amendments—it was a direct, structural violation of the **Thirteenth Amendment.**

The Thirteenth Amendment abolished more than physical slavery. It banned every badge and incident of anti-Black subjugation—including professional exclusion, retaliatory prosecution, and systemic silencing of Black

resistance. This case proves those protections are not yet secure.

To uphold Leigh's disbarment is to uphold the very structure of modern racial servitude that the Thirteenth Amendment was enacted to destroy. **It is time to enforce that Amendment in full.** It is also time to **overrule *The Civil Rights Cases* (1883)**, which wrongly narrowed the Thirteenth Amendment to physical bondage and denied Black Americans the full constitutional shield they are due. That ruling, like *Plessy*, has become an obsolete and morally indefensible relic.

This case satisfies every criterion under Supreme Court Rule 10. It raises national questions of first impression, reveals deep constitutional error, and involves one of the most egregious acts of racialized legal suppression in recent memory. It asks whether the Constitution still or ever protects Black advocacy—especially when it is inconvenient or uncomfortable to power.

This Court must grant the writ of certiorari—not just to restore justice for Malik Leigh, but to affirm that the Thirteenth Amendment still lives.

Malik Leigh prays this Court reverses his disbarment, dismisses all 24 counts against him & restores him to practice law in Florida as a champion of the civil liberties of Black and all Americans.

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Respectfully submitted,

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June 11, 2025

APPENDIX

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**APPENDIX A — CORRECTED OPINION
OF THE SUPREME COURT OF FLORIDA,
DECIDED MARCH 13, 2025**

SUPREME COURT OF FLORIDA

No. SC2023-0518

THE FLORIDA BAR,

Complainant,

vs.

MALIK LEIGH,

Respondent.

Decided March 13, 2025

CORRECTED OPINION

PER CURIAM.

The Florida Bar seeks review of a referee's report recommending that Respondent, Malik Leigh, be found guilty of professional misconduct in violation of the Rules Regulating The Florida Bar and suspended for 91 days.¹ The Bar challenges the entirety of the report, arguing that the referee's factual findings are insufficient and that the referee either dismissed or overlooked significant acts

1. We have jurisdiction. *See* art. V, § 15, Fla. Const.

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of misconduct that support Leigh's disbarment. For the reasons discussed below, we find Leigh guilty of all 24 rule violations charged in the Bar's complaint and disbar him from the practice of law in Florida.

BACKGROUND

The Bar filed a six-count complaint against Leigh after receiving multiple judicial referrals from the presiding judges in the cases Leigh initiated. Counts I and II pertain to Leigh's conduct while engaged in litigation involving three related cases in the United States District Court for the Southern District of Florida against several named defendants including the Palm Beach County School District (collectively the "School Board litigation"). During the litigation, Leigh made a number of threatening social media posts directed at the opposing parties in the cases, which raised significant security concerns about those involved in the litigation and necessitated the entry of a protective order by the federal court. Leigh also made false accusations about opposing counsel, accusing her in court filings of committing forgery and other offenses without any factual basis for doing so.

In Counts III through VI, Leigh was charged with committing multiple rule violations stemming from his attempt to initiate a toxic tort class action case on behalf of the residents of Stonybrook Apartments in the Circuit Court for the Fifteenth Judicial Circuit. Leigh repeatedly failed to file a viable complaint in the case, despite filing numerous amended pleadings over a two-year period. He also failed to comply with numerous court orders, and he

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used a court reporter to question an employee of a party that he knew was represented by counsel. And when the case was eventually appealed to the Fourth District Court of Appeal, Leigh falsely accused the presiding circuit court judge in the case of racial bias.

ANALYSIS**A. Findings of Fact and Recommendations of Guilt**

The Bar challenges the referee's factual findings, arguing they are vague and deficient, and recommendations as to guilt, arguing that Leigh should be found guilty of 24 violations of the Rules Regulating The Florida Bar. "To the extent that the Bar challenges the referee's findings of fact, this Court's review of such matters is limited, and if a referee's findings of fact are supported by competent, substantial evidence in the record, this Court will not reweigh the evidence and substitute its judgment for that of the referee." *Fla. Bar v. Alters*, 260 So. 3d 72, 79 (Fla. 2018) (citing *Fla. Bar v. Frederick*, 756 So. 2d 79, 86 (Fla. 2000)).

Also, to the extent the Bar challenges the referee's recommendations as to guilt, "the referee's factual findings must be sufficient under the applicable rules to support the recommendations." *Fla. Bar v. Bander*, 361 So. 3d 808, 814 (Fla. 2023) (quoting *Fla. Bar v. Patterson*, 257 So. 3d 56, 61 (Fla. 2018)). As the party challenging the referee's findings of fact and recommendations as to guilt, the Bar has the burden to demonstrate that there is no evidence in the record supporting, or clearly contradicting,

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the recommendations. *Id.* (citing *Fla. Bar v. Germain*, 957 So. 2d 613, 620 (Fla. 2007)).

We first note that the referee's report is deficient as the referee failed to make detailed, factual findings for every count. However, upon our review of the record, we find that the evidence in the record clearly supports finding Leigh guilty of all 24 charged rule violations. We discuss our reasons below.

Count I

During the School Board litigation, Leigh published humiliating, disparaging, and threatening social media posts directed at those involved in the case, which the federal district court found to have delayed and interfered with the discovery process. Leigh also posted other violent, morbid messages around the same time, although not related to the litigation. These posts included a photo of himself with the text: "After this round if [sic] depos in the next 2 weeks, would love to start a shooting campaign." He also posted a picture of a tommy gun being fired by a movie character from *The Mask* with the message: "Me the next time im [sic] in front of the #Liverpool back line!! YOU GUYS SUCK!!! 4years now! Get it together!" Another post stated: "I can't hate the US and it's [sic] people more right now. Just need a mass extinction event right now!"

When defense counsel learned of the social media posts, he abruptly suspended an ongoing deposition and filed a motion to reschedule the remaining depositions and

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for a protective order from the court. The court granted protective relief and ordered the presence of an armed police officer for the remaining depositions. Leigh was sanctioned and ordered to pay the defendants' attorneys' fees for filing and litigating the motion to suspend and reschedule the depositions and for the protective order. Leigh was also suspended from the United States District Court for the Southern District of Florida for two years.

Based on this conduct, we find Leigh guilty of violating rules 4-3.6(a) ("A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding."), 4-8.4(a) ("A lawyer shall not violate or attempt to violate the Rules of Professional Conduct . . ."), and 4-8.4(d) ("A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .").

Count II

Leigh and opposing counsel, Lisa Kohring, were required to submit a joint pretrial stipulation. Leigh and Kohring were working together on the joint stipulation and on the afternoon the stipulation was due, they exchanged

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several drafts of the document. Ultimately, Leigh replied to Kohring's last e-mail copying Kohring's paralegal, attaching a copy of a pretrial stipulation with his signature affixed and stating in the body of the e-mail: "Pretrial Stipulation to sign and file." Leigh did not explain in the e-mail that he had made additional changes to the draft stipulation or note that he had signed the document. Shortly after receipt and without reviewing Leigh's attachment, the paralegal filed a pretrial stipulation that was not the version e-mailed by Leigh, and which contained an electronic signature purportedly by Leigh's law partner, Danielle Watson, who was not involved in the drafting of the stipulation but was copied on the e-mail exchanges.²

After Leigh realized the stipulation that was filed was different from the version he had e-mailed, he contacted Watson and learned that she had not authorized the filed stipulation. Because it was after normal business hours and Leigh knew Kohring had left the office for the day, Leigh filed his own version of the stipulation in an addendum with Watson's name in the signature block, expressly accusing Kohring of forging Watson's electronic signature. This filing, which was styled as a "Joint PreTrial Stipulation Addendum" contained the following statement:

[T]he Joint Pre-trial Stipulation [DE 71] by the Defendant's Counsel, Lisa Kohring, not only filed the wrong Pre-trial Stipulation, but

2. Watson's related misconduct was also referred to the Bar. *See Fla. Bar v. Watson*, No. SC2023-0416, 2025 Fla. LEXIS 422 (Fla. Mar. 13, 2025).

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she forged Plaintiff Counsel, Danielle Watson's electronic signature and filed it. The Actual "agreed" or "joint" stipulation which was submitted with Attorney, Malik Leigh, Esq's endorsement and submitted to Defense counsel [f]or filing is attached herein without Defense Counsel's Signature. Counsel will follow up with an official Motion regarding this action.

The next morning, Kohring reviewed the pretrial stipulation and addendum and requested by e-mail that Watson and Leigh retract their statements in the addendum. Leigh and Watson ignored Kohring's e-mails and calls. After receiving no response, Kohring again e-mailed Watson and Leigh, stating that she had tried calling twice and warning that she may seek sanctions. Leigh replied to Kohring's e-mail, claiming that Kohring "forged" Watson's signature and could be subject to sanctions or criminal penalties based on her office affixing Watson's signature to the stipulation without authorization.

Kohring and Leigh each filed a motion for sanctions. Ultimately, the judge denied Leigh's motion but granted Kohring's, finding that Leigh and Watson acted in bad faith and holding them jointly responsible for the defendants' attorneys' fees.

Leigh's conduct resulted in additional proceedings, a court finding that he acted in bad faith, and sanctions. We, thus, find that the record clearly supports a finding that Leigh is guilty of violating rules 4-8.4(a) ("A lawyer shall

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not violate or attempt to violate the Rules of Professional Conduct . . .”) and 4-8.4(d) (“A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .”).

