

Profile of a **POPULAR** Advocate:

Mark Adams, M.B.A., J.D.



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Introduction and Background

- Mark A. Adams earned his BA in business administration with a major in finance and a minor in economics at the University of South Florida. He earned his law degree and his master of business administration at the University of Florida where he also worked as a teaching assistant in the Economics Department.
- Mark practiced law in Florida, primarily representing employees in pursuit of claims for overtime compensation, unpaid wages, discrimination, and retaliation. He also practiced family law, construction law, and real estate law, and he represented a multi-state software development firm and a multi-state construction firm.
- In the fall of 2001, Mark was contacted by three employees of an advertising sales firm, Corporate Sports Marketing, Inc., (CSM) which failed to pay them the commissions that they had earned. They had records of the contracts for the advertisements that they sold, and they had the magazines showing that their former employer, CSM, had printed the advertisements, and therefore, had been paid for them. In addition, they worked as inside sales people and were required to work 50 to 60 hours per week without any overtime compensation. Two of CSM's former employees had unpaid claims which were only for a couple of thousand dollars, and as a result, they didn't want to take legal action to pursue their claims. However, one former CSM employee, Jeff Smith, was owed over \$20,000.00 in unpaid commissions and he had an unpaid overtime compensation claims which far exceeded that amount. Mark demanded that CSM pay Jeff Smith his unpaid commissions and return his tax documents. However, CSM did not even respond, and therefore, Mark filed suit for Jeff Smith.
- Shortly after filing suit against CSM, Christopher King, its CEO, began bragging that he had hired the most well connected attorneys in Pinellas County, Florida and that he was going to bury Jeff Smith. King made these statements to Jeff Smith and others who knew Jeff. CSM had hired the Battaglia firm, a firm which was well connected to the Bush family and their Republican supporters.
- After filing a motion to dismiss that was so patently frivolous that they withdrew it just before the hearing which was scheduled on it, the Battaglia firm issued a subpoena to Jeff's new employer requiring it to produce all of its records including those of its customers. Naturally, Jeff's new employer objected to this outrageous discovery request as did Jeff. However, Judge Crockett Farnell ignored Florida law protecting Jeff's new employer's trade secrets and the obvious lack of relevance for most of the information requested and required Jeff's new employer to produce all of its documents for inspection and copying without any restriction on their use by CSM or the Battaglia firm.

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- After further intimidating statements were made just prior to the deposition of Jeff's new employer, Jeff informed Mark that he thought that he needed a larger firm to represent him, and Mark agreed. Judge Crockett Farnell approved Mark's withdrawal as counsel as of October 1, 2002 without any reservation of jurisdiction. Over two months later, the Battaglia firm filed a motion for sanctions against Jeff and Mark claiming that all of the claims raised were frivolous, and they filed their motion for sanctions without complying with the safe harbor provisions of Florida Statutes §57.105 which like Rule 11 requires any sanctions motion to be served at least 21 days before it can be filed and any relief can be sought upon it. In addition, the Battaglia firm did not take any action necessary to invoke the court's jurisdiction over Mark.
- In spite of these barriers to granting sanctions against anyone, Judge Crockett Farnell entered an order sanctioning Mark and for over \$20,000 each on July 30, 2003, over nine months after approving Mark's withdrawal without any reservation of jurisdiction and without any evidence being presented that they claims were not supported by law or the facts. Unfortunately for Mark and Jeff, Judge Farnell comes from a Tampa Bay Area family with a reputation of abusing its power and getting away with it, and he was keeping with tradition and doing the bidding of his connected benefactors.
- In addition, since Mark had tried to get Judge Farnell to disqualify himself due to the boasts by CSM's officers about their attorneys' connections and implied ability to improperly influence Judge Farnell and since the Battaglia firm drafted the sanctions judgment, it referred Mark to the Florida Bar for investigation for making frivolous claims.
- Naturally, in keeping with their underhanded tactics, the Battaglia firm provided Judge Farnell with envelopes for transmitting the sanctions judgment to Mark and to Jeff's third attorney, and the envelope addressed to Mark had an incorrect address, so Mark did not find out about the entry of the sanctions judgment until the day before the deadline to file an appeal and obtain an automatic stay of execution. Therefore, Mark filed a motion to vacate the sanctions judgment and a motion for a protective order seeking to stay discovery in aid of execution and set it for hearing before Judge Farnell. The Battaglia firm then asked Farnell to charge Mark with indirect criminal contempt for failure to pay or produce all his financial records, and Farnell did so and set the hearing to occur before the hearing on Mark's motion to vacate.
- Mark then filed a petition for a writ of prohibition with the Second District Court of Appeal (2d DCA) showing that Judge Crockett Farnell was biased and had acted without jurisdiction, and the initial panel of judges signed off on directions to enter an order to show cause to Judge Farnell. However, the Clerk of the 2d DCA did not issue that order. Instead, the Clerk issued an order staying proceedings in the trial court, and then, without any motions to disqualify or orders of recusal being filed, the panel hearing Mark's petition was rearranged.
- Naturally, the new panel denied Mark's petition without an opinion which prevented Mark from appealing it to the Florida Supreme Court. For more about Mark's experience with the Battaglia firm, Judge Crockett Farnell and the 2d DCA, see <http://www.rule-of-law.info/adams-smith.htm> This includes the information which Mark provided to the St. Pete Times and other Tampa "news" media, and at the bottom of the page, it includes links to some of the documents which I provided to them showing the commission of crimes by members of Florida's Second District Court of Appeals.

