

APPENDIX

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Supreme Court of Florida

WEDNESDAY, JULY 8, 2020

CASE NO.: SC19-277

Lower Tribunal No(s).:

2018-50,829 (17I)FES; 2018-50,851(17I);
2019-50,081(17I)

THE FLORIDA BAR

vs. ASHLEY ANN KRAPACS

Petitioner(s)

Respondent(s)

Upon consideration of the report of referee and briefs filed in this case, the referee's findings of fact and recommendations of guilt are hereby approved. The referee's finding as to the aggravating factors are approved. The Court also finds as an aggravating factor that Respondent engaged in multiple offenses. The referee's findings in mitigation are approved in part and disapproved in part. The Court disapproves the referee's finding of remorse as a mitigating factor. Further, the Court disapproves of the referee's recommendation of a two-year suspension and instead imposes disbarment. Respondent is currently suspended; therefore, this disbarment is effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h).

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Ashley Ann Krapacs in the amount of \$4,777.40, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this disbarment.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, and COURIEL, JJ., concur.

A True Copy

Test:


John A. Tomasino
Clerk, Supreme Court



as

Served:

RANDI KLAYMAN LAZARUS
ASHLEY ANN KRAPACS
PATRICIA ANN TORO SAVITZ
HON. SAMANTHA SCHOSBERG FEUER, JUDGE

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

ASHLEY ANN KRAPACS,

Respondent.

Supreme Court Case No.
SC19-277

The Florida Bar File Nos.
2018-50,829(17I)FES
2018-50,851(17I)
2019-50,081(17I)

REPORT OF REFEREE

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rules 3-5.2 and 3-7.6, Rules of Discipline, the following proceedings occurred:

On February 20, 2019, The Florida Bar filed its Petition for Emergency Suspension against Respondent. On February 27, 2019, the Florida Supreme Court issued its order granting the Bar's Petition for Emergency Suspension. On March 4, 2019, the Honorable Samantha Schosberg Feuer was appointed as referee. On May 1, 2 and 7, the final hearing was held in this matter. All properly filed items, including pleadings, recorded testimony (if transcribed), and exhibits in evidence, including compact discs, and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida with this Report.

II. FINDINGS OF FACT

Jurisdictional Statement. Ashley Ann Krapacs, ("Respondent" or "Krapacs") is, and at all times mentioned during this investigation was, a member of The Florida Bar, albeit suspended and subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Narrative Summary Of Case.

1. Respondent is currently the subject of Bar disciplinary matters which have been assigned The Florida Bar file numbers 2018-50,829(17I)FES; 2018-50,851(17I); and 2019-50,081(17I).

2. The affidavits of attorneys Russell J. Williams ("Williams") and Nisha Bacchus ("Bacchus") attached to the Bar's Petition for Emergency Suspension as The Florida Bar's Exhibits A and B, were used by the Bar to support its Petition.

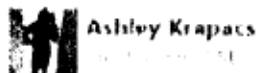
3. Respondent repeatedly, and in a calculated manner, targeted the above-identified two members of The Florida Bar with a variety of continuous attacks and other conduct using online social media due to their representation of clients in litigation against this Respondent.

4. The Bar's petition was filed because of the escalation of Respondent's misconduct, which resulted in Bacchus filing and obtaining a Permanent Injunction for Protection Against Stalking against Respondent, as well as a police report, and

Williams filing a lawsuit for Libel, Slander, Malicious Prosecution and Injunctive Relief against Respondent. (The Petition for Injunction for Protection Against Stalking, the temporary injunction, the Order, and the Supplemental Affidavit in Support of Petition for Injunction for Protection Against Stalking were attached to the Bar's petition as The Florida Bar's Composite Exhibit C. The police report was attached to the Bar's petition as The Florida Bar's Exhibit D. The lawsuit was attached to the Bar's petition as The Florida Bar's Exhibit E.)

5. The Florida Bar has maintained that Respondent's actions, as set forth below, strike at the heart of conduct prejudicial to the administration of justice since the Respondent's attacks were solely because Williams and Bacchus represented individuals who were adverse to the Respondent. Rather than properly utilizing the court system, Respondent launched a public attack using online social media under a misguided belief that the First Amendment shielded her from scrutiny and prosecution by The Florida Bar. Specifically, the First Amendment does not protect those who make harassing or threatening remarks about the judiciary or opposing counsel. *See Florida Bar v. Wasserman*, 675 So.2d 103, 104-05 (Fla. 1996). Under Rule of Professional Conduct 4-8.4(d), lawyers are required to refrain from knowingly disparaging or humiliating other lawyers. *See Florida Bar v. Uhrig*, 666 So.2d 887, 888 (Fla.1996). *The Florida Bar v. Sayler*, 721 So.2d 1152 (Fla. 1998).