Count III

In the Stonybrook case, Leigh attempted to initiate a proceeding and obtain immediate injunctive relief by filing a “Plaintiffs’ Ex Parte Emergency Motion for Preliminary Injunction.” Leigh claimed the residents of Stonybrook Apartments were living in inhumane and unsafe housing conditions. The circuit court denied the motion because it did “not allege matters entitled to be heard on an emergency or expedited basis.” Nevertheless, Leigh filed a notice of hearing, setting the motion, which had already been denied, for a half-day hearing.

A short time later, Leigh filed an amended motion seeking the same relief. The court again denied the motion because it was procedurally deficient. The court advised Leigh to cure the deficiencies in his filing within 10 days, serve all defendants, and then seek non-emergency, non-ex parte relief in the ordinary course of business.

Counsel for Defendants Millennia Housing Management, Ltd., LLC and Stonybrook FL, LLC filed a limited appearance and response to Leigh’s amended

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motion and sought to cancel the half-day hearing Leigh set for the motion that had already been denied. Defendant City of Riviera Beach also filed a limited appearance and motion to quash the improper service of the first motion and strike the notice of hearing and the purportedly issued subpoena to the City's Building Official to appear at the hearing. The court cancelled the hearing.

Despite notice that a motion was not the proper vehicle to bring a claim, Leigh filed a "***Corrected** Plaintiffs' Motion for Preliminary Injunction." This third motion contained the same allegations as his first two motions and sought the same emergency relief. Stonybrook filed a motion for sanctions because Leigh filed three motions improperly requesting injunctive relief that contained identical allegations despite the court's rulings. At a hearing on Stonybrook's motion, the court deferred ruling on the motion, pending the filing of a complaint stating a valid claim, and informed Leigh that his motions failed to satisfy certain pleading requirements. The court also granted Riviera Beach's motion to quash because of Leigh's failure to follow Florida Rule of Civil Procedure 1.070 (Process).

Finally, Leigh filed a "Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (corrected)." Stonybrook filed a motion to dismiss and strike redundant and immaterial portions of the complaint, arguing that Leigh improperly named the defendant as "Stonybrook FL, LLC (aka Millennia Housing Management/Millennia Companies)," when Stonybrook and Millennia are two separate

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entities. Furthermore, the counts were commingled against numerous defendants, making it impossible for Stonybrook to frame its defenses, and Leigh failed to meet the threshold of the class certification requirements under Florida Rule of Civil Procedure 1.220 (Class Actions) or the requirements for entitlement to a preliminary injunction. Riviera Beach also filed a motion to dismiss the class action complaint, arguing that it was immune from suit under sovereign immunity. The court held a hearing on Stonybrook's motion and struck several words and phrases from Leigh's complaint as scandalous, immaterial, or impertinent.

Thereafter, Leigh filed an amended class action complaint, which despite the court's earlier ruling, contained many of the same words and phrases that the court had struck from his initial complaint. Riviera Beach and Millennia filed motions to dismiss Leigh's amended complaint, and Defendants GMF-Stonybrook, L.L.C. and GMF-Preservation of Affordability Corp. (referred to collectively as "GMF") filed a motion for involuntary dismissal with prejudice. The motion listed Leigh's violations of the court's orders and claimed that the amended complaint had not been served and was so deficient that responding properly would be nearly impossible because it commingled claims against the several defendants and failed to comply with Florida Rule of Civil Procedure 1.130 (Attaching Copy of Cause of Action and Exhibits). Additionally, GMF attached to its motion copies of social media posts targeting the defendants in the case that were made by Leigh and his law firm's social media account, which included

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references to “‘Concentration Camp-like’ conditions” and allegations that the property was run by “organized crime syndicates.”

At a hearing on GMF’s motion for involuntary dismissal, the court declined to dismiss the case with prejudice after considering the impact that it would have on the plaintiffs. However, the court ordered Leigh to secure a mentor to assist him in the case and certify that the amended complaint complied with the court’s previous orders and that it was well-founded and accurately stated the law. The court also ordered Leigh to take a two-hour professionalism and civility course and imposed a gag order on the parties and attorneys, precluding public discussion of the case and ordering existing social media posts be removed. Thereafter, Leigh filed a second amended complaint, but the filing violated the court’s orders because it contained the same language that the court had previously stricken and failed to contain the court-ordered certification from an approved mentor.

GMF, Stonybrook, Millennia, and Riviera Beach all filed motions to dismiss the second amended complaint and a joint motion for sanctions against Leigh for his failure to comply with the court’s orders. The court granted Riviera Beach’s motion to dismiss on sovereign immunity grounds and granted Stonybrook’s, Millennia’s, and GMF’s motions to dismiss without prejudice. The court held Leigh in contempt for failing to comply with the court’s orders, finding that Leigh

admitted that he has failed to comply with the Court’s 57.105 Order and the Court’s Sanctions

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Order by: (a) failing to pay the sanctions when due; (b) failing to attend a professionalism class as ordered; (c) failing to obtain a proper mentor and have that mentor certify all substantive pleadings (including the Second Amended Complaint) and significant motions (specifically, Plaintiffs' motion to disqualify the Court); (d) failing to comply with the Court's orders striking certain inflammatory language; (e) failing to comply with the rules of pleading to state a viable cause of action, and (f) failing to comply with the Gag Order by, inter alia: (i) failing to remove references to Defendants and this pending litigation from his website and social media accounts; and (j) posting to his social media account about this pending litigation after the imposition of the Gag Order.

The court disqualified Leigh from representing any interest of the putative class members and ordered him to pay the reasonable costs and attorneys' fees the defendants incurred in connection with the show cause hearing. The court gave Leigh an opportunity to purge his contempt of court orders, but he failed to do so.

Nevertheless, Leigh filed a third amended complaint. This complaint still contained the same language the court previously struck, was uncertified by a mentor, and contained many of the same deficiencies as the prior complaints. The court found that the third amended complaint violated the court's prior orders and dismissed the complaint without prejudice but without further

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leave to amend to bring claims by multiple plaintiffs, instead requiring each plaintiff to bring his or her claim individually by commencing new actions. The court ordered Leigh and his law firm jointly and severally liable for the defendants' attorneys' fees totaling \$39,989.90.

Ultimately, Leigh was grossly incompetent in trying to initiate the class action lawsuit on behalf of the Stonybrook residents. He repeatedly attempted to bring an action by filing a motion for injunctive relief, even after the court denied the motion as improper. He was also held in contempt for violating numerous court orders and despite the court providing Leigh an opportunity to purge his contempt, he failed to do so. He made several social media posts related to the Stonybrook case, even after the court imposed a gag order to avoid tainting the jury pool. Leigh's conduct covered two years of litigation, during which he was unable to file a complaint that stated a viable claim, resulting in the dismissal of his clients' complaint. His conduct caused costly litigation, and Leigh was sanctioned for payment of the defendants' attorneys' fees.

Thus, we find that the record clearly supports a finding that Leigh is guilty of violating rules 4-1.1 ("A lawyer must provide competent representation to a client."), 4-3.1 ("A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous . . ."), 4-3.4(c) ("A lawyer must not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists[.]"),

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4-3.6(a) (“A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.”), 4-8.4(a) (“A lawyer shall not violate or attempt to violate the Rules of Professional Conduct . . .”), and 4-8.4(d) (“A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .”).

Count IV

When Leigh filed the first amended complaint in the Stonybrook case, he received notice that e-service delivery had failed. He sent an e-mail to opposing counsel, acknowledging the error and attaching the complaint but not including any exhibits, which is required for proper service. *See* Fla. R. Civ. P. 1.130(b); 1.070(e). Nevertheless, he filed a motion for default, claiming the complaint was served. In denying Leigh’s motion for default, the court specifically found that “there was no legal support for Plaintiffs’ Motion for Default either factually or by an application of then-existing law to the facts presented.” Additionally, as to Leigh’s complaint against the City of Riviera Beach, the court awarded sanctions against Leigh and found that “counsel knew or should have known that

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the claims stated in the Complaints against the City were not supported by the application of then-existing law to the material facts alleged in the Complaints.” The court awarded Riviera Beach \$16,150.00 in attorney’s fees to be paid by Leigh and his law firm, jointly and severally.

Therefore, we find that the record clearly supports a finding that Leigh is guilty of violating rules 4-1.1 (“A lawyer must provide competent representation to a client.”), 4-3.1 (“A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous . . .”), 4-3.4(c) (“A lawyer must not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists[.]”), 4-8.4(a) (“A lawyer shall not violate or attempt to violate the Rules of Professional Conduct . . .”), and 4-8.4(d) (“A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .”).

Count V

During the Stonybrook litigation, Leigh contacted Carol Baer, a court reporter, to take the sworn statement of Mayra Lugaro, assistant manager of Millennia, a party represented by counsel. Leigh sent Baer a list of questions to ask Lugaro. Leigh explained to Baer that as an opposing party, he could not be present for the sworn

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statement and could not talk to Lugaro. Baer took the sworn statement at Lugaro's home and asked Lugaro Leigh's questions. Leigh traveled to Lugaro's residence and waited outside while the sworn statement was being taken. During the sworn statement, Leigh texted Baer about obtaining internal confidential company documents from Lugaro.

Leigh used the information obtained from the sworn statements and documents to support allegations in his third amended complaint. He also attempted to disqualify defense counsel and have the court impose sanctions on Stonybrook, Millennia, and GMF based on allegations that they were retaliating against his clients. Based on this conduct, the court disqualified Leigh from representing any clients in the litigation or in any other matter against the defendants relating to the Stonybrook Apartments complex.

Based on this conduct, we find Leigh guilty of violating rules 3-4.3 ("The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline"), 4-4.2(a) ("In representing a client, a lawyer must not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer"), 4-4.4(a) ("In representing a client, a lawyer may not . . . knowingly use methods of obtaining evidence that violate the legal rights of such a person."), 4-8.4(a) ("A lawyer shall not violate or attempt to violate the Rules of Professional Conduct"), and 4-8.4(d) ("A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial

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to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .”).

