



## The Florida Bar

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Executive Director

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September 25, 2024

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

Re: Ty G Roland; RFA# 25-2532

Dear Mr. Costello:

You have requested review of the decision by Bar Counsel to close your Request for Assistance. Review of closed RFAs are subject to the provisions contained in a policy adopted by the board of governors. A copy of the policy is attached. Pursuant to this policy the Director of the Bar's Attorney Consumer Assistance Program (ACAP) will review this file and decide if closure was appropriate. You will be notified of this decision in writing.

Each of these reviews may take as long as 60 days to complete. We thank you for your understanding and patience.

Sincerely,

Richard Coombs, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

cc: Ty G Roland (w/enclosure)

## **15.75 Review of Closed Inquiries and Disciplinary Complaints**

- (a) Purpose. This policy codifies procedures and policies regarding review of closed inquiries and disciplinary cases by staff and grievance committees when review is requested by a complaining witness or other interested person. This is a procedure to review a decision of closure and not a formal, appellate process. It is a process to determine if an investigation will be reopened and not a process by which the issues within an inquiry or disciplinary case are resolved. As such, it is not intended to be formal in content or rigid in its requirements.
- (b) Authority.
- (1) Bar Counsel.
- (A) Inquiry. Bar counsel may decline to pursue an inquiry if the facts, if proven, would not constitute a violation of the Rules Regulating The Florida Bar that warrants discipline.
- (B) Disciplinary Case. Bar counsel may dismiss a disciplinary case if bar counsel determines the facts show that the respondent did not violate applicable rules or if bar counsel determines that insufficient proof exists to sustain a violation.
- (C) Grievance Committee Action. Bar counsel has no authority to overturn or appeal the actions of a grievance committee. Staff may recommend to the designated reviewer that the grievance committee's actions be reviewed.
- (2) Grievance Committee. A grievance committee may terminate an investigation by finding that no probable cause exists to believe that the respondent has violated applicable rules, or that some cause exists to believe that the respondent has violated applicable rules but further disciplinary proceedings are not warranted.
- (3) Designated Reviewer. The designated reviewer is authorized to review all final actions of the committee and recommend review to the Disciplinary Review Committee ("DRC") of the Board of Governors.
- (4) Disciplinary Review Committee. The DRC has authority under the terms of this policy to review the actions of a grievance committee when referred by a designated reviewer in writing.
- (5) Board of Governors. The board of governors has authority to review the recommendation of the DRC and to take final action on the recommendation.
- (c) Procedure for Review of Inquiries and Discipline Cases Closed by Bar Counsel.
- (1) Chief Branch Discipline Counsel or Intake Director Review. If a challenge is made to a decision by bar counsel to close an inquiry or discipline case at staff

level, the matter will be reviewed by the chief branch discipline counsel (CBDC) or intake director. The CBDC or intake director may:

- (A) agree with the closure; or
- (B) reopen the matter for further investigation; or
- (C) forward the matter to the grievance committee for further action.

(2) **Grievance Committee Chair Review.** Continued challenges to CBDC or intake director closure of an inquiry or discipline case will be referred to the chair of the grievance committee to which the file would have been assigned if it had been opened. The chair of the committee may:

- (A) agree with the closure; or
- (B) schedule the matter for consideration by the full grievance committee; or
- (C) disagree with the closure and schedule the matter for consideration by the full grievance committee.

(3) **Grievance Committee Review.** The full grievance committee may:

- (A) agree with the closure; or
- (B) direct that the matter be reopened for further investigation at grievance committee level.

(d) **Procedure for Review of Discipline Cases Closed by Grievance Committee.**

(1) **Designated Reviewer.** The designated reviewer (DR) shall review all actions taken by the grievance committee regarding closure of an inquiry or discipline case. If the DR has not notified bar counsel in writing of the DR's decision after review within 30 days of notice of the grievance committee closure, this discipline case shall remain closed. The DR may:

- (A) agree with the closure; or
- (B) refer the matter to the Disciplinary Review Committee (DRC) by notifying bar counsel in writing. Such written notification may be by letter, facsimile or email; or
- (C) refer the matter back to the grievance committee for reconsideration by notifying bar counsel in writing as set forth elsewhere in this rule.

(2) **Disciplinary Review Committee.** Cases referred to the DRC by the DR shall be placed on the agenda of the DRC and the DRC will make a recommendation to the board of governors. The recommendation may:

- (A) agree with closure; or
  - (B) request that the case be reopened for further investigation by the grievance committee; or
  - (C) recommend any other action authorized under subchapter 3-7, Rules Regulating The Florida Bar.
- (3) Board of Governors. The board of governors shall make a decision after considering the DRC recommendation. A decision of the board agreeing with closure shall preclude further action on the case except as set forth in subchapter 3-7, Rules Regulating The Florida Bar.
- (e) Effective Period. The closure of the inquiry or case shall remain in effect while the matter is under review.
  - (f) Notice of Action. Bar counsel shall inform the complaining witness, respondent or respondent's counsel of actions taken or decisions made at each level of review.

7/11/11