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- Mark struggled to keep from being thrown in jail for contempt of court charges, several of his other cases against major employers were dismissed by various State and Federal judges in the Tampa Bay Area. Fortunately, Mark had cases before honest judges and he had clients which he provided advisory and transactional services, so he was able to keep himself afloat.
- In the fall of 2006, Mark exposed the fact that Athony S. Battaglia had made an illegal campaign contribution to the gubernatorial campaign of Republican Charlie Crist and that members of Battaglia's firm and family had also made contributions to Crist's campaign which indicate that these contributions may have been illegal also. Mark made this information public, a complaint was filed with the Florida Election Commission, and the North Country Gazette wrote an article about it. See <http://www.northcountrygazette.org/articles/101806BattagliaWeb.html>
- The Reform Party candidate for Governor of Florida, Max Linn, had been told that he would not be allowed in the debates in 2006, and he had not found any attorney who would represent him in seeking an injunction to get into the debates, many told him that he did not have a legal basis to file suit. However, Max heard about Mark and retained him. Mark contacted Ellis Rubin, who had joined Mark as co-counsel in a case against Clear Channel Communications, and Luke Lirot, a First Amendment specialist.
- Ellis and Luke joined Mark in successfully obtaining two injunctions requiring that Max be included in both of Florida's gubernatorial debates. Both of these cases included a dispute over how much support Max had in polls, but surprisingly, the media defendants would not present any sworn testimony attesting to the validity of the polls which they were reporting to the public and attempting to introduce as evidence in the courts. However, Max's legal team presented sworn testimony from an independent consumer research company which showed that Max had more than double the support among likely voters than the polls which the media were reporting.
- Surprisingly to Mark at the time, the official election results showed that max had only received 1.9% of the votes cast for Governor in 2006 even though the survey taken on October 26, 2006 showed that Max 8.7% of the respondents at that time planned to vote for Max. This survey was used in arguing for the injunction which was issued to get Max into the second debate on October 30, 2006, and Max was seen as clearly winning the debates in the press room and on all of the morning radio shows the next day. Yet, less than a week later, Max officially received only 1.9% of the votes cast. Of course, these votes were counted in secret.
- The day after the election in 2006, Mark was contacted by Clint Curtis and John Russell both of whom had run for Congressional seats in Florida in 2006. Clint felt strongly based on his polling data the official vote count was not correct, and John had heard reports of discrepancies in the reporting of the results. Mark met with a number of Democratic and independent candidates who thought that the election was tampered with.

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- Mark directed Clint and John to find a small precinct or two, obtain the list showing who had voted in the precinct, and get affidavits from the voters showing how they voted in the Governor's race, the Congressional race, and on the Amendment to restrict the ability of the public to amend Florida's Constitution. By late November of 2006, John Russell's team had already obtained affidavits from voters showing that he should have received at least 8.5% more votes than the official results showed in precinct 151 in Pasco County, Florida.
- Mark filed suit to contest the official results of Florida's Congressional elections in 2006 for Clint Curtis, John Russell, Frank Gonzalez and the results of the Governor's election and the Amendment. Mark also filed contests with the House of Representatives contesting the elections for John Russell and Frank Gonzalez and assisted in preparing the Clint Curtis' contest before Congress and in representing Clint before Congress.
- Mark and the election contestants set about to obtain support for their contests from major organizations such as PFAW, Move On, the ACLU, Common Cause, and the Florida and National Democratic Party. However, none would support these contests in any way. They would not even inform their members of them even though they were supporting the Congressional election contest by Christine Jennings in Sarasota.
- Affidavits were obtained from voters in several precincts showing that at least 14% of the votes cast for Clint and for John, the Democratic Congressional candidates, were not counted for them. Unlike the Sarasota contest, there was no large under-vote, and therefore, the evidence showed that votes were stolen from the Democratic candidates and flipped to the Republican candidates in an amount sufficient to affect the outcome of these elections.
- Naturally, the State of Florida and the Republicans who were officially elected moved to dismiss the election contests and stop any inquiry into how the voters actually voted. Even though Mark argued against dismissal of these contests showing that dismissal was contrary to controlling precedent, the judge presiding over the Florida court case entered an order on May 1, 2007 dismissing the Congressional contests, but not the contests of the Governor's race and the Amendment. On May 8, 2007, the House Committee on Administration unanimously voted in favor of dismissing the election contests of Clint Curtis, John Russell, and Frank Gonzalez on the grounds that due to ballot secrecy rules, they could not consider the testimony or affidavits of voters concerning how they voted, but of course, that is not one of the enumerated grounds for dismissal of Congressional election contests.
- John Russell wanted to continue to pursue these matters, so Mark filed a notice of appeal of the Florida court decision and he put the leadership of the House of Representatives on notice that if it did not comply with the Federal Contested Elections Act by allowing evidence to be presented to Congress, then he would file suit in Federal court in Washington DC seeking an injunction requiring the House to comply with the law and consider the evidence which had been gathered.

