



The Florida Bar

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Joshua E. Doyle
Executive Director

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December 4, 2024

Mr. Adam M. Costello DOC #B16188
Charlotte Correctional Institution
33123 Oil Well Road
Punta Gorda, FL 33955

Re: Ty G. Roland; The Florida Bar File No. 25-2532

Dear Mr. Costello:

Pursuant to your request for review, the above-referenced matter was assigned to me for review in my capacity as Director of ACAP. I am writing to inform you of my decision in light of my review of the file.

In order to have a clear understanding of the disciplinary process, it is helpful to understand the substantial level of evidence necessary to carry the Bar's burden of proof in discipline cases brought before the Supreme Court of Florida. One of the considerations Bar Counsel must weigh in deciding whether to close a file or proceed further to seek disciplinary measures is the weight of the available evidence. If the Bar seeks to discipline the lawyer, it is required by Supreme Court ruling to show, by "clear and convincing" evidence that there has been a violation of one or more of the Rules Regulating The Florida Bar. Clear and convincing evidence has been defined as "evidence so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." This burden of proof is heavier than the burden of proof required in an ordinary civil trial.

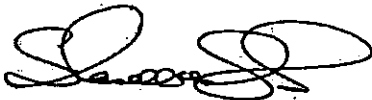
Given your objection to the closure of the file by Bar Counsel, I have reviewed all of your submissions in this matter. In addition, I reviewed the criminal case file in Lee County Case No.: 2016-CF-371 where you were charged with leaving the scene of an accident with a death and tampering or fabricating physical evidence. You contend that Mr. Roland sent letters to you threatening to file suit for a wrongful death civil claim. Ultimately, your insurance company paid \$250,000 to the victim's family *prior to your conviction*. Your criminal plea was entered on March 12, 2018. You filed the instant grievance against Mr. Roland on September 3, 2024. If Mr. Roland's conduct occurred prior to your conviction, such conduct must have occurred prior to March 12, 2018, which is over six years ago. Thus, the matter is time barred under Rule 3-7.16, Rules of Discipline.

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In addition to the time bar, the matters about which you complain are not within the purview of the discipline system. There are many reasons why an insurance company may elect to settle a case, especially an accident involving a death. Based upon a review of the information you provided, there is insufficient evidence that Mr. Roland violated the Rules Regulating The Florida Bar by demanding a wrongful death insurance settlement.

I have carefully considered all of the information contained within the file, and I have concluded that the decision of Bar Counsel to close this file was appropriate. In accordance with the foregoing, the file remains closed and will be disposed of one year from closure pursuant to the Bar's record retention policy.

Sincerely,



Shanell M. Schuyler
Director of Intake

cc: Mr. Ty G. Roland