6. Respondent publicly broadcasted her intention to “connect” with Bacchus’ former clients and sent out a public cry for others to assist her with the below postdated January 4, 2019 in an apparent crusade to attempt to destroy Bacchus.



Manna from heaven! Check out the Broward County Public Records database and read about how Nisha Bacchus of Bacchus Law Firm ripped off a vulnerable divorce client and screwed her over. This brave woman was strong enough to hold Nisha accountable for her actions and sued her in small claims last month. I need to connect with as many former clients as Nisha as possible, because I have strong reason to believe this is a pattern of Nisha's, and I'm sure as heck not gonna rest until I investigate it fully. Florida friends, please ask around if you might know anyone who has been represented by Nisha. She claims to practice most areas of law, but seems to prey in particular on females going through divorces.
#womensrights #equalrights #humanrights #bailies #enddomesticviolence #endviolenceagainstwomen

This was entered into evidence as Florida Bar Exhibit was 17. Respondent confirmed her intentions in an e-mail to The Florida Bar on January 21, 2019 in which she stated, in pertinent part:

“I will be filing a formal bar complaint against Nisha based on the inaccuracies in the injunction petition and the fact that it’s clear she filed the case merely to gain leverage in the civil defamation case. Further, I’ll be representing several of her former clients in various bar complaints and potential malpractice cases.”

The January 21, 2019 e-mail was attached to the Bar’s petition as The Florida Bar’s Exhibit F and entered into evidence at trial as Florida Bar Exhibit 18)

Respondent, on January 23, 2019, forwarded a letter of representation in a Bar grievance filed by a former client of Bacchus, with the following:

I have accepted this case pro bono, meaning there will be no cost to you for my legal services.

(See Composite Exhibit C of the Bar's petition, which contains Nisha Bacchus' Supplemental Affidavit in Support of Petition for Injunction for Protection Against Stalking. Within that document, identified as Composite Exhibit B, is Ms. Krapacs' January 23, 2019 Client Engagement Letter for Judith Mach.) The Respondent's motivation in assisting this former client of Bacchus appeared to be for the purpose of damaging Bacchus.

7. This Referee, agrees with the Florida Supreme Court's hard line against incivility. Respondent appeared to wage a personal, public and prolonged battle against these two attorneys on social media. The attorneys' practice of law should not subject them to this type of crusade and such behavior is clearly prejudicial to the administration of justice and causes great public harm. Further, it is this type of conduct that perpetuates the public's negative perception of lawyers.

FACTS

8. The salient facts are set forth below, are mostly a matter of the undisputed record and were stipulated to by the parties.

a. Krapacs was in a personal relationship with a non-lawyer and resident of Texas ("former boyfriend").

b. On or about January 30, 2018, shortly after Krapacs moved to Florida, she initiated a Petition for Domestic Violence Injunction against her former boyfriend in Broward County, Florida, which initially resulted in a temporary injunction. Krapacs represented herself and alleged that the former boyfriend had previously sexually and physically abused her and she was in fear of future abuse.

c. Attorney Russell J. Williams represented the former boyfriend in proceedings held before the Honorable Michael G. Kaplan, Broward Circuit Court Judge.

d. Beginning on or about March 1, 2018, and continuing until approximately January 2019, Respondent began a social media barrage on Facebook, Instagram, LinkedIn, and by posting YouTube videos disparaging Williams and Judge Kaplan, and insinuating a collusion and corruption between the two against the Respondent.

1) On or about March 1, 2018, Respondent posted on LinkedIn and stated, in pertinent part, with emphasis supplied:

- So, Russell J. Williams, ESQ sends me a letter threatening to FILE A MOTION FOR SANCTIONS AGAINST ME if I don't dismiss the domestic violence case within 21 days.
- **Old White Male Attorney #2** steps up to the plate to harass a domestic violence victim with yet another baseless legal treat. Classy.

(The March 1, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit G)(and entered into evidence as Florida Bar's Exhibit 5)

2) On or about April 14, 2018, Respondent posted on LinkedIn and stated, in pertinent part, with emphasis supplied:

- **Oh, and opposing counsel blatantly, flat-out LIED on the record. The judge didn't bat an eye.**
- So I had to start all over again. I filed a new petition yesterday. I'm documenting the date, time, and name of every courthouse employee I speak with. **Something is really off here. #metoo #timesup #domesticviolence #womensrights #keepfighting**
- I've been inspired—and pissed off—by my bully exboyfriend and his bully attorneys and their aggressive and intimidating legal tactics after I confronted my ex about his past abuse of me.

