

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

EDWARD JUAN LYNUM,

Respondent.

Supreme Court Case  
No. SC20-746

The Florida Bar File Nos.  
2020-30,020 (18A);  
2020-30,050 (18A);  
2020-30,252 (18A)

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**REPORT OF REFEREE**

**I. SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On May 28, 2020, The Florida Bar filed its Complaint against respondent in these proceedings. Thereafter, respondent failed to participate in this disciplinary matter. Respondent failed to file an Answer to the Bar's Complaint and a default was granted finding respondent guilty of the Rules Regulating The Florida Bar as alleged in the Complaint.

On September 30, 2020, a sanction hearing was held in this matter. The Florida Bar presented its argument for disbarment. Although a default was entered, the Bar presented supporting evidence to show that respondent violated the rules

alleged in its Complaint.

The Florida Bar presented testimony from the following witnesses: The Honorable Michelle T. Morley, Circuit Judge, Fifth Judicial Circuit and Attorney J. J. Dahl. The Florida Bar also entered Exhibits “A” – “ZZ” into evidence. Respondent failed to appear at the sanction hearing on September 30, 2020, despite proper notice and Respondent did not present any evidence or exhibits.

All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

## II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

### Narrative Summary of Case.

#### **COUNT I** **TFB File No. 2020-30,020 (18A)**

1. Respondent is the petitioner in his dissolution of marriage matter, Lynum v. Killion, Case No. 2016-DR-136, in the Circuit Court of the Fifth Judicial Circuit in and for Sumter County, Florida.

2. During the dissolution and child custody proceedings, Respondent has publicly targeted several judges and attorneys associated with the proceedings in a

variety of disparaging social media and email attacks designed to impugn the qualifications of the judiciary. These targeted attacks occurred after the Complaint against Respondent was filed in Supreme Court Case SC19-745 for similar conduct.

3. Respondent has also filed lawsuits and made repeated threats of lawsuits and/or violence against opposing counsel and several judges.

4. Respondent's Facebook account is publicly accessible, and it identifies Respondent as "Self-Employed at Lynum & Associates, PLLC" and as an "Appellate Attorney at Juris Scholar Foundation, Inc."

5. The Florida Bar began investigating Respondent's Facebook postings on or about July 16, 2019, after the bar became aware that Respondent was making disparaging statements about Sumter County Circuit Judge Michelle T. Morley on Facebook.

6. Judge Morley initially presided over Respondent's dissolution matter but ultimately recused herself. Respondent has previously sued Judge Morley in federal court due to Respondent's belief that Judge Morley mishandled the case.

7. In one July 2019 Facebook post, Respondent stated the following:

Defendant MICHELLE T. MORLEY is a jurist who fabricates evidence. She tried to criminalize me with lies about drugs and controlled substances. She's worse than a dirty cop who plants drugs to criminalize black men. RESIGN MICHELLE, before you are removed from office. You're a dirty stain in our clean SUMTER COUNTY. We

love humanity here.

8. On or about July 24, 2019, The Florida Bar sent Respondent a letter quoting his Facebook posts and requesting that he provide a response under the provisions of Rule 4-8.4(g).

9. In his response of August 7, 2019, to The Florida Bar, Respondent defended his “First Amendment rights to publish 'truthful' statements on [his] 'private' Facebook.”

10. Even though Respondent was placed on notice that his conduct was of serious concern to the bar and that it was being investigated, Respondent's conduct only intensified.

11. On or about October 22, 2019, respondent posted the following outrageous statement to his public Facebook page: “Please pray for my daughter and Daniel Merritt Sr. who has sodomized her for 4 months. Coward and sick judge who likes little girls.”

12. Judge Daniel B. Merritt, Sr. was the judge assigned to Respondent’s dissolution of marriage case at the time of the October 22, 2019, posting.

13. In addition to his Facebook posts, Respondent authored highly offensive and threatening blog posts concerning the judiciary. Respondent publishes a blog on the website, jurisgenus.com. Respondent lists numerous hashtags on the website, including "#edward.lynum."

14. On or about October 19, 2019, Respondent published a disparaging and offensive blog post concerning Judge Morley, titled "Unindicted Morley, JQC Fear or Cover-Up? JQC fears Michelle Morley Won't Investigate." In addition to commentary, Respondent posted a picture of Judge Morley.