Count VI

Leigh appealed the circuit court’s order holding him in contempt and sanctioning him to the Fourth District Court of Appeal. In the initial brief, Leigh challenged the sanctions imposed against him by labeling these actions as “the trial court’s repeated acts of bias and disregard for neutrality in various hearings and positions.” Leigh asserted that the adverse rulings entered against him were based on his race rather than for any substantive purpose, stating:

Third, Plaintiffs’ Counsel was accused of violating the Florida Bar, in various areas: communication, candor, and competency. These were not based upon any substantive purpose other than they occurred after a witness (white) accused Plaintiffs’ Counsel (Black) of being aggressive with her and calling her a pejorative; one who’s [sic] very corroborative witnesses stated was not truthful. . . .

. . . .

Sixth, whether the Court can bypass the Class Certification process set forth in F.R.C.P. 1.220 in retaliation of the Plaintiffs

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finding zero confidence in the trial court judge's ability to adjudicate fairly and without bias (implicit racial bias or any other exhibited) in a way that seeks to destroy both the Plaintiffs' credibility, the credibility of their arguments, and Plaintiffs' Counsel's credibility.

Furthermore, Leigh directly charged:

What the Plaintiffs in the trial case; Appellants in the instant, are sure of is that the judicial system literally took one look at them and denied them a fair opportunity to be heard. That it all started typically enough: a white woman accused a large scary black man of something he did not do, and there were witnesses to support his side. But those witnesses all looked like him, and those on the other side all looked their way; and in the end, regardless of what was presented to the contrary, this is also what the Court saw.

Leigh made numerous assertions that the trial judge engaged in repeated acts of racial bias, but he failed to establish that he had an objectively reasonable factual basis for making the statements. Although Leigh claimed that adverse rulings entered against him were based on his race rather than for any substantive purpose, the record reflects that Leigh was sanctioned for violating numerous court orders and filing a frivolous complaint against the City, and the complaint against the remaining defendants was ultimately dismissed because despite

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numerous opportunities to amend the complaint, Leigh was not able to plead a viable cause of action.

Based on this conduct, we find Leigh guilty of violating rule 4-8.2(a) (“A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge . . .”). *See Fla. Bar v. Jacobs*, 370 So. 3d 876, 883 (Fla. 2023) (explaining that the Court uses “an objective test, asking if the lawyer had ‘an objectively reasonable factual basis for making the statements’” (quoting *Fla. Bar v. Ray*, 797 So. 2d 556, 559 (Fla. 2001))). We also find that Leigh is guilty of violating rules 4-8.4(a) (“A lawyer shall not violate or attempt to violate the Rules of Professional Conduct . . .”) and 4-8.4(d) (“A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . .”).

B. Discipline

We disapprove the referee’s recommended sanction of a 91-day suspension. Considering the multitude of offenses and egregious nature of Leigh’s conduct, we find disbarment is the appropriate sanction. Leigh exhibited gross incompetence and has demonstrated that he lacks the ability to grasp the most basic, fundamental legal concepts. In failing to follow court orders and rules, he has displayed contempt for the courts, the parties involved,

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and the legal system as a whole. Moreover, his repeated actions indicate an unwillingness to learn from his mistakes. We hold that such flagrant misconduct signifies a significant character flaw and merits a severe sanction.

“Prior to making a recommendation as to discipline, referees must consider the Standards for Imposing Lawyer Sanctions, which are subject to aggravating and mitigating circumstances, and this Court’s existing case law.” *Fla. Bar v. Stremms*, 357 So. 3d 77, 90 (Fla. 2022). Our review of a referee’s recommended discipline “is broader than that afforded to the referee’s findings of fact because, ultimately, it is [our] responsibility to order the appropriate sanction.” *Patterson*, 257 So. 3d at 64 (citing *Fla. Bar v. Anderson*, 538 So. 2d 852, 854 (Fla. 1989); art. V, § 15, Fla. Const.).

Standards

In looking at the Standards, we find support for disbarment as the presumptive sanction in this case. *See* Fla. Stds. for Imposing Law Sancs. 4.5(a) (“Disbarment is appropriate when a lawyer’s course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures and causes injury or potential injury to a client.”); 6.2(a) (“Disbarment is appropriate when a lawyer causes serious or potentially serious interference with a legal proceeding or knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another and causes serious injury or potentially serious injury to a party.”); 7.1(a) (“Disbarment is appropriate when a lawyer

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intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.”).

Aggravating and Mitigating Factors

As to aggravation, the referee found three factors under Standard 3.2(b): (1) pattern of misconduct; (2) multiple violations; and (3) indifference to making restitution. The Bar claims that the referee erred in failing to find three additional aggravating factors: dishonest or selfish motive, refusal to acknowledge the wrongful nature of the conduct, and substantial experience in the practice of law. We find error only in the referee’s failure to find a dishonest or selfish motive as an aggravating factor.

“[A] referee’s findings of mitigation and aggravation carry a presumption of correctness and will be upheld unless clearly erroneous or without support in the record.” *Germain*, 957 So. 2d at 621 (citing *Fla. Bar v. Arcia*, 848 So. 2d 296, 299 (Fla. 2003)). The referee declined to find a dishonest or selfish motive in aggravation because Leigh was providing legal services on a pro bono basis. But Leigh violated several rules involving dishonesty, and his use of a court reporter to ask an employee of an opposing party questions that he was expressly prohibited by rule from asking himself was entirely dishonest. Thus, we find dishonest or selfish motive as an aggravating factor.

As to mitigation, the referee found nine factors under Standard 3.3(b): (1) absence of a disciplinary record;

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(2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) cooperative attitude towards the proceedings; (5) inexperience in the practice of law; (6) character or reputation; (7) unreasonable delay in the disciplinary process; (8) interim rehabilitation; and (9) remorse. We find error in five of these findings.

First, because we have found that the referee erred in not finding a dishonest or selfish motive in aggravation, we correspondingly disapprove the referee's finding in mitigation of absence of a dishonest or selfish motive.

Next, the Bar challenges the referee's findings that Leigh's personal or emotional problems are mitigating factors. Notably, the Bar does not contest the underlying facts related to Leigh's personal and emotional problems. Instead, the Bar argues that the problems were related to his childhood and young adulthood and unrelated to the events that transpired in this case. We agree. In *Florida Bar v. Schwartz*, 382 So. 3d 600, 612 (Fla. 2024), we found that the mitigating factor did "not apply because at issue is a life-long personality characteristic as opposed to an acute emotional impairment." Similarly, the referee in this case even emphasized that these events in Leigh's life shaped his character, and she did not find that his actions were caused by an acute impairment. Therefore, we hold that the referee's finding of this mitigating factor is clearly erroneous.

The Bar challenges the referee's finding as a mitigating factor that Leigh was inexperienced in the practice of law. This finding is inconsistent with the

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referee's analysis of aggravating factors. However, in examining her justification for finding this mitigator, she appears to be referring to Leigh's inexperience in a specific area of litigation. We recently explained that "the substantial experience factor is not parsed by expertise in specific areas of the law, but instead applies to experience related to the capability of determining whether conduct is violative of the rules." *Bander*, 361 So. 3d at 817. Accordingly, we hold that the referee's finding of this mitigating factor is clearly erroneous.

Additionally, the Bar challenges the referee's finding of unreasonable delay as a mitigating factor. To find this mitigating factor, it requires not only that there has been a delay, but also that the respondent demonstrate "specific prejudice resulting from that delay." Here, the referee found no prejudice, stating that "no witness was unavailable due to the delay." Accordingly, we reject as clearly erroneous the referee's finding of unreasonable delay as a mitigating factor.

The Bar also argues that the referee's finding of interim rehabilitation is unsupported by the record. In finding this factor, the referee cited the uncontroverted testimony that Leigh has practiced ethically since 2020. However, at the time of the hearing, Leigh still had not complied with court orders to take professionalism and ethics courses. When asked if he had done anything to help with his mental health or obtain additional education, he gave vague, evasive answers. Also, at the time of the hearing, Leigh had not paid the monetary sanctions imposed against him and his firm. Therefore,

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we hold the referee's finding of this mitigating factor is clearly erroneous. *Cf. Fla. Bar v. Irish*, 48 So. 3d 767, 774 (Fla. 2010) (holding that referee's rejection of interim rehabilitation as a mitigating factor was supported when respondent spoke to a doctor for a couple hours but did nothing more); *Fla. Bar v. Valentine-Miller*, 974 So. 2d 333, 336-37 (Fla. 2008) (holding that referee's finding of interim rehabilitation was supported when respondent checked herself into an inpatient rehabilitation facility).

Case Law

Finally, in determining the appropriate sanction, we look to prior cases for guidance. In *Florida Bar v. Springer*, 873 So. 2d 317 (Fla. 2004), we held that disbarment was warranted where the respondent engaged in multiple instances of misconduct in six matters, which collectively demonstrated a pattern of failing to provide competent representation, failing to act with reasonable diligence, and misrepresenting the status of the client's matter.

In *Florida Bar v. Committe*, 136 So. 3d 1111 (Fla. 2014), we imposed a three-year suspension on a respondent who filed a frivolous tort action and failed to pay the monetary sanction imposed for the frivolous lawsuit. Then, after receiving two letters requesting payment be rendered, "Committe wrote to the United States Attorney, accusing the defendant of attempting to extort money from him and requesting that she be criminally prosecuted." *Id.* at 1113.

