

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA

IN RE: THE REQUEST FOR SUBSTITUTION
OF COUNSEL IN TITLE IV-D CASES

REF. NO.: ~~AB~~ ^{AA} 96007 CFANO

ORDER TO SHOW CAUSE

THIS CAUSE came before the court at the request of the Florida Office of Attorney General (OAG). On June 10, 2011, M. Malinda Ottinger, Assistant Attorney General, informed court staff via email that, beginning July 1, 2011, the Office of Steven P. Johnson, Esquire, would no longer represent the Department of Revenue in any Title IV-D cases and that the OAG would thereafter be counsel of record for all Title IV-D cases, including those previously assigned to Mr. Johnson as conflict counsel. Ms. Ottinger suggested that this court enter an Administrative Order recognizing substitution of counsel in all cases, including those with no current judicial activity. This court is concerned about the possible ethical implications of a request for an administrative order permitting the OAG to serve as counsel in cases where the OAG has already identified a conflict of interest and conflict counsel was appointed.

Accordingly, it is hereby

ORDERED AND ADJUDGED that the **OFFICE OF THE ATTORNEY GENERAL** and a representative from the **DEPARTMENT OF REVENUE** shall appear in person on **Thursday, July 7, 2011, at 10:00 a.m., in Courtroom 1 of the Criminal Justice Center, 14250 49th St. North Clearwater, FL 33762.** The Office of the Attorney General shall be prepared to address the court's concerns about the ethical implication of the proposed substitution of counsel. Specifically, the Office of Attorney General shall bring to the hearing copies of any authority for the substitution of counsel in cases where a conflict with the prospective counsel has already been identified, as well as copies of any authority on how substitution of counsel in these circumstances is permitted by the Rules Regulating the Florida Bar. The Office of Attorney General shall also provide in writing to the court the total number of cases in which substitution of counsel is requested.

The court requests that a representative of the Florida Bar Association appear at the hearing to address the court's ethical concerns.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of June, 2011. A copy of the foregoing has been furnished to M. Malinda Ottinger, Assistant Attorney General, Child Support Enforcement Bureau, by electronic mail to Malinda.Ottinger@myfloridalegal.com and by U.S. Mail to P.O. Box 3342, St. Petersburg, FL 33731; and by U.S. Mail to Rosemary O'Neil, Regional Manager, Region 3, Department of Revenue, Child Support Enforcement, 5050 West Tennessee Street, Tallahassee, FL 32399-0100; to Ed Doyle, Supervisor, Department of Revenue, by Facsimile at 727-507-6059 and by U.S. Mail to 19361 U.S. Hwy 19 North, Clearwater, FL 33764; and by U.S. Mail or Interoffice Mail to the persons/offices named below.

TRUE COPY
Original Signed

JUN 30 2011

J. THOMAS McGRADY
J. Thomas McGrady, Chief Judge

cc: The Honorable Bob Dillinger, Public Defender
The Honorable Bernie McCabe, State Attorney
The Honorable Ken Burke, Pinellas Clerk of the Circuit Court
The Honorable Paula S. O'Neil, Pasco Clerk of the Circuit Court
Steven Paul Johnson, Esquire
Florida Bar Association, Department of Lawyer Regulation
Donna Rasmussen, Director, Guardian ad Litem Program