



The Florida Bar

Miami Branch Office
444 Brickell Avenue
Rivergate Plaza, Suite M-100
Miami, Florida 33131-2404
(305) 377-4445
www.floridabar.org



John F. Harkness, Jr.
Executive Director

Joshua E. Doyle
Executive Director Designate

August 11, 2017

Mr. Jeff H. Cazeau
776 NE 125th St
North Miami, FL 33161-5654

Re: *Complaint of Jeff H. Cazeau against Mike Joseph*
The Florida Bar File No. 2017-70,564 (11F)

Dear Mr. Cazeau:

Bar Counsel and the Chair of the Eleventh Judicial Circuit Grievance Committee "F" have reviewed your complaint. Bar Counsel and the Chair have decided to dismiss this matter and have issued a Letter of Advice to Mr. Joseph. A copy of the Dismissal by Bar Counsel and Committee Chair with Letter of Advice is attached.

This matter is now closed and is not subject to further review. Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

Tonya L. Avery
Bar Counsel

Enclosure: Dismissal by Bar Counsel and Committee Chair with Letter of Advice

cc: Mike Joseph, Esq. Respondent
Isadora Velázquez-Rivas, Esq., Chair
John H Hickey, Esq., Designated Reviewer



The Florida Bar

Miami Branch Office
444 Brickell Avenue
Rivergate Plaza, Suite M-100
Miami, Florida 33131-2404
(305) 377-4445
www.floridabar.org

John F. Harkness, Jr.
Executive Director



Joshua E. Doyle
Executive Director Designate

August 10, 2017

Via email: MichaelJosephPA@gmail.com
and Regular U.S. Mail

Mike Joseph, Esq.
Galbut Walters & Associates LLP
4770 Biscayne Blvd., Ste. 1400
Miami, FL 33137-3243

**Re: *Complaint by Jeff H. Cazeau against Mike Joseph
The Florida Bar File No. 2017-70,564 (11F)***

Dear Mr. Joseph:

Enclosed is a Letter of Advice from the Chair of the Eleventh Judicial Circuit Grievance Committee F and undersigned counsel concerning the above-referenced file. This letter does not constitute a disciplinary record and a copy has been furnished to the complainant.

The forwarding of this letter to you concludes disciplinary proceedings in this matter. Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

Tonya L. Avery
Bar Counsel

Enclosure

cc: Jeff H. Cazeau, Complainant
Isadora Velázquez-Rivas, Esq., Chair
John H Hickey, Esq., Designated Reviewer

IN RE: Jeff H. Cazeau against Mike Joseph
The Florida Bar File No. 2017-70,564 (11F)



**DISMISSAL BY BAR COUNSEL AND COMMITTEE CHAIR WITH
LETTER OF ADVICE**

Pursuant to the provisions of Rule 3-7.3(d) of the Rules Regulating The Florida Bar, the undersigned, by their signature on this report, signify their concurrence in a finding of no probable cause and issuance of a letter of advice as to the referenced matter.

The undersigned want to make it clear that their finding does not indicate that they condone your conduct in this matter. While your conduct in this instance did not warrant formal discipline, the undersigned believe that it was not consistent with the high standards of our profession. The undersigned hope that this letter will make you more aware of your obligation to uphold these professional standards, and that you will adjust your conduct accordingly.

Although the Chair and Bar counsel have found No Probable Cause, they felt that your actions regarding this case were problematic, as outlined below.

This grievance was referred to our office based on allegations that you communicated with persons whom you knew or should have known were represented by counsel. You represented an officer who had been placed on administrative leave with the police department. During the pendency of this investigation, you communicated with two individuals who were either represented by counsel for the city or outside counsel. With regard to the first individual, you sent an email to this person and you copied the city attorney on same. You advised that the pending criminal investigation had concluded against your client and you inquired whether the department would now terminate its own investigation based on this information. Upon receipt of this email, counsel for the city advised you not to communicate with his client. You then refrained from doing so. While we understand that you may have mistakenly believed that it was permissible to communicate with a person represented by counsel as long as opposing counsel had knowledge of or was aware of the communication, nonetheless, without prior consent from counsel such communication is impermissible under the rules. Accordingly, you are advised to review rule 4-4.2 of the Rules Regulating The Florida Bar and its comments to ensure that your future conduct is in strict conformity therewith.

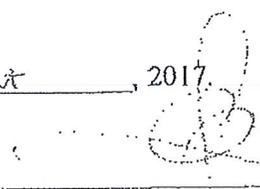
The second individual whom you communicated with was an internal affairs investigator who was represented by outside counsel. While we note that the investigator contacted you first, in order to provide you with a notice to appear for your client; nonetheless, neither you nor the investigator copied the investigator's counsel on this email or any subsequent emails for that matter. Additionally, while the rules do allow communications with persons who are represented by counsel without prior consent if there is an independent justification for doing so, such as to meet the requirements of any rule, statute, or contract; nonetheless, this rule does not excuse you from providing a copy of the communication to her counsel and/or advising counsel of same. Further, subsequent emails reveal that the communications between the two of you went beyond simply trying to coordinate a meeting date for your client. Instead, you communicated with the investigator regarding substantive matters of her investigation. Even more concerning is the fact

that this is the second incident where you engaged in this type of behavior. In the future if you are not sure whether a person is represented by counsel, it is incumbent upon you to inquire before you make the communication regardless of who initiates the contact.

Finally, you are cautioned against getting caught up in the moment and reminded of your duties and obligations as an attorney. Simply put, you must comply with the rules. In determining to close out this matter with a letter of advice, we considered the fact that you are a relatively young lawyer and while your actions were improper, even if not the result of malintent, but rather a lack of knowledge, you are advised to thoroughly familiarize yourself with Rule 4-4.2 of the Rules Regulating the Florida Bar and Ethics Opinion 09-01. Copies of both are attached. Finally, you are cautioned that this type of conduct may be viewed more harshly in the future. Hopefully, you have already learned a valuable lesson from what occurred here and you can avoid this type of conduct in the future. The purpose of this letter is to reinforce that lesson and to remind you of your ethical obligations as a member of The Florida Bar.

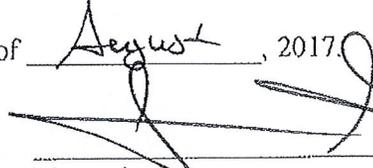
This letter of advice does not constitute a disciplinary record against you for any purpose, and it is not subject to appeal by you. Pursuant to the Bar's records retention schedule, this matter will be disposed of one year from the date of closing.

Dated this 7th day of August, 2017.



Isadora Velázquez-Rivas, Chair
Eleventh Judicial Circuit Grievance Committee
"P"

Dated this 2nd day of August, 2017.



Tonya L. Avery
The Florida Bar
Miami Branch Office
444 Brickell Avenue
Rivergate Plaza, Suite M-100
Miami, Florida 33131-2404
(305) 377-4445

cc: Mike Joseph, Respondent
Jeff H. Cazeau, Complainant
Isadora Velázquez-Rivas, Chair
John H. Hickey, Designated Reviewer