(The April 14, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit H.) (and entered into evidence as Florida Bar's Exhibit 8)

Each of these statements begins by identifying Ashley Krapacs as Esq. and Owner at Ashley Ann Krapacs, PLLC and some conclude by identifying Ms. Krapacs as a Sexual Harassment Lawyer.

3) On or about April 21, 2018, Respondent posted on Facebook and stated, with emphasis supplied:

- Today, I got a recording of my hearing from last week. **I knew that how I had been treated, by opposing**

counsel and the judge, was bad, but DAMN. All I can say is, I've always wanted to write a book. And, well, this book is writing itself. #metoo #timesup #nomore endsexism #holymisogyny #lawyerlife #keepfighting #justicewillprevail

(The April 21, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit I. A copy of the transcript of the hearing dated April 12, 2018, to which Respondent referred in the above post, was attached to the Bar's petition as The Florida Bar's Exhibit J.)

Upon reviewing the transcript from the hearing, it is clear Judge Kaplan treated the Respondent with dignity, courtesy, and respect. Furthermore, Williams was not unprofessional nor unethical toward the Respondent at the hearing and there is no evidence of any collusion between the attorney and the judge.

Then, Respondent, through her law firm, wrote an article which she posted on a blog entitled, "When You Don't Let Female Lawyers Talk, We'll Only Get Louder." (The April 23, 2018 article was attached to the Bar's petition as The Florida Bar's Exhibit K.) The article referred to the hearing held on April 12, 2018. (See Exhibit J of the Bar's petition.) (and entered into evidence as Florida Bar's Exhibit 9) The article stated:

- Krapacs referred to Judge Kaplan and attorney Williams as "old white males,"
- Krapacs accused the court of bias, and

- Krapacs claimed that an egregious exchange occurred, and

* * *

Respondent's statements were derogatory and untruthful and falsely portrayed her treatment in court at the hearing on April 12, 2018. A review of the transcript attached as Exhibit J to the Bar's petition, (and entered into evidence as Florida Bar Exhibit 6) beginning at page 17 describes the events that actually occurred. In essence, Respondent, being an inexperienced attorney, filed a motion to amend without seeking leave from the court and without setting the matter for hearing. Judge Kaplan patiently explained the procedure to the Respondent, who apologized for her lack of knowledge, in relevant part below:

THE COURT: We're just going to address the petition that you filed. And I understand that there may be further proceedings depending on the ruling of the Court today, but we're going to be limited to that.

MS. KRAPACS: Sure. And I apologize, Your Honor, I did do a clerkship in D.C. Superior Court and the process that we followed that often motions that were filed in between hearing were done in chambers, and so I wasn't aware and I asked the clerks and they said - -

THE COURT: That's fine. You don't have to explain any further. That's okay.

- Respondent accused attorney Williams of lying in the hearing in this blog as well as in multiple other public posts based on the following actual exchange:

MS. KRAPACS: I'm sorry, did you just say - -

THE COURT: I understand.

MS. KRAPACS: I'm sorry, did opposing counsel say he never received that?

THE COURT: Well, the answer was - -

MR. WILLIAMS: I know it's been filed. I went to the clerk's office to obtain a copy. They would not give it to me because they would not, because I'm not attorney of record.

MS. KRAPACS: I'd like to confirm for the record I emailed it to - -

THE COURT: One moment. Don't interrupt, please. Go ahead.

MR. WILLIAMS: I never got - - I got the motion to amend. Yes, the petitioner is right, I did get the motion to amend. She did email it to me.

4) On or about May 10, 2018, Respondent, through her law firm, posted an article which she wrote entitled, "Bad Attorney Behavior: If You See It, Report It." (The May 10, 2018 article was attached to the Bar's petition as The Florida Bar's Exhibit L.) (This was entered into evidence as Florida Bar Exhibit 10) Respondent alleged the following, in pertinent part:

- Mr. Williams then proceeded to lie on the record numerous times during the one hearing that was held in the case on April 12, 2018.
- Boo hoo. He knows that truth is an absolute defense to defamation and that he can't do a damn thing about me calling him out for lying.
- This man has been practicing for over 30 years. I cannot fathom how many female domestic violence victims and opposing counsel have been sandbagged and railroaded by this bully.