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- Since August of 2003, the Florida Bar had been pursuing Mark based on the sanctions judgment entered against him by Judge Crockett Farnell. In the fall of 2006, Judge Greg Holder who had been assigned to hear the Bar's case against Mark, denied Mark's motion to dismiss without a hearing which is contrary to Florida law, but of course, Mark had pointed out that the Bar had not served him as required by the rules of procedure and most importantly that the Bar's decision to prosecute Mark had been tainted due to the fact that the head of the committee worked for the firm that had been retained by the Battaglia firm to defend it in Mark's lawsuit for defamation and tortious interference with his contract with Jeff Smith. Controlling precedent required that Holder grant Mark's motion to dismiss on each of these grounds, so Holder simply dealt with it in secret by depriving Mark of a hearing on his motion.
- In addition, Judge Holder refused to allow Mark to depose the members of CSM and the Battaglia firm at any location other than Battaglia's office, and Holder refused to allow Mark to present witnesses in his defense, probably because they included members of law enforcement who Mark had reported the criminal conduct concerning his case to. Although the Bar presented no testimony or case law showing that Mark had raised any legally unsupported claims and presented no evidence showing that any of the claims filed by Mark on behalf of Jeff Smith were false, Judge Holder found that Mark had misled the court, filed frivolous claims, was incompetent, and was a danger to the public who should be permanently disbarred.
- Judge Holder even found that Mark had committed contempt of court by filing the motion to vacate the sanctions judgment even though the Bar's only witness testified that the order to show cause charging Mark with criminal contempt had been dismissed and even though Mark entered the order showing that it had been dismissed into evidence in the Bar proceeding.
- Mark appealed Judge Holder's decision to the Florida Supreme Court; however, the Court refused to prepare an index to the record as required by the applicable rules of procedure and also refused to allow Mark to file an appeal using an appendix and referring to the documents contained in it. Having experienced illegal conduct at the 2d DCA, Mark went to Tallahassee to review the file at the Florida Supreme Court, and Mark found that the file was missing the transcripts of the hearings before Judge Holder, Mark's motions and Holder's orders on them, and all of the evidence submitted by Mark in the disciplinary hearing before Holder.
- Mark filed a motion seeking to require the Bar to produce a complete record or dismiss the charges against him, and the Clerk of Florida's Supreme Court responded by writing to Mark and explaining that the documents which were missing from the file were being stored separately in the basement. Naturally, the Supreme Court then denied Mark's motion and required him to file his brief, but of course, the Court would still not allow Mark to use an appendix and refer to the documents in it.
- Mark visited the Florida Supreme Court again and found that the transcripts of the disciplinary hearings had been put back in the file along with some of Mark's exhibits. Mark filed another motion pointing out once again that the record was incomplete and that controlling precedent required the Court to dismiss the charges against him. Everything sat dormant for almost a year until May of 2007 when the Florida Supreme Court once again entered an order refusing to require the Bar to produce a complete record and an index to it and requiring Mark to file a proper answer brief within 15 days. Curiously, May of 2007 was also when the Florida court dismissed the Congressional election contests and the House Committee on Administration voted to recommend dismissal of them to the House.