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Considering the totality of Leigh's actions and the resulting number of rule violations, we conclude that the case law supports disbarment. We acknowledge that cases where we imposed a lengthy rehabilitative suspension, such as *Committe*, are similar but note that the misconduct at issue in those cases does not rise to the level of Leigh's misconduct in this case. Leigh's misconduct is more comparable to the misconduct that occurred in *Springer*, where, like here, there was a lengthy pattern of misconduct and gross incompetence. We find that the magnitude of Leigh's misconduct signifies a larger issue with Leigh that cannot be remedied by a rehabilitative suspension.

While Leigh has no prior disciplinary record and we typically approach discipline incrementally, we have disbarred attorneys with no prior history when the violations are egregious enough. *See Stremms*, 357 So. 3d 77. Here, Leigh's conduct demonstrates a failure to grasp the most fundamental legal doctrines or procedures, and despite numerous warnings, he has demonstrated a propensity to flout court rules and orders. Leigh's refusal to follow multiple court orders demonstrates that he is not amenable to learning or rehabilitation. Further, at the time of the hearing before the referee, Leigh had not yet paid the sanctions, demonstrating a lack of respect for the court's authority in imposing the sanctions and a disregard for the parties to whom the sanctions are owed.

We conclude, based on a review of relevant case law, the Standards, and the aggravating and mitigating factors found by the referee, that disbarment is the appropriate sanction in this case.

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CONCLUSION

Accordingly, Malik Leigh is disbarred from the practice of law in Florida. Leigh's disbarment is effective 30 days from the date of this opinion so that Leigh can close out his practice and protect the interests of existing clients. If Leigh notifies this Court in writing that he is no longer practicing and does not need the 30 days to protect existing clients, we will enter an order making his disbarment effective immediately. Leigh must not accept any new business from the date of this opinion, and he is prohibited from engaging in any acts constituting the practice of law in Florida once his disbarment becomes effective.

Leigh must fully comply with Rules Regulating The Florida Bar 3-5.1(h) and, if applicable, 3-6.1.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Malik Leigh in the amount of \$3,594.42, for which sum let execution issue.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS DISBARMENT.

Original Proceeding – The Florida Bar

**APPENDIX B — REPORT OF REFEREE
OF THE SUPREME COURT OF FLORIDA,
DATED OCTOBER 10, 2023**

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

Supreme Court Case
No. SC2023-0518
The Florida Bar File Nos. 2017-50,987 (15F);
2018-50,286 (15F); and 2020-50,322 (15C)

THE FLORIDA BAR,

Complainant,

vs.

MALIK LEIGH,

Respondent.

Dated October 10, 2023

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

On April 10, 2023, The Florida Bar filed its six-count complaint which addressed actions that primarily occurred between 2017 and 2020. The Respondent, Malik Leigh, served a timely answer to the complaint.

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The undersigned was appointed to preside as referee in this proceeding pursuant to the Supreme Court's March 22, 2023, Order and the March 28, 2023 Order from Chief Judge of the Seventeenth Judicial Circuit of Florida.

During the course of these proceedings, Respondent was represented by Juan Carlos Arias, Esquire, and The Florida Bar has been represented by Linda Ivelisse Gonzalez, Bar Counsel.

The Florida Bar also filed a formal complaint against this Respondent's law partner, Danielle Renee Watson, on March 22, 2023. See Supreme Court Case No. SC2023-0416. The Watson complaint was a one-count complaint that relates to Count II of the Leigh complaint addressing the same core facts. The Bar, when it filed the Leigh complaint, also filed a Notice of Related Cases and the Leigh matter was also forwarded to me to act as Referee.

The Bar desired to try both the Watson and Leigh cases together. Watson filed a Motion to Sever and to Bifurcate, seeking to try her case alone and to bifurcate any presentation on mitigation or aggravation until there was a ruling on whether she had violated the Rules Regulating The Florida Bar. This motion was denied by an order dated July 11, 2023, and the two cases proceeded to final hearing.

The final hearing was held over six days – August 14, 2023 through August 16, 2023, August 21, 2023, and August 23, 2023 through August 24, 2023. The pleadings and all other papers filed in this cause, which are forwarded to

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the Supreme Court of Florida with this report, constitute the entire record.

II. FINDINGS OF FACT:

A. *Jurisdictional Statement:* I find that at all times material to this action, Respondent, Malik Leigh, was a member of The Florida Bar subject to the jurisdiction and disciplinary rules of The Supreme Court of Florida.

B. *Narrative Summary of Case:*

Overview

The Bar has alleged in a complaint with six counts that Leigh violated ten provisions of the R. Regulating The Florida Bar in relation to a pair of unrelated civil litigations. Certain actions occurred in September 2016-2017 in civil actions against the Palm Beach County School District, referred hereto as the *Leigh/Parrish-Carter* cases. The other actions occurred between 2018 and 2020 in the civil case against multiple defendants on behalf of the residents of Stonybrook Apartments.

The Bar presented its case against both lawyers collectively and contended that all evidence introduced at the trial concerning both respondents' conduct and any inferences from said evidence should be accepted collectively against the respondents as law partners. This Report will follow the order of the counts in the complaint.

*Appendix B***AS TO ALL COUNTS**

Leigh testified on his own behalf, presented 19 additional exhibits, and used the Bar's exhibits in his testimony. I found Leigh's initial testimony about his upbringing and personal struggles in life to be emotional, candid, and compelling. Leigh's personal testimony in this Court's opinion shed light on his personality traits and provided the Court with relevant insight as to Leigh's personal drive and passions. Specifically, the Court notes that Leigh grew up in a military family confronting the unusual challenges of constant uprooting from their communities and the absence of a father due to military duties. The Court also notes Leigh's testimony as to enduring emotional and physical abuse by his mother, which resulted in his leaving his home and family at the young age of thirteen. Leigh's testimony regarding his early adulthood also left an impression on this Court, specifically: That Leigh had a devastating car accident that derailed his plan to be an athlete in Europe, his rehabilitation and loss of reading skills as a result of the accident, the circumstances of the murder of his girlfriend, the death of the mother of his young child, and two heart attacks – all endured by Leigh before reaching the age of thirty. The Court also notes that, as a result of the car accident, Leigh suffered from an undetected cyst that exploded in his head a decade later which developed into a brain tumor, required surgery. The above mentioned personal struggles, and their influence shaping Leigh's personal traits and character, both positive and negative, are important considerations

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to my resolution and were established by clear and convincing evidence. This Court finds particularly compelling that, considering Leigh's life challenges, he was able to muster the discipline and drive to fulfill his dream of becoming an attorney at a later stage in life.

The Court found credible Leigh's testimony as to his legitimate concern for the students and fellow teachers he believed were facing retaliation. The Court also found credible Leigh's testimony as to his legitimate concern for the residents of Stonybrook Apartments and finds by clear and convincing evidence that he felt passionate and sincere empathy for the residents.

The Court also finds by clear and convincing evidence as to all Counts, that with the exception of the two litigations subject to this Final Hearing, Leigh has practice for almost a decade in the areas of family law and dependency in a professional and effective manner. The Court accepts the testimony of Jess Manger and Anubha Agarwal in support of this finding.

COUNT I and COUNT II

The operative exhibits presented by the Bar regarding these counts are primarily found at TFB Ex. 1 through TFB Ex. 17. Leigh testified on his own behalf, presented additional exhibits primarily found in Leigh Comp. Ex. 1 through 7, and also used the Bar's exhibits in his testimony, which were all considered in my resolution of the factual disputes herein.

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The Florida Bar presented the following witnesses regarding Count I (social media postings by Leigh) and Count II (pretrial stipulation) relating to the *Leigh/Parish-Carter* cases filed both in state and federal court: Shawntoyia Bernard, Esq., Helene Baxter, Esq., Lisa Kohring, Esq., and Ana Jordan.

As to Count I, Leigh acknowledged the impropriety of some of the posts relating to litigation and provided context to some of the post that were personal and unrelated to legal cases. Leigh expressed his belief that some of the social media posts provided as evidence were not true representations of the original posts as they appeared to be cropped and that, to the best of his recollection, he believes that some were not posted in the social media platforms as represented by the cropped posts. Leigh did testify to having written the content of the posts at the final hearing, consistent with his prior admissions in other proceedings as evidence by the multiple admissions introduced in the record by The Florida Bar.

Although the Court, when considering Leigh's personality as shaped by the unfortunate incidents in his life, now better understands Leigh's personality and traits, this Court recognizes that the totality of social media postings made by Leigh, whether intended to be private or public, or whether they were personal or related to his law practice, and regardless of where they were posted, reasonably caused fear on readers and precipitated the safety actions taken by employees of the Palm Beach County School District. In reaching this finding, I also considered the testimony provided regarding Leigh's lack

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of criminal or violent record, and Ms. Baxter's testimony in cross-examination that neither her nor her employees ever experienced or witnessed violent behavior by Leigh.

As to Count II, I should note that Kohring and Jordan were very defensive on cross-examination on the issue of the pretrial stipulation and, especially as to Kohring, aggressively attempting to volunteer information outside the questions that were posed to her. In cross-examination Kohring refused to admit that her office made a mistake when they failed to open the pretrial stipulation emailed by Leigh at 5:53 PM on September 5, 2017. Also on cross-examination, Ms. Kohring failed to even entertain the idea that if she had disclosed their mistake to Leigh on September 6, 2017, maybe the issues would have been amicably resolved. I find by clear and convincing evidence that Kohring was not candid with Leigh regarding the facts leading to the dispute over the pretrial stipulation and that an opportunity for a good faith resolution was missed as a consequence of Kohring's lack of candor with opposing counsel.

Also regarding Count II, the *Leigh/Parish-Carter* litigation included a filing in federal court and this was the first case (along with two others) that had been filed by Leigh, with Watson as co-counsel of record. From the testimony presented before me, Leigh and Watson admitted that this was their first case of that kind, that they did not have experience in that area of the law, that Leigh was primary counsel in this case, and that Watson's name was affixed to all pleadings and she was copied on relevant e-mails.