15. In the October 19, 2019 blog, Respondent made the following statements concerning Judge Morley:

Michelle Theresa Morley is an un-indicted criminal who happens to also be a Florida circuit judge.

Now as vice-chair of the commission, Morley's been able to protect herself and her colleagues in Sumter County, Florida from criminal investigation.

Her reputation now is a judge who fabricates evidence and fabricates the evidence in red font, so it screams pagan witchcraft. Her decision to fabricate evidence in red-font screams 'I am Satan' in white people's words.

So, the issue now is making the public aware of the cult of her actions and of those who protect her. . . . And now I must sue the Judicial Qualifications Commission and Fifth Judicial Circuit while launching a campaign to impeach Michelle Theresa Morley in the Florida legislature.

The fast-track to hell is believing there's a superior race and acting out on those ambitions. . . . Every decent person on earth is astonished with your open and notorious display of evil, Michelle T. Morley.

16. On or about October 20, 2019, Respondent published a disparaging and offensive blog post concerning Judge Daniel B. Merritt Sr., who was the judge assigned to respondent's dissolution case at the time. The blog is titled, "Daniel B.

Merritt, LGBTQ and Pedophilia.” In addition to commentary, respondent posted a picture of Judge Merritt.

17. In the October 20, 2019 blog, Respondent made the following statements concerning Judge Merritt:

Judges like Daniel B. Merritt have weaponized their judicial power for evil that appear racist to minorities. I don't and won't call it racism because it trivializes and distracts from his objective criminal behavior and practice of witchcraft.

Daniel Merritt denied a motion for his recusal which the appellate court affirmed without reason, along with a satanic order that creates a child that doesn't exist in Miami. A fabrication only made by people who practice witchcraft. An abomination against God. All this satanic behavior to make me scream or go crazy, experts say. Even the experts have never seen behavior that's more sadistic. Their only fear is that it's coming from circuit judges.

I don't care that these judges act like a mafia of thugs and hooligans to distract my run to be the first elected black judge of Florida's Fifth Judicial Circuit. I don't care Daniel Merritt, Sr. shows he's hell bent to preside over my case by denying motions to recuse. I care that he commits abominations against a helpless and innocent eight-year-old black girl who'll spend the remainder of her life resolving her mother's hate and the fact only her father tried to defend her from court-ordered abominations while others watched. May these people be released from the wickedness of their ways, I pray.

18. Since July 2019, Respondent has also engaged in an escalating pattern of harassing conduct toward opposing attorneys, especially J.J. Dahl, counsel for

Respondent's former wife.

19. Respondent has personally sued Ms. Dahl, posted egregious and disparaging comments about Ms. Dahl on Facebook, and has sent numerous disturbing and threatening emails and/or posts to, or about, Ms. Dahl. Ms. Dahl testified that Respondent posted about her personal residential address and that he was “coming to [her] house”. She further testified that Respondent’s posts included threats of violence including threats to bomb the Sumter County Courthouse and to bomb Ms. Dahl and her client (Respondent’s Former Wife). Finally, Ms. Dahl testified that Respondent has made posts including violent images such as guns, fires, riots, has referred to her as a “Nazi”, and has posted suggestions that someone kill the “Clermont lawyer who wears a ‘What Would Jesus Do’ bracelet”, referring to Ms. Dahl.

20. Respondent has also sent harassing emails to Judge Morley and other court personnel. For example, on August 16, 2019, respondent sent an email to two court employees, with a copy to Judge Morley, that contained troubling statements, including the following:

I wouldn't want to hear the harm I caused an innocent little girl, so I don't expect Judge Merritt to ever do the right thing. He should recuse himself. Politicians are now taking interests and are having me file new JQC complaints and another against Morley. My guess is it will get the attention it deserves this second time and the attention you all seemingly want publicized for your roles in it.