* * *

Much of this article publicly addressed the Bar grievance that Ms. Krapacs filed against Mr. Williams, which was summarily dismissed by the Bar.

e. On or about July 24, 2018, Krapacs ultimately dismissed the petition for injunction against her ex-boyfriend.

f. Due to Respondent's unrelenting public social media attacks, on July 26, 2018, and despite Williams' repeated reports to the Florida Bar regarding Respondent's continued unethical conduct, Williams believed he had no other choice but to file a lawsuit against Ms. Krapacs for Libel, Slander, Malicious Prosecution and Injunctive Relief to stop Respondent's behavior. Attorney Nisha Bacchus represented Mr. Williams in this lawsuit. (See Exhibit E of the Bar's petition.)

1) In addition to the other disparaging attacks, Respondent posted YouTube videos and launched additional assaults.

a. A transcript of a YouTube video of Respondent, which she posted on or about July 31, 2018 after receipt of the lawsuit, was attached to the Bar's petition as The Florida Bar's Exhibit M. In it, Respondent stated, in pertinent part:

- I have been laughing a lot. I can't stop laughing since I read this complaint that has been filed against me on me [sic] behalf of Russell J. Williams. This complaint [indicating]. Russell J. Williams of Williams, Hilal, Wigand, Grande Law Firm. (Page 3)

- Twenty-five pages of garbage, lies, fake news...riddled with lies and other nontruths...obscene. (Page 4)
- ...lying on the record is just what Mr. Williams does best...I have the court recording and the official court transcript of that hearing that confirms his lies. (Page 4)
- More lies. This guy just - - he cannot get enough of lying in formal proceedings. I mean, man, like, it's just, it's a lie. (Page 6)
- ...he also whines that I call him a moron and a sexist and a bully. Well, sorry - - I'm not sorry, but you are all of those things. (Page 6)
- Um, you know, and there is - - there is another option here. There is a really easy option. You could, you know, just stop being a dick. Like, that's a really simple solution, just don't be a dick. Um, but men like Russell J. Williams want to have their cake and eat it too. Listen, when you have been having your cake and eating it too for three decades and it worked and it has made you a lot of money, I guess it would piss you off when someone comes along and makes it clear that that just isn't going to work anymore.

You know, it pisses him off that he can't just keep acting a fool and then pretending to be a good guy. He wants to act like a baby, bully people around, lie and cheat his way through cases and then pretend like he's a decent human being. Sorry, that's just not an option anymore. It's just not. (Pages 7-8)

- If you want to take cases where you're going after a domestic violence survivor in a completely frivolous bullshit lawsuit, you cannot also claim to support women's rights. You just can't. I mean, you can do whatever you want, but the math just doesn't add up. And I'm going to call you out. So, Nisha Bacchus, you're a backstabbing traitor. I almost feel bad for you, almost. Almost. Because he's playing her. He is

playing her like a fucking fiddle. He knew he was going to have a hard time finding any attorney who was actually going to file this piece of garbage. He knew it. So what did he do? He found someone desperate for work, someone so hard up for cases that she would do anything for a quick buck. And this much is obvious to me. It's really clear from her website.

For one thing, she uses “our firm”, “our” this, “our” that, all throughout the website. And you can - - I mean, it’s just one lawyer since, what I can tell, 2011. So it is seven years and you haven’t been able to - - you have been using a plural pronoun but haven’t been able to bring another lawyer on board. Like, “our”. Okay. You and your paralegal. Um, so it is obvious from her website.

She also claims to have multiple departments of her law firm and she’s the self-designated head of all these departments. I guess the competition wasn’t really steep. Um, but, congrats.

Also, she’s a door lawyer. Which is basically a lawyer who takes anything that walks in the door in any area of law. (Pages 10-11)

- Because you can’t do every area of law and do them all well. You just can’t. Some people try and they end up like Nisha Bacchus who are so hard up that they’ll take anything, including shit like this. So I almost feel bad for her because he’s playing her. It is really obvious from the way that she presents herself that she’ll take anything if the price is right. Or even if it’s not. (Page 12)
- So I almost feel bad for her but not quite. At the end of the day no matter how convincing and manipulative he is, it is still her choice to represent him and it’s a choice that she’ll live with for the rest of her life. Um, the choice to file this utter bullshit complaint. The choice to go after a rape survivor when you claim to be

pro women's rights. Are you fucking kidding me? The choice to sell out to make a quick buck. It's her choice. Her actions have spoken volumes about the kind of person she really is. And that is a woman who does not like women very much. So, sorry, honey, you're exposed. (Pages 13-14)