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One of the principal issues of Count II of the complaint regarding the *Leigh/Parish-Carter* litigation relates to the sanction order directed against Leigh and Watson, which order concerns actions taken regarding Watson's electronic signature being affixed on a pretrial stipulation and Leigh and Watson's reactions thereto. The following timeline and events are important to my resolution and were established by clear and convincing evidence:

1. Prior to the events at issue, the parties to the *Parish-Carter* case were obligated to submit a joint pre-trial stipulation to the court by September 5, 2017.

2. Leigh and counsel for the school board (primarily Kohring) were working together to accomplish this task and had exchanged several drafts of the document between the respective offices.

3. It was uncontroverted that Watson was not involved in any manner in the drafting of the stipulation, but was copied on the various e mails being exchanged between the respective offices.

4. Prior to September 5, 2017, Watson was working as an associate at a different law firm, but was also the co-owner of Watson & Leigh, P.A.

5. On September 5, 2017, Watson worked the bulk of the day at this other law firm and did not return home until late in the afternoon.

6. Prior to the events in question, Watson and Leigh, while working on Watson & Leigh. P.A. matters would

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do so from their respective homes and the law firm did not, at that time frame, have an office other than their respective homes.

7. On September 5, 2017 at 4:26 PM, Leigh sent an email to Kohring, her paralegal, Jordan, and Watson providing the recipients of said e-mail a draft of the pretrial stipulation stating “let me know and we will sign it real quick.” Leigh Comp. Ex. 1.

8. On September 5, 2017, at 5:13 PM, Kohring sent an email to Leigh, Watson, Bernard, and her paralegal Jordan with a draft of the pretrial stipulation that she desired to file with the court.

9. On September 5, 2017, at 5:20 PM, Kohring sent another email to Leigh, Watson, Bernard, and her paralegal Jordan telling him to disregard the 5:13 PM draft and provided an alternate pretrial stipulation draft that she desired to file with the court, asked Leigh to review same.

10. On September 5, 2017, at 5:25 PM, having now received two separate email drafts from Kohring, Leigh responded to Kohring stating that he had been on the phone and was reviewing the last draft sent (from 5:20 PM and no longer the 5:13 PM draft as requested).

11. On September 5, 2017, at 5:38 PM, Kohring sent an email to Leigh, Watson, Bernard, and her paralegal Jordan telling him to please let Ana know that she can file the pretrial stipulation. She is copied so please reply to all.

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Kohring then called Leigh and informed him that Kohring was leaving work because of her wedding anniversary celebration that evening.

12. On September 5, 2017 at 5:35 PM, Kohring sent an e-mail to Leigh, Watson, Bernard and her paralegal, Jordan, providing the recipients of said e-mail with the draft of the pretrial stipulation that she desired to file with the court, asked Leigh to review same and to respond to Jordan if the stipulation could be filed as drafted. TFB Ex. 3, bates 019.

13. At 5:53 PM that same day, Leigh responded to the same individuals via e-mail, provided a copy of a pretrial stipulation which had his signature affixed thereto and in the text of the e-mail stated: "Pretrial Stipulation to sign and file." TFB Ex. 3, bates 021. This e-mail did not explain that Leigh had made further corrections to the draft stipulation or note that he had signed the PDF that was sent to everyone.

14. Shortly after Leigh's e-mail, Jordan filed the pretrial stipulation that was introduced as TFB Ex. 1. This version of the stipulation was not the version of the stipulation that had been forwarded by Leigh and it contained an electronic signature purportedly from Watson. See TFB Ex. 1, bates 14.

15. There was testimony that there were differences between the version of the stipulation filed by Jordan from the previous version provided by Kohring and was different from the version provided by Leigh. That said, these factual disputes are not necessary to resolve herein.

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16. Leigh's uncontroverted testimony was that he alone worked with opposing counsel on the pre-trial stipulation and that Watson was not involved in the drafting at any time.

17. Sometime after the stipulation was filed by Jordan, Leigh examined the version of the stipulation that she filed and quickly realized it was not the version he had e-mailed to Kohring in that his signature was not on the document, it did not contain the changes he had made, and his partner's electronic signature had been attached to the document. TFB Ex. 1.

18. The uncontroverted testimony was that Leigh, from his home, reached out to Watson, at her home, to inquire if she had authorized the filing of the stipulation that had in fact been filed. She promptly advised that she had not done so and had not even examined the filed document as of that time.

19. By now it is well after normal business hours, Leigh was aware that Kohring had left the office for an anniversary dinner and did not believe he had any alternative but to file a version of the stipulation with his changes.

20. Late in the evening of September 5, 2017, Leigh filed his version of the pre-trial stipulation. See TFB Ex. 2. It is the second pleading that he filed that is the focus of the dispute between the parties. This second pleading, included in TFB Ex. 2 at bates 022-023, styled Joint PreTrial Stipulation Addendum ("Addendum"), contained in pertinent part the following statement:

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... the Joint Pre-trial Stipulation [DE 71] by the Defendant's Counsel, Lisa Kohring, not only filed the wrong Pre-trial Stipulation, but she forged Plaintiff Counsel, *Danielle Watson's* electronic signature and filed it. The Actual "agreed" or "joint" stipulation which was submitted with Attorney, Malik Leigh, Esq's endorsement and submitted to Defense counsel or filing is attached herein without Defense Counsel's Signature. Counsel will follow up with an official Motion regarding this action.

21. The testimony introduced at trial and as is evident from the pleading, Leigh drafted, signed, and filed the Addendum, but Watson's name is also affixed in the signature block and in the service information.

22. From the testimony adduced at trial from Watson and Leigh, they were upset and shocked that an opposing counsel would affix a lawyer's electronic signature to a pleading without having secured permission to do so.

23. The next morning, Kohring reviewed the stipulation and Addendum filed by Leigh (TFB Ex. 2), she also became upset and sent several e-mails to Leigh and Watson asking for a retraction of the comments made in the Addendum. Her testimony was that she also placed several calls to the Watson & Leigh law firm on September 6, 2017. The first e-mail she sent on September 6, 2017, at 12:49 PM, was addressed to

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Leigh, but was copied to everyone who was on the day's previous e-mails, inclusive of Watson. See TFS Ex. 4, bates 67. In this e mail she demands a retraction of the statements made in the Addendum or that she would file a motion for sanctions. Her next e-mail at 2:29 PM, states that she called Leigh twice that day with no response and included further demands or that she would be seeking sanctions. See TFS Ex. 4, bates 68.

24. At 2:52 PM on September 6, 2017, Leigh responded to Kohring's e-mail in a strident manner repeating the claims made about her office's actions in attaching Watson's signature without authorization as being a forgery and that she could be the subject of a sanction motion, as well as potentially other actions as forgery was a crime.

25. It is uncontroverted that Kohring did not disclose in any of her communications to Leigh and Watson on September 6, 2017, that her office never opened the version emailed by Leigh at 5:53 PM. It is also uncontroverted that the first time Kohring and her office disclosed this mistake was at the hearing held before the Court.

26. On September 7, 2017, Kohring filed the first motion for sanctions seeking sanctions solely against Leigh. TFB Ex. 3, bates 1 (opening paragraph of motion).

27. Leigh filed the second motion for sanctions, shortly thereafter on September 7, 2017, focusing

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on the differences between the filed version of the stipulation from prior versions that had been shared with him and the version that he had submitted to the court and also referenced the signature issue. He first used the term “misrepresented endorsement,” but later used the terms forgery and explained how he believed that certain ethical rules had been breached, that a crime may have been committed and that Kohring had yet to justify why an opposing counsel had affixed her partner’s electronic signature to a court pleading without her permission. TFB Ex. 4. The motion included an explanation of some actions that were being taken by Watson and Leigh relative to the signature issues. This sanction motion was drafted and filed by Leigh, but once again said motion noted Ms. Watson as co-counsel and having been served a copy of the pleading.

28. Watson testified that on September 6, 2017, she worked some of the day at the other law firm, went to the airport to pick up her father, who had come to help prepare her home as Hurricane Irma was descending on Florida. Together, they prepared her home for the hurricane and did not review e-mails until later in the day. Ultimately however, she did review both motions for sanctions.

29. The uncontroverted testimony at trial was that Judge Rosenberg denied both motions without prejudice pending resolution of a motion for summary judgment.

30. Shortly thereafter, Judge Rosenberg entered summary judgment in favor of the school board and on

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September 19, 2017, counsel for the school board filed a renewed sanction motion. TFB Ex. 5.

31. Later that same day, Leigh also drafted and filed a renewed motion for sanctions. TFB Ex. 6. Said motion noted Ms. Watson as co counsel and having been served a copy of the pleading.

32. The parties filed various responses to each other's motions and supplements to same. See TFB Ex. 7 through 11.

33. An evidentiary hearing was held before Judge Rosenberg on September 27, 2017, with testimony from several of the witnesses who testified before me, inclusive of Leigh, Watson, Kohring and Jordan. See TFB Ex. 14.

34. On October 2, 2017, Judge Rosenberg entered her order on the competing motions, denied the motions filed by Leigh and granted the motions filed by the school board. TFB Ex. 12. Said ruling included the following commentary:

For all of the foregoing reasons, the Court finds that Mr. Leigh and Ms. Watson acted in bad faith and grants Defendants' Motion to Strike and grants Defendants attorney's fees. Fed. R. Civ. P. 11(c)(1). Mr. Leigh and Ms. Watson shall be jointly responsible for paying said fees.

and

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The Court expresses no opinion on whether Mr. Leigh and Ms. Watson have violated the Florida Bar Rules of Professional Conduct with their actions in this case and, instead, refers Mr. Leigh and Ms. Watson to the Florida Bar for discipline for several reasons.