21. Continuing to the time of the sanction hearing in this matter, respondent has engaged in a pattern of posting disparaging comments on Facebook in which he attacks and/or threatens, with violence, the judiciary, opposing counsel, and other parties involved in the dissolution proceedings. The Bar presented an overwhelming number of social media posts to demonstrate this pattern of behavior. Due to time and space limitations, the majority of those posts cannot be re-published here. However, for a sample of the nature of the types of posts made by Respondent, please see Exhibit LL, in which Respondent refers to Judge Morley as a “dumb, satanic slut”, refers to Bar counsel as a worthless and inept satanic slut and opines that the Chief Justice of the Florida Supreme Court and the Florida Bar should be executed for tolerating hate crimes, witchcraft, and domestic terrorism for Donald Trump. See also, Exhibit MM, in which Respondent posts that Judge Morley and Judge Merritt “can’t hide from my almighty God’s vengeance; Like David, I will kill Goliath and hold up his bloodied and severed head with a smile on my face”. Respondent closes that post with the following hash tag: “#BushNiggaz”. Finally, see Exhibit QQ where Respondent states that Judge Morley (and others) have “given patriots who’ve put it all on the line domestic targets with a mission to kill them for being satanic domestic terrorists; it’s not murder when patriots take up arms to defend God’s land and people. . . “. There are many, many more disturbing posts made by Respondent



that were introduced by the Bar into evidence. These are just three examples of many.

22. Respondent has failed to provide any valid basis to show that his disparaging statements are based upon truth.

**COUNT II**  
**TFB File No. 2020-30,050 (18A)**

23. Respondent failed to comply with court orders in his dissolution of marriage proceeding, Lynum v. Killion, Case No. 2016-DR-136, in the Circuit Court of the Fifth Judicial Circuit in and for Sumter County, Florida.

24. Respondent stopped returning the couple's child after timesharing on three occasions, requiring multiple Emergency Motions for Child Pick Up.

25. In the July 10, 2019 Order on Mother's Amended Verified Emergency Motion to Temporarily Suspend Timesharing and Substitute Supervised Timesharing, Judge Merritt made findings as to respondent's failure to comply with court orders, including the following specific findings:

"The Father, despite being an attorney, has demonstrated continued and willful noncompliance with the Relocation Order." (Order, paragraph 24).

"The Father, despite being an attorney, has demonstrated continued and repeated disregard of the prior Motions and Orders for the Return of the Minor Child." (Order, paragraph 25).

26. Respondent also made assertions that appear to disparage and impugn

the judiciary in multiple motions to disqualify trial judges in his dissolution matter.

27. In Respondent's bar response dated August 27, 2019, he defended his conduct concerning these allegations by stating that he is "a moral Christian following God's law, not man's."

28. Rather than addressing the serious allegations against him, Respondent continued to impugn the judiciary in his response to the bar, stating:

Your assertions that I disparage and/or impugn the judiciary is an immoral assertion when you know the judge has disparaged himself, his family, the judiciary, and The Florida Bar with prejudgment leading to fabrication of evidence on top of a SATANIC August 13, 2018 order rendered by Michelle T. Morley.

My moral conscious as a citizen and as a member of The Florida Bar will neither be deterred from highlighting your harassment nor the crimes committed by these evidence fabricating judges.

29. Respondent has failed to provide any valid basis to show that his disparaging statements are based upon truth.

**COUNT III**  
**TFB File No. 2020-30,252 (18A)**

30. Respondent filed a federal suit against Judge Michelle T. Morley and Judge Daniel B. Merritt Sr., Lynum v. Morley, et al., Case No. 5:19-cv-00322-CEM-PRL, in the Ocala Division of the Middle District of Florida.

31. On August 7, 2019, the court dismissed the case for failure "to allege a cognizable cause of action within the Court's limited jurisdiction." The court also

found that Respondent's claims for damages were barred by absolute judicial immunity.

32. Respondent also filed a federal suit against his former wife and her counsel, Lynum v. Killion, et al., Case No. 8:19-cv-1636-T-23TGW, in the Tampa Division of the Middle District of Florida.

33. On October 4, 2019, the court dismissed the case for lack of subject matter jurisdiction and for failure to state a claim.

34. In its October 4, 2019 Order, the court made the following findings:

The obvious inability to enjoin a pending state family court proceeding, the startling frivolity of the claim for money damages, the bizarre readiness to accuse judges and litigation adversaries of criminality and conspiracy, the baseless designation as an “emergency” of the request for an injunction against a year-old order, and the patent disregard of the Federal Rules of Civil Procedure and the Local Rules suggest that Lynum — a member of the Florida Bar — either (1) failed to conduct rudimentary research about the validity of Lynum’s contentions in this action and the Orlando action or (2) knew that the claims lacked merit but sued in bad faith to vex adversaries (both perceived and real) and frustrate the family court proceedings. (Order, page 8).