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- On July 12, 2007, the Florida Supreme Court entered an order disbaring Mark effective as of August 13, 2007 and immediately preventing Mark from undertaking any new business. This order did not have the name of any justice on it even though the pertinent part of Article V, § 3(a) of the Florida Constitution states, “The concurrence of four justices shall be necessary to a decision.” This is done by showing the names of the justices who concurred in the order on the face of the order, and names of the justices were included on other orders issued by the Florida Supreme Court on the same date in other attorney disciplinary proceedings.
- Mark moved to vacate this order since it was void on its face and was also entered in total disregard for the rules of procedure and controlling precedent. However, the Court sat on this motion for months, and then, once again, issued an order denying it without including the name of a single justice who purportedly authorized it.
- As a result, Mark was not able to file the brief in John Russell’s appeal of the Florida court’s dismissal of his election contest, and Mark was not able to file an action in Federal court in Washington DC seeking an injunction requiring the House of Representatives to comply with the Federal Contested Elections Act.
- Mark remained involved in the election reform movement, and he founded Project Vote Count in January of 2008, and shortly thereafter, Mark discovered that the constitutions of both South Carolina and Virginia specifically prohibit counting votes in secret which is the only way a computer count as no one can see a computer count. For more information about this, see Project Vote Count’s Election News and Project Vote Count’s FAQ
- Apparently, as a result of Mark’s activity with election reform, the State of Florida has renewed its pursuit of Mark on the baseless criminal contempt charges filed against him by the Battaglia firm. Naturally, the 2d DCA has ignored the law and refused to require the State to produce a complete record of the proceedings in the trial court and has refused to dismiss the State’s appeal of the dismissal of the contempt charge.
- Due to the persecution of Mark for daring to move to disqualify Judge Crockett Farnell based on the Battaglia’s firm’s client’s boasts about their connections and their implied and apparent ability to improperly influence Judge Farnell, Mark has suffered severe financial hardship, has had to file bankruptcy, and has lost his license to practice law. Florida attorneys who know and respect him are even afraid to hire him to do legal research because the Florida Bar’s rules require them to report any disbarred or suspended attorney who they employ and they are afraid to be associated with him due to fear of Bar reprisals. However, these experiences have just strengthened Mark’s resolve to fight for truth and justice. For an example of more of Mark’s work, see Mark’s articles on OpEdNews.com at <http://www.opednews.com/author/author7855.html> and <http://www.opednews.com/author/author7840.html>
- Mark has been involved in the judicial reform movement since 2003, the media reform movement since 2004, and the election reform movement since 2006. Before those years, he believed that judges followed the law, that our media told us the truth, and that our votes were counted. Beliefs that most of us once held and that many still hold on to. Unfortunately, Mark, like many of us, learned that these beliefs were no longer true. However, Mark believes that we can counteract the forces which have destroyed these institutions if we face reality and take action before it is too late.

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- Mark asks that you please remember that the American dream will die and our children will suffer if the people do not know what their government leaders are doing, if the people are not able to vote ineffective or corrupt leaders out of office, or if judges can ignore the law and the facts with no repercussions!
- Mark Adams speaks at FCC Hearing in Tampa <http://www.youtube.com/watch?v=JAni0WoI7LI>
- Mark Adams speaks at a Hillsborough County Commission meeting to ask why they are calling increases in revenue and expenditures cuts. Step into the Twilight Zone where an increase is a cut, if you dare. <http://video.google.com/videoplay?docid=5130063694565191849>
- Mark Adams on Op Ed News about How to Take Action on Holt and Fix Our Elections http://www.opednews.com/articles/opedne_mark_ada_070919_how_to_take_action_o.htm
- Bill Faulkner and Mark Adams speak at the Election Reform Rally in Tallahassee, Florida on March 21, 2007. <http://blip.tv/file/764739> Just before this rally, the Florida Legislature voted against requiring paper ballots. However, shortly after this rally, the Legislature reconsidered the issue and passed the act which provided that beginning in August of 2008, Floridians will cast their votes on paper ballots. Unfortunately, these paper ballots will still be counted in secret on optical scan computers, and there is no meaningful audit provision to prevent Florida's "election" officials from certifying false vote "counts" again.
- John Russell and Mark Adams speak at the St. Petersburg peace rally on March 17, 2007 on why we are still at war when the vast majority of Americans are against it and what you can do about it. <http://blip.tv/file/919196/>
- Here's a link to the speech by Mark A. Adams JD/MBA titled "No Justice, No Peace" given at the National Judicial Reform Conference at Rice University in Houston, Texas on August 11, 2007 <http://video.google.com/videoplay?docid=5135583133302349969>
- Florida Bar v Adams web site: http://www.msnusers.com/FloridaBarvAdams/_whatsnew.msnw This has some info about the Florida Bar's efforts to silence Mark Adams, and it includes the Bar's letter asking Mark to tell them about members of the media who have expressed interest in his case.
- Also, you might enjoy Fintan Dunne's interview of Mark Adams on BreakforNews.com with links to the St. Pete Times "hit piece" on him and a North Country Gazette article about his case. Here's the link:
<http://breakfornews.com/my/modules.php?op=modload&name=News&file=article&sid=147&mode=thread&order=0&thold=0>