- Everyone has a price and Russell J. Williams figured out Nisha's. But, girl, it's going to cost you. It's going to cost you, girl. You made your bed, so lay in it. Hope you're comfortable. (Page 15)
- So you get to choose your branding. And your choice of branding is representing misogynist pigs, misogynist bullies like Russell J. Williams, that's not good branding. (Page 16)

2) Although Respondent continued to attack Mr. Williams,

in late July 2018, her primary focus shifted to Nisha Bacchus, who represented Mr. Williams. Respondent launched an online attack which "tagged" Ms. Bacchus personally, as well as her law firm on social media.

a. July 31, 2018 Facebook and Instagram posts:

- Nisha Elizabeth Bacchus. Damn, girl. You must be hard up for new cases to take on a piece of garbage like Russell J. Williams. And you promote yourself as being "pro-women's rights." How do you sleep at night? #sellout #womanhater #meetoo #timesup #endrapeculture #endsexism #endmisogyny

(The July 31, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit N.) (and entered into evidence as Florida Bar's Exhibit 17)

- Ashley Ann Krapacs, PLLC

Ya'll, social media is no joke. You want to act a fool and be a jerk to people? Go right ahead. But don't expect people not to call you out for it. I'm talking to you, Nisha Elizabeth Bacchus. The choices you make in life form what becomes your personal brand. What do your choices say about you? #beempowered #metoo #timesup #womensrights #humanrights #domesticviolence #calledout #exposed #notafraid #sellout #traitor #endsexism #endmisogyny

(The July 31, 2018 post was attached to the Bar's petition as
The Florida Bar's Exhibit O.)

- Ashley Ann Krapacs, Esq.

Russell J. Williams, partner at
@WHWG_LAW, sued me for
#defamation. Way to harass a survivor of
#domesticviolence and #rape, you pig!
Oh, and #TRUTH is an absolute defense
to defamation, moron, so good luck with
that. Smfh. #metoo #timesup #frivolous
#vindictive #bully

(The July 31, 2018 post was attached to the Bar's petition as
The Florida Bar's Exhibit P.)

b. On or about August 8, 2018, Respondent posted a
blog about Ms. Bacchus and her firm on Respondent's firm's
website utilizing Ms. Bacchus' photo. This post also continued

to disparage Mr. Williams and Judge Kaplan. Those parts pertinent to Bacchus are set forth below:

- So I'm admittedly disheartened to learn that a female has joined that fight. But again, everyone can be bought.
- The defamation suit is intended only to harass and intimidate me. Mr. Williams knows it. And so does Nisha Bacchus. But she sold out anyway. She's helping a hateful bully continue to torment me. She's helping a sexist pig continue to psychologically torture me. It's gotta be a painful existence to live as a woman and also hate women so much at the very same time.
- The website of Nisha Bacchus tells me everything I need to know about this woman: she's thirsty for work. So hard up, she'll engage with a scumbag like Russell J. Williams. It's pathetic, really.
- What a fraud. She pretends to care about women. She pretends to support women's rights issues. She pretends to care about women who have been abused.
- In a lot of ways, Nisha Bacchus is just like Russell J. Williams: a bully who wants to act like an asshole, but then pretend like she's something she's not, and just try to avoid she [sic] getting called out for who she really is. Well, sorry, sweetie, but you can't have it both ways. If you want to take clients like Russell J. Williams, you can't also claim to support women's rights and the #metoo movement. That math just doesn't add up. And I will call you out and scream it from the rooftops: Nisha Bacchus is nothing more than insecure, hateful, jealous woman who hates women.

See you in court, asshole.

(The August 8, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit Q.) (and entered into evidence as Florida Bar's Exhibit 17)

c. On or about October 6, 2018, Respondent posted a photo of protestors in front of the U.S. Supreme Court and stated the following, in pertinent part:

- My body is mine. My life matters. My story matters. And FUCK anyone who says it doesn't.

Fuck [name of former boyfriend].

Fuck Russell J. Williams.

Fuck Williams Hilal Wigand Grande law firm.

Fuck Nisha Bacchus.

Fuck Bacchus Law.

Fuck David Benowitz.

Fuck Seth Price.

Fuck Price Benowitz law firm.

Fuck Kevin Tynan.

Fuck James Drakeley.

Fuck Kenneth Patterson.

Fuck Hiersche, Hayward, Drakeley & Urbach law firm.