### III. RECOMMENDATIONS AS TO GUILT.

I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar as proven by clear and convincing evidence:

#### **COUNT I** **TFB File No. 2020-30,020 (18A)**

Oath of Admission to The Florida Bar: "I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

3-4.2 Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.

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 nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.

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, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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, 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.

**COUNT II**  
**TFB File No. 2020-30,050 (18A)**

Oath of Admission to The Florida Bar: "I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

3-4.2 Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.

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 nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.

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, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office

4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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, 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.

### **COUNT III**

#### **TFB File No. 2020-30,252 (18A)**

Oath of Admission to The Florida Bar: "I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the



justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

3-4.2 Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.

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.

4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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, 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.

#### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

The following aggravating factors are relevant in this matter:

- A. Prior disciplinary offenses – Respondent was recently suspended twice for similar misconduct [3.2(b)(1)].
- B. Dishonest or selfish motive – Respondent’s misconduct in these matters was aimed at gaining an advantage in the litigation as well as attempting to harm others [3.2(b)(2)];
- C. A pattern of misconduct/multiple offenses – This matter involves three separate bar grievances regarding respondent’s pattern of misconduct as well as Respondent’s continued, and escalating pattern of unprofessional conduct during the bar proceedings [3.2(b)(3) and 3.2(b)(4)];
- D. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency – Respondent failed to appear for his scheduled sworn statement, failed to appear for scheduled court appearances, and failed to respond to the Bar’s Complaint and discovery requests. Evidence presented by the Bar establishes that Respondent had actual knowledge of these proceedings but that he willfully chose not to participate in them. See, e.g. Exhibit MM in which Respondent posts, “I don’t think the Florida Bar understands that I won’t be returning even if they purge the satanic hooligans they call judges”. Respondent’s conduct demonstrates that he is not willing to fully comply with the requirements of Bar membership [3.2(b)(5)];

E. Refusal to acknowledge wrongful nature of conduct – Respondent has failed to express remorse for his misconduct in the underlying cases, and he further escalated his pattern of unprofessional behavior and further disparaged and threatened violence against the judiciary and other parties from the underlying matters during the Bar proceedings [3.2(b)(7)]; and,

F. Substantial experience in the practice of law – Respondent is an experienced attorney (admitted in 2005) who should be familiar with the Rules Regulating The Florida Bar and the Bar’s professional requirements [3.2(b)(9)].

The following mitigating factor may be relevant in this matter:

A. Personal or emotional problems – [3.3(b)(3)]. The Florida Bar suggests that this may be a mitigating factor. However, Respondent did not present any evidence on this factor to show that a personal or emotional problem may have contributed to his misconduct and he refused to undergo a psychological examination that was ordered in his dissolution of marriage case. Therefore, the referee is unable to determine whether this factor is a relevant factor that would weigh in favor of mitigation.

The following sanction standards are relevant:

## 6.2 Abuse of the Legal Process

Standard 6.2(a) indicates that 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 Deceptive Conduct or Statements and Unreasonable or Improper Fees

Standard 7.1(a) indicates that disbarment is appropriate when a lawyer 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.

#### 8.1 Violation of Court Order or Engaging in Subsequent Same or Similar Misconduct

Standard 8.1(a) indicates that disbarment is appropriate when a lawyer: (1) intentionally violates the terms of a prior disciplinary order and the violation causes injury to a client, the public, the legal system, or the profession; or (2) has been suspended for the same or similar misconduct and intentionally engages in further similar acts of misconduct.

#### V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Krapacs, 2020 WL 3869584 (Fla. July 8, 2020) (Unpublished Disposition), an attorney was disbarred for misconduct involving a serious pattern of incivility and conduct prejudicial to the administration of justice. Krapacs engaged in a social media blitz of epic proportions over nine months

focusing on two members of The Florida Bar and a Broward County Circuit Court Judge. These social media posts were on Facebook, LinkedIn, Instagram, and YouTube. Krapacs attacked the attorneys with venomous and vile language. Her posts became threatening in nature and led to one attorney filing a defamation suit and the other obtaining a permanent injunction for cyberstalking. Respondent, in this case, engaged in a similar pattern of repeated, targeted, disparaging and threatening attacks, directed at the judiciary and opposing counsel.