35. In its case in chief the Bar asserts that Leigh has violated R. Regulating Fla. Bar 4-3.6(a) [Prejudicial Extrajudicial Statements Prohibited. A lawyer shall not make extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.]; 4-8.4 (a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct] and R. Regulating Fla. Bar 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice. . . .].

Analysis

As to Counts I and II, in my view of the facts of this case, as to Mr. Leigh, I see a young lawyer, who at the time of the events in question had been admitted approximately six years when he became involved in the Palm Beach County School District litigation with his partner in a new area of the law. Although I find that Leigh's conduct in Count I violates the afore-mentioned rules, I find that Leigh's conduct regarding Count I was the combination of

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lack of experience, unprofessional persistence fueled by emotion, and a level of frustration causing obfuscation. There was a personal element to Leigh in this litigation as the conflict arose from his conduct and the consequences quickly affected students and fellow teachers.

Specifically as to Count II, Leigh and Watson should have at least made inquiry of the other law firm to understand why they affixed Watson's signature prior to making said accusations. I also find that Khoring was not candid with Leigh and Watson by failing to disclose that her office never opened the "final" stipulation sent by Leigh and that this disclosure could have toned down the dispute that was raging between the lawyers.

Also specifically as to Count II, I believe Leigh's conduct was the combination of lack of experience, unprofessional persistence fueled by emotion, and a level of frustration causing obfuscation. There was a personal element to Leigh in this litigation as the conflict arose from his conduct and the consequences quickly affected students and fellow teachers.

I see the use of inflammatory language in this isolated instance to be more of a professionalism concern than a violation of the ethical rules and don't find a violation of the afore-mentioned rules.

COUNTS III Through VI

The *Stonybrook* litigation was in state court and this was the first case of this nature that had been filed by

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Leigh, with Watson as co-counsel of record. From the testimony presented before me, it is uncontroverted that Leigh and Watson admitted that this was their first case of that kind, that they did not have experience in that area of the law, that Leigh was primary counsel in this case, and that Watson's name was affixed to all pleadings and she was copied on relevant e-mails.

The operative exhibits presented by the Bar regarding these counts were primarily found at TFS Ex. 18 through TFS Ex. 105. Leigh testified on his own behalf, presented additional exhibits primarily found in Leigh Ex. 8 through 19, and also used the Bar's exhibits in his testimony, which were all considered in my resolution of the factual disputes herein.

The Florida Bar presented the following witnesses regarding Counts III through VI relating to the *Stonybrook Apartments* case: Katina M. Hardee, Mahra C. Sarofsky, and Christy Goddeau. Leigh presented one factual witness, Adam Wasserman.

County III of the complaint alleges lack of competence and complete disregard of several court orders. Count IV of the complaint alleges Leigh filed a frivolous Motion for Default. Count V alleges that Leigh was disqualified for his participation in obtaining corporate documents and a deposition taken of a Stonybrook employee. Count VI alleges Leigh improperly attacked the integrity of a judge. The following timeline and events are important to my resolution and were established by clear and convincing evidence:

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1. Both Leigh and Wasserman described in detail the deteriorated conditions of the Stonybrook Apartments including fire damage, roof, and structural damages caused by Hurricane Irma. Wasserman testified as to his unsuccessful efforts to secure legal representation for the residents of Stonybrook Apartments.

2. Both Leigh and Adam Wasserman testified consistently as to how Leigh became involved in the Stonybrook Apartments litigation. Wasserman, involved in the Palm Beach Tenant Union, was advocating on behalf of the residents of Stonybrook Apartments and reached out to Leigh and invited him to visit Stonybrook.

3. Both Leigh and Wasserman testified consistently as to some of the children living in Stonybrook Apartments requiring medical treatment due to what they believe were illnesses caused by the conditions at Stonybrook Apartments. Leigh specifically testified about visiting some children at the hospital.

4. The Court found credible Leigh's testimony as to his legitimate concern for the residents of Stonybrook Apartments and find by clear and convincing evidence that he felt passionate and sincere empathy for the residents. I also considered the testimony of Wasserman describing the sincere concern shown by Leigh toward the residents as proven by Leigh's numerous visits to the Stonybrook Apartments.

5. Leigh testified that his intention was to only get the ball rolling on the injunction on a *pro bono* basis to

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immediately prevent further harm to the residents of Stonybrook and that he never intended to remain counsel of record.

6. On July 31, 2018, Leigh filed the first of several Plaintiffs' Ex Parte Emergency Motion for Preliminary Injunction in the 15th Judicial Circuit in and for Palm Beach County that were dismissed by the Court.

7. After the dismissal of the preliminary injunctions, Leigh filed several complaints which were also dismissed by the Court and were the basis for sanctions and assessment of attorney fees and costs against Leigh and his law firm.

8. Both Leigh and Wasserman testified consistently as to the harassment suffered by Leigh and his clients as a consequence of the legal action, namely: Police intervention when Leigh visited the location of Stonybrook Apartments and residents being told that repairs would occur if they terminated Leigh's representation.

9. I considered Leigh's Ex. 9 through 11 showing his efforts to comply with the mentor requirement imposed by the Court.

10. I considered Leigh's Ex. 13 and Ex. 17 regarding his efforts to communicate with opposing counsels about the issue he encountered when filing a complaint on or about August 8, 2019.

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11. Leigh and Wasserman testified as to Leigh's efforts to have clients at Stonybrook Apartments comply with the gag order.

12. Leigh and Wasserman testified as to their involvement in the statement taken of Lugaro, and I also considered the testimony and evidence presented by The Florida Bar consistent with Leigh's testimony regarding his inappropriate involvement and correctness of his disqualification.

13. I considered Leigh's Ex. 14, an ethics opinion, and his explanation for disclosing to opposing counsels the statement taken of Lugaro.

14. Leigh testified as to his efforts regarding his social media compliance with the gag order and explained that he was not aware of the Stonybrook resident's press conference until it was already underway.

15. Leigh testified as to his belief that his motion to disqualify the judge was truthful.

16. Leigh and Wasserman testified as to positive developments from Leigh's representation in the case, namely several benefits to the residents of Stonybrook Apartments, including: Section 8 placements, effect of Notices to Cure in regards to government subsidies held payments to Stonybrook, creation of an evacuation plan for the residents, and free medical testing and treatment for some of the children living at Stonybrook Apartments.

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17. Both Leigh and Watson testified about their recent communications with the law firms involved in both litigations to arrange for payment of ordered fees and costs.

18. Leigh testified as to his recent completion of ethics courses.

19. In its case in chief the Bar asserts that Leigh has violated R. Regulating Fla. Bar 3-4.3 [The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive. . . .]; 4-1.1 [A lawyer must provide competent representation to a client.]; 4-3.1 [A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law.]; 4-3.4(c) [A lawyer must not knowingly disobey an obligation under the rules of a tribunal. . . .]; 4-3.6(a) [Prejudicial Extrajudicial Statements Prohibited. A lawyer shall not make extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.]; 4-4.2(a) [In representing a client, a

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lawyer must not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter. . . .]; 4-4.4(a) [In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person. . . .]; 4-8.4 (a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct] and R. Regulating Fla. Bar 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice. . . .].

Analysis

In my view of the facts of this case, as to Mr. Leigh, I see a young lawyer, who at the time of the events in question had been admitted approximately seven years when he became involved in the Stonybrook litigation. Leigh and his partner were doing their first litigation in this new areas of the law. I find that Leigh's conduct regarding Counts III through VI was the combination of lack of experience, unprofessional persistence fueled by emotion, and a level of frustration causing obfuscation. This finding is further reinforced by the fact that it is uncontroverted that Leigh has practiced in the areas of Family and Dependency competently and ethically for almost a decade.

Also on this issue, I considered the testimony of Leigh's character and fitness witnesses, Jess Manger and Dr. Anubha Agarwal, both Leigh's former clients. Manger and Agarwal testified that Leigh was professional,

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compassionate, respectful, and competent at all times during their representations. There is no evidence presented to this Court that, outside the two particular litigations before this Court, Leigh has failed to adhere to the ethics of the legal profession.

III. RECOMMENDATION AS TO VIOLATIONS OF THE RULES REGULATING THE FLORIDA BAR:

Pursuant to R. Regulating Fla. Bar 3-5.2(h)(2), and consistent with my findings as outlined above, I make findings of guilt as to the potential violation of all the rules referenced in the Bar's complaint.

IV. RECOMMENDATION TO THE FLORIDA SUPREME COURT:

Having found the Respondent guilty of the violations charged by the Bar I make a disciplinary recommendation. I specifically considered the four questions under Section 1.1 of the Standards for Imposing Lawyer Sanctions before recommending appropriate discipline: Duties violated; the lawyer's mental state; the potential or actual injury caused by the lawyer's misconduct; and the existence of aggravating and mitigating circumstances. I also gave great consideration to the comment under Section 1.1 of the Standards for Imposing Lawyer Sanctions outlining the three objectives for lawyer discipline: Judgment must be fair to society to protect the public but not to deny the public the services of a qualified lawyer; Judgment must be sufficient to

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punish and at the same encourage reformation and rehabilitation; and deterrence of others.

In considering all of the evidence in this proceeding, I recommend to the Florida Supreme Court a 91-day suspension followed by a 2-year probation, and that Leigh attends a practice and professionalism enhancement program. Also, as a condition of reinstatement, Respondent must pay all fees and costs imposed in any and all cases including this bar action.

A. Purpose and Programs which are recommended:

Pursuant to Rule 3-5.3(h), Rules Regulating The Florida Bar, I recommend that Respondent be required to successfully complete the following practice and professionalism enhancement programs:

- A. The Florida Bar's Professionalism Workshop; and
- B. The Florida Bar's Ethics School.