In The Florida Bar v. Ratiner, 238 So. 3d 117 (Fla. 2018), the Court held that disbarment was warranted for an attorney who violated the rules of professional conduct against disrupting a tribunal and against violating the rules of professional conduct by saying “lie, lie, lie” in quick succession while opposing counsel examined a witness and by kicking the counsel table repeatedly during a post-trial hearing. Ratiner had past misconduct where he acted unprofessionally and disrupted legal proceedings, he had denied the existence of such objectionable, disrespectful conduct over the years, even in the face of videotaped evidence and witness testimony, and there was no indication that he was willing to follow the professional ethics of the legal profession. Respondent’s behavior, in the instant case, is more egregious in nature and repetition than Ratiner; similarly, there is no indication that Respondent, like Ratiner, is willing to follow the professional ethics of the legal profession.

In The Florida Bar v. Norkin, 183 So. 3d 1018 (Fla. 2015), an attorney was permanently disbarred for contempt and for additional misconduct involving conduct prejudicial to the administration of justice. Norkin sent offensive and threatening emails to bar counsel, and he behaved in a contemptuous manner during his previous public reprimand before the Supreme Court. Norkin had a prior history of similar misconduct, and he exhibited no remorse. The Court determined that Norkin was not amenable to rehabilitation. Respondent's pattern of misconduct over many months is equal to, or more egregious, than Norkin's conduct and similar to Norkin, Respondent has expressed no remorse.

In The Florida Bar v. Davis, 149 So. 3d 1121 (Fla. 2014), an attorney was disbarred after failing to file an answer to the bar's complaint and failing to appear at the final hearing. It was found that Davis had actual knowledge of the proceeding. There were also findings of neglect of client matters and client harm. Like Davis, Respondent had actual knowledge of these proceedings but refused to participate in the proceedings.

In The Florida Bar v. Poe, 786 So. 2d 1164, 1166 (Fla. 2001), the Court noted that cumulative misconduct of a similar nature warrants an even more severe discipline than might dissimilar conduct. Additionally, the Court has found that multiple offenses are one factor that may justify an increase in the degree of discipline imposed. The Florida Bar v. Vining, 761 So. 2d 1044, 1048 (Fla. 2000).

Respondent's pervasive, egregious, offensive, and threatening misconduct has not only continued, but has also escalated in its severity and nature, despite two, ongoing, disciplinary suspensions.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

This Referee finds that Respondent engaged in a serious pattern of misconduct that has damaged not only specific individuals in this case, but also the judicial system as a whole. This behavior started in Supreme Court Case No. SC19-745 and has escalated as detailed in this matter.

Continuing up to September 2020, the time of the scheduled sanction hearing in this matter, Respondent authored disparaging Facebook posts on his public page. Respondent repeatedly disparaged the judiciary in Sumter County, along with opposing counsel in his personal dissolution of marriage proceeding. Respondent has also repeatedly disparaged bar counsel, The Florida Bar, and the Supreme Court of Florida. Respondent has acknowledged the Bar's case on social media and acknowledged his lack of participation in it. Respondent's posts have grown more frequent, threatening, and outrageous as the Bar's case has progressed in this matter.

Therefore, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures and that he be disciplined by:

A. Immediate disbarment from the practice of law (Respondent is currently suspended).

B. Payment of The Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 45

Date admitted to the Bar: December 14, 2005

Prior Discipline:

The Florida Bar v. Lynum, No. SC19-1513 (Fla. November 7, 2019) – Respondent was held in contempt and suspended by Court order dated November 7, 2019. Respondent will remain suspended until he has fully complied with the Bar’s subpoena dated August 16, 2019, to provide his sworn statement, and until further order of the Court.

The Florida Bar v. Lynum, No. SC19-745 (Fla. March 5, 2020) – By Court order dated March 5, 2020, Respondent was suspended for 180 days for making statements that were disparaging and impugned the integrity of the judiciary, with reckless disregard to the truth and veracity of those statements. Respondent also engaged in conduct that was prejudicial to the administration of justice while



acting as an attorney ad litem in a dependency case, and he failed to fully participate in the disciplinary proceeding.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$2,061.86
Court Reporters' Fees	\$550.40
Bar Counsel Costs	\$202.60
Administrative Fee	\$1,250.00
<b>TOTAL</b>	<b>\$4,064.86</b>

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 30<sup>th</sup> day of October, 2020.

/s/ Monica J. Brasington  
Monica J. Brasington, Referee

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

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/s/ Ruby Dunaway 10/30/20

Ruby Dunaway, Judicial Assistant