The programs are to be completed as a condition to filing for reinstatement.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD:

After making the foregoing findings, but prior to making my diversion recommendation, I considered the following personal history and prior disciplinary record of respondent, to wit:

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Age: 49

Date admitted to The Florida Bar: May 31, 2011

Prior disciplinary record: None.

**VI. AGGRAVATING AND MITIGATING
CIRCUMSTANCES**

Aggravating Factors

The Bar argued six aggravating factors from the Fla. Standards for Imposing Lawyer Sanctions (“Standard”); namely Standards 3.2(b) (2), (3), (4), (7), (9) and (10). I find the following:

As to Standard 3.2(b)(2) (dishonest or selfish motive), I find Leigh to not have engaged in dishonest or selfish motive in the Lungaro statement. In weighting this standard I also consider the fact that he represented all clients in both litigations *pro se*.

In Standard 3.2(b)(3) there is a requirement to find a “pattern of misconduct.” Leigh’s rule violations involve different conduct and, as such, I find there is a pattern.

I am finding Standard 3.2(b)(4) (multiple violations) in that I have found several rule violations.

I also fail to find Standard 3.2(b)(7) [refusal to acknowledge the wrongful nature of the conduct.] The Florida Bar read into the record dozens of admissions

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by Leigh owning his mistakes and taking responsibility for his conduct in prior proceedings. As explained above, considering Leigh's character and personality, I find his testimony emotional, remorseful, and apologetic as to his conduct.

I understand that at the time of the conduct in Count I of the complaint, Leigh had been a member of the Bar for approximately six years but also understand that this was his first foray (and now last) foray into federal district court and the underlying areas of the law in the litigations started on 2016 and 2017 respectively. I am not compelled that you can refer to Leigh as an experienced lawyer (nor will I accept as mitigation that he was an unexperienced lawyer). See Standard 3.2(b)(9).

Lastly, I note that at the time of trial no payments had been made against any of the monetary sanctions imposed against Leigh and the Watson & Leigh law firm. I therefore find that the Bar has established Standard 3.2(b)(10).

Mitigating Factors

I find that Leigh has established the following mitigating factors by clear and convincing evidence:

Standard 3.3(b)(1) (absence of a disciplinary record)
– At the time of the first events at issue Leigh was a six-year member of the Bar and is currently a twelve-year member of the Bar with no disciplinary sanction to date.

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Standard 3.3(b)(2) (absence of a dishonest or selfish motive) – The Court found credible Leigh’s testimony as to his legitimate concerns for his fellow teachers and the residents of Stonybrook Apartments. I found that he felt passionate and sincere empathy for all the clients and acted selflessly. I also considered the testimony of Wasserman describing the sincere and selfless concern shown by Leigh toward the residents as proven by Leigh’s numerous visits to the Stonybrook Apartments and the adversities he suffered during some of these visits.

Standard 3.3(b)(3) (personal or emotional problems) – I found Leigh’s initial testimony about his upbringing and personal struggles in life to be emotional, candid, and compelling. Leigh’s personal testimony in this Court’s opinion shed light on his personality traits and provided the Court with relevant insight as to Leigh’s personal drive and passions. Specifically, the Court notes that Leigh grew up in a military family confronting the unusual challenges of constant uprooting from their communities and the absence of a father due to military duties. The Court also notes Leigh’s testimony as to enduring emotional and physical abuse by his mother, which resulted in his leaving his home and family at the young age of thirteen. Leigh’s testimony regarding his early adulthood also left an impression on this Court, specifically: That Leigh had a devastating car accident that derailed his plan to be an athlete in Europe, his rehabilitation and loss of reading skills as a result of the accident, the circumstances of the murder of his girlfriend, the death of the mother of his young child, and two heart attacks – all endured

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by Leigh before reaching the age of thirty. The Court also notes that, as a result of the car accident, Leigh suffered from an undetected cyst that exploded in his head a decade later which developed into a brain tumor, required surgery. The above mentioned personal struggles, and their influence shaping Leigh's personal traits and character, both positive and negative, are important considerations to my resolution and were established by clear and convincing evidence. This Court finds particularly compelling that, considering Leigh's life challenges, he was able to muster the discipline and drive to fulfill his dream of becoming an attorney at a later stage in life.

Standard 3.3(b)(5) (cooperative attitude towards the proceeding). The evidence presented to this Court is that Leigh participated in good faith at all stages of the investigation. Leigh testified as to his many communications with prior bar counsel assigned to the case.

Standard 3.3(b)(6) (inexperience in the practice of law). I see Leigh as a young lawyer, who at the time of the initial events in question had been admitted approximately six and seven years when he became involved in the Palm Beach County Schools and Stonybrook litigations respectively. Leigh and his partner were doing their first litigation in this new areas of the law. I find that Leigh's conduct was, in part, due to lack of experience.

Standard 3.3(b)(7) (character or reputation). I heard from two character reference witnesses (former clients

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Jess Manger and Dr. Anubha Agarwal.) and each of these witnesses presented compelling evidence about Leigh's otherwise exemplary character. Their opinions were based on their personal observations of Leigh through their representations.

Standard 3.3(b)(9) (unreasonable delay in the disciplinary process) warrants discussion. At the time of trial in August of this year the grievances had been pending against Leigh for almost six and three years respectively. No evidence presented that Leigh has caused any delay whatsoever in this matter. It appears that Leigh responded promptly and by admitting to Minor Misconduct, tried to resolve the cases. There is also a large delay between the probable cause finding and the filing of a formal complaint, wherein Bar counsel simply explained the Bar was still investigating without explaining more or providing evidence of same.

The parties presented case law to me on the delay issue. See *Fla. Bar v. Alters*, 260 So. 3d 72 (Fla. 2018) (3-year delay with some of the delay attributable to Alters); *Fla. Bar v. Varner*, 992 So. 2d 224 (Fla. 2008) (4-year delay and Varner petitioned the court for extensions of time) and *Fla. Bar v. Wolf*, 930 So. 2d 574 (Fla. 2006) (2-year delay accepted as a mitigating factor). In *Wolf*, the Court specifically found the delay to be mitigating on these facts:

The check to Wolfs client bounced in October 2001. In May 2003, the Bar sent Wolf a letter seeking the production of certain documents.

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In August 2003, the Bar auditor completed a written report regarding the audits of Wolfs operating and trust accounts for various periods from January 2001 through December 2002. Nevertheless, the Bar did not file a complaint with the Court until July 2004. At that point, the Bar's complaint stated that Wolf had already been cooperating with the Bar. Thus, even though Wolf cooperated, his case was delayed for an extensive and detrimental period before the Bar filed the complaint. In light of Wolfs cooperation and his efforts to timely resolve the instant matters, *the Bar's unexplained delay in pursuing this case is a significant factor that affects the disciplinary sanction. Id. at 579-579 (emphasis added).*

I find *Wolf* to be more persuasive herein. As such I do find Standard 3.3(b)(9) applies herein but understand the Bar's argument about demonstrable harm (no witness was unavailable due to the delay but having this matter open for six years is unconscionable and not a diligent prosecution by the Bar). Also see *Fla. Bar v. Rubin*, 362 So. 2d. 12 (Fla. 1978).¹

1. "The Bar has consistently demanded that attorneys turn "square corners" in the conduct of their affairs. An accused attorney has a right to demand no less of the Bar when it musters its resources to prosecute for attorney misconduct. We have previously indicated that we too will demand responsible prosecution of errant attorneys, and that we will hold the Bar accountable for any failure to do so." *Rubin* at 16.

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Standard 3.3(b)(10) [interim rehabilitation]. The uncontroverted testimony is that Leigh has practiced ethically since the last events in 2020. Leigh testified that he only practices in his areas of competence and that Watson became the managing partner in the current version of their law firm and that is a substantial change from 2017.

Standard 3.3(b)(12) (remorse). Leigh provided emotional testimony as to remorse and his desire to abide by the rules and any conditions mandated by this Court.

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

I find the following reasonable costs have been incurred by The Florida Bar:

1.	Administrative Costs	\$1,250.00
2.	Bar Counsel Costs	\$ 118.42
3.	Court Reporter Costs	\$2,036.25
4.	Investigative Costs	\$ 189.75
	TOTAL COST DUE	\$3,594.42

It is recommended that all such costs and expenses, delineated above, be charged to petitioner, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment of this case becomes final, unless otherwise deferred by the Board of Governors of The Florida Bar.

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DONE AND ORDERED at Hollywood, Broward
County, Florida, this 10 day of October 2023.

/s/Allison Gilman
Honorable Allison Gilman
County Court Judge & Referee

**APPENDIX C — CONSTITUTIONAL AND
STATUTORY PROVISIONS INVOLVED**

**CONSTITUTIONAL AND
STATUTORY PROVISIONS INVOLVED**

U.S. CONST. AMEND. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONST. AMEND. XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation.

U.S. CONST. AMEND. XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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Florida Bar Rules Allegedly Violated:

**RULE 3-4.3 MISCONDUCT
AND MINOR MISCONDUCT**

The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside Florida and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

**RULE 4-1.7 CONFLICT OF INTEREST;
CURRENT CLIENTS**

(a) Representing Adverse Interests. Except as provided in subdivision (b) a lawyer must not represent a client if:

- (1) the representation of 1 client will be directly adverse to another client; or
- (2) there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Informed Consent. Notwithstanding the existence of a conflict of interest under subdivision (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

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- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing or clearly stated on the record at a hearing.

(c) **Explanation to Clients.** When representation of multiple clients in a single matter is undertaken, the consultation must include an explanation of the implications of the common representation and the advantages and risks involved.

(d) **Lawyers Related by Blood, Adoption, or Marriage.** A lawyer related by blood, adoption, or marriage to another lawyer as parent, child, sibling, or spouse must not represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except with the client's informed consent, confirmed in writing or clearly stated on the record at a hearing.

(e) **Representation of Insureds.** Upon undertaking the representation of an insured client at the expense of the insurer, a lawyer has a duty to ascertain whether the lawyer will be representing both the insurer and the insured as clients, or only the insured, and to inform both the insured and the insurer regarding the scope of the representation. All other Rules Regulating The Florida Bar related to conflicts of interest apply to the representation as they would in any other situation.

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**RULE 4-3.1 MERITORIOUS
CLAIMS AND CONTENTIONS**

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

RULE 4-3.3 CANDOR TOWARD THE TRIBUNAL

(a) False Evidence; Duty to Disclose. A lawyer shall not

Knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- (2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;
- (3) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

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(4) offer evidence that the lawyer knows to be false. A lawyer may not offer testimony that the lawyer knows to be false in the form of a narrative unless so ordered by the tribunal. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.

(b) Criminal or Fraudulent Conduct. A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) Ex Parte Proceedings. In an ex parte proceeding a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

(d) Extent of Lawyer's Duties. The duties stated in this rule continue beyond the conclusion of the proceeding and apply even if compliance requires disclosure of information otherwise protected by rule 4-1.6.

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**RULE 4-3.4 FAIRNESS TO
OPPOSING PARTY AND COUNSEL**

A lawyer must not:

- (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

**RULE 4-3.5 IMPARTIALITY AND
DECORUM OF THE TRIBUNAL**

- (d) Communication With Jurors. A lawyer shall not:
 - (2) during the trial of a case with which the lawyer is connected, communicate or cause another to communicate with any member of the jury;

RULE 4-3.6 TRIAL PUBLICITY

- (a) Prejudicial Extrajudicial Statements Prohibited. A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.

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**RULE 4-4.2 COMMUNICATION WITH
PERSON REPRESENTED BY COUNSEL**

(a) In representing a client, a lawyer must not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer. Notwithstanding the foregoing, a lawyer may, without such prior consent, communicate with another's client to meet the requirements of any court rule, statute or contract requiring notice or service of process directly on a person, in which event the communication is strictly restricted to that required by the court rule, statute or contract, and a copy must be provided to the person's lawyer.

**RULE 4-4.4 RESPECT FOR
RIGHTS OF THIRD PERSONS**

(a) In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person.

RULE 4-8.2 JUDICIAL AND LEGAL OFFICIALS

(a) **Impugning Qualifications and Integrity of Judges or Other Officers.** A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard

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as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

RULE 4-8.4 MISCONDUCT

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule;

(d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on

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any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;

**APPENDIX D — ANSWER EXCERPTS
OF THE SUPREME COURT OF FLORIDA**

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

Supreme Court Case
No. SC23-0518
The Florida Bar File Nos. 2017-50,987 (15F);
2018-50,286 (15F); and 2020-50,322 (15C)

THE FLORIDA BAR,

Complainant,

vs.

MALIK LEIGH,

Respondent.

**SECOND AMENDED ANSWER
& AFFIRMATIVE DEFENSES**

1. Admitted.
2. Admitted in part in so far as practicing in Palm Beach in addition to other counties in Florida.
3. Defendant can neither confirm nor deny the allegations in Paragraph 3, therefore it is denied.

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COUNT I

4. Admitted in part in so far as Respondent represented himself and representation included a co-counsel.
5. Admitted in part in so far as Respondent represented himself and representation included a co-counsel.

* * *

178. Denied.

COUNT VI

179. Admitted as to the Filing of an Appeal.
180. Admitted.
181. Admitted.
182. Denied.
183. Can neither confirm nor deny this Order, Respondent has never seen this Order.
184. Denied.
185. Denied.

AFFIRMATIVE DEFENSES TO COUNT I

First Affirmative defense to Count I is that some of the posts attached as exhibits in pages 001 through 020

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are not true and accurate representations of the posts under investigation. Specifically, Respondent states that the headings and locations of the posts in social media have been altered and are therefore misleading. The true location of the posts specifically affect the violations alleged since the Complaint in paragraph 8 incorrectly states Respondent used his law firm account and following paragraphs characterize personal posts unrelated to any cases as “unprofessional.” Respondent is entitled to personal opinions and is protected by the Constitution.

Second Affirmative defense to Count I COMP.Ex 1, 014, is a personal post about the Trump Era “Muslim Ban” which began around February 2017. The Respondent is Muslim and took personal offense to the public support. The “Mass Extinction Event” was from the movie “Deep Impact” and from Respondent’s religious teachings when growing up (Noah’s flood). Respondent is entitled to personal opinions and is protected by the Constitution.

Third Affirmative defense to Count I Comp. Ex 1, 016, Respondent has no relationship with his parents. Respondent’s Mother attempted to kill his siblings and has had personal animosity since. This was neither directed to nor related to any litigants. Respondent is entitled to personal opinions and is protected by the Constitution.

Fourth Affirmative defense to Count I, Comp. Ex 1, 018, 019, and 020, were personal posts unrelated to cases and not connected to the practice of law. Specifically, 020, was a personal post made by Respondent while watching a football (soccer) match and purely a reference to a position

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player. This is something thousands of people do while watching the match together; make funny gif posts trying to up the others. It was not intended to literally shoot or harm anyone. Respondent is entitled to personal opinions and is protected by the Constitution.

Fifth Affirmative Defense to Count I, the Order addressed in paragraphs 15 and 16 of the complaint from the Federal Court Judges were based, in part, upon nearly 200 personal social media posts submitted by the Defendants, the vast majority were over a period of 2 years prior to any litigation, were personal, and were wholly unrelated to the practice of law. Respondent is entitled to personal opinions and is protected by the Constitution.

Sixth Affirmative Defense to Count I, the Respondent asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4-3.6(a) stating “if the lawyer knows or reasonably should know,” and 4-8.4(d)] stating that “to knowingly . . . disparage, humiliate. . .) are intent rules and as a predicate and therefore there must be clear and convincing evidence that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

Seventh Affirmative Defense to Count I, the Respondent asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4-3.6(a), 4-8.4(a) and 4-8.4(d) require a nexus to the practice of law. Personal statements unrelated to cases are not in connection with the practice of law. Respondent is entitled to personal opinions and is protected by the Constitution.

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Eight Affirmative Defense to Count I, the newly discovered fact that the posts attached as exhibits in pages 001 through 020 are not true and accurate representations of the posts under investigation raises Respondent's assertion that this action should be barred pursuant to the doctrine of laches. A suit is held to be barred on the ground of laches where the following appear: (1) Conduct on the part of the defendant, or one under whom he claims, giving rise to the situation of which complaint is raised; (2) delay in asserting the claimant's rights, the complainant having had knowledge or notice of the defendant's conduct and having been afforded an opportunity to institute the suit; (3) lack of knowledge or notice on the part of the defendant that the complainant would assert the right on which he bases his suit; and (4) injury or prejudice to the defendant in the event relief is accorded to the complainant. 21 Fla.Jur. Limitation of Actions, Section 94. The Courts of Florida have held these elements necessary to constitute laches. *Niagara Fire Insurance Co. v. Allied Electrical Co.*, 319 So.2d 594 (Fla. 3rd DCA 1975); *Winston v. Dura-Tred Corp.*, 268 So.2d 426 (Fla. 3rd DCA 1972); *Blumin v. Ellis*, 186 So.2d 286 (Fla. 2nd DCA 1966); and *Van Meter v. Kelsey*, 91 So.2d 327 (Fla. 1956). The Respondent asserts that the unavailability of the unaltered original posts result in injury and/or prejudice to the Respondent.

AFFIRMATIVE DEFENSES TO COUNT II

Affirmative Defense to Count II, the Respondent lacked experience in federal practice and asserts that rule violation cited by The Florida Bar [R. Regulating Fla.

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Bar 4-8.4(d)] is an intent rule and therefore must be clear and convincing evidence that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

AFFIRMATIVE DEFENSES TO COUNT III

Affirmative Defense to Count III the Respondent asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4-3.4(c), 4-3.6(a), 4-8.4(a)] are intent rules and therefore there must be clear and convincing evidence that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

AFFIRMATIVE DEFENSES TO COUNT IV

Affirmative Defense to Count IV, the Respondent asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4- 3.4(c), 4-3.6(a) and 4-8.4(a)] are intent rules and therefore there must be clear and convincing evidence that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

AFFIRMATIVE DEFENSES TO COUNT V

Affirmative Defense to Count V, the Respondent lacked experience in this area of the law and asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4-4.2(a), 4-4.4(a), 4-8.4(a) and 4-8.4(d)] are intent rules and therefore there must be clear and convincing evidence

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that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

AFFIRMATIVE DEFENSES TO COUNT VI

Affirmative Defense to Count VI, the Respondent asserts that rule violations cited by The Florida Bar [R. Regulating Fla. Bar 4-8.2(a) and 8.4(a) are intent rules and therefore there must be clear and convincing evidence that the Respondent “knowingly” engaged in the conduct that allegedly violated such rules and that the Bar will be unable to meet this burden.

As a Final Affirmative Defense to All Counts in the Complaint, the Respondent asserts that the allegations and factual conclusions referenced by the Bar in its complaint cannot be accepted as conclusive proof of the matters referenced therein and that the Bar must prove each and every allegation by clear and convincing evidence. See for example *The Florida Bar v. Calvo*, 630 So. 2d 548 (Fla. 1993); *The Florida Bar v. Vining*, 707 So. 2d 670 (Fla. 1998).

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