Fuck everyone who perpetuates #rapeculture. Fuck everyone who perpetuates #misogyny. Fuck everyone who perpetuates violence against women.

You might get Kavanaugh. But you've waged a war that you cannot win.

#Progress is coming whether you like it or not. And you will be held accountable. I will never stop fighting. #metoo #timesup

(See Composite Exhibit C of the Bar's petition, which contains Nisha Bacchus' Supplemental Affidavit in Support of Petition for Injunction for Protection Against Stalking. Within that document, identified as Composite Exhibit D, is the post containing the profanities)

On or about October 22, 2018, Respondent posted on Facebook and stated, in pertinent part:

- ...she filed several things and provided me with absolutely no notice, even though I'm listed in the court's e-service system. No idea where this lunatic went to law school, but it must have been a school that doesn't put a whole lot of emphasis on, ya know, THE LAW, and just basic due process. Smfh. #metoo #timesup #bullies #amateurhour #womensrights #equalrights #endviolenceagainstwomen #endrapeculture #endthepatriarchy

(The October 22, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit R.)

d. On October 25, 2018, Respondent posted a photograph from a film in which a shotgun is pointed at the perpetrator which frightened Bacchus because of its violent nature was one basis for Bacchus seeking an injunction for stalking. (See Composite Exhibit C of the Bar's petition.)

when opposing counsel tries to use the same exact trick you saw in your last case



15 Likes

ashleykrapacs 14 h · I just can't with this diva. SIMPLY CANNOT! Nisha Bacchus clearly isn't a fan of my social media. Today, she tells my attorney that she's going to sue me (more for my recent posts about her). Apparently, she's gone through all the contents of her Bag of Tricks to Mindfuck Sexual Assault Survivors, and now she has to keep revising the contents. She's already tried using her personal connections at the Florida Bar to silence me. Didn't work. She tried using her connections at the court to silence me. Didn't work. She and her client, Rupper J. Williams of Williams Hill Wigand Grande law firm, even threatened to use personal connections at the state's attorney's office to have me arrested. Even then, I refused to be silenced. This lady is OUT OF CONTROL. Nothing but an evil bully. Bring it, diva. NOTHING they can do to me is going to silence me from speaking the truth about what people like them do to vulnerable sexual assault survivors. #Metal #Women #WomenLaws #WomenLaws #WomenLaws #WomenLaws #WomenLaws

e. On or about October 25, 2018, Respondent posted a statement to Facebook accusing The Florida Bar, the Court and the State Attorney's Office of being corruptly influenced by Nisha Bacchus. She stated, in pertinent part:

- She's already tried using her personal connections at the Florida Bar to silence me. Didn't work. She tried using her connections at the court to silence me. Didn't work. She and her client, Russell J. Williams of Williams, Hilal, Wigand & Grande, PLLC. law firm, even threatened to use personal connections at the states attorney office to have me arrested. Even then, I refused to be silenced. This lady is OUT OF CONTROL. Nothing but an evil bully. Bring it, diva. NOTHING they can do to me is going to silence me from speaking the truth about what people like Nisha Bacchus and Russell J. Williams do to vulnerable #sexualassaultsurvivors. #metoo #timesup #womenrights #believesurvivors #humanrights #enoughisEnough

(The October 25, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit S.)

f. On or about October 26, 2018, Respondent posted a statement to Facebook again accusing The Florida Bar of being corruptly influenced by Nisha Bacchus. Respondent expressing these accusations publicly under the guise of "an opinion" which did not Respondent from both the scrutiny and sanction of this Court and the Bar. She stated, in pertinent part:

- I heard from the Florida bar today regarding the multiple ethics complaints that have been filed against me by Russell J. Williams (partner at Williams, Hilal, Wigand & Grande, PLLC. Law firm) and my ex, . . . Given the timing of the email and that I hadn't heard anything from

them at all for weeks, I have to assume that it's not a coincidence. It is solely my opinion, but I have to believe Nisha is behind it.

- And then he [sic] fact that there's obviously a LOT going on behind the scenes that I'm not privy to is incredibly upsetting. This is ya world we live in. It's 2018, and young female attorneys are held to an entirely different standard than the Old White Males. It may cost me my bar license to keep writing publicly about the state of this field, but I don't feel I have any other choice.

(The October 26, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit T.)

g. On or about November 29, 2018, Respondent posted a statement to Facebook with regard to the pending defamation lawsuit. She stated, in pertinent part:

- As long as the litigation continues, I look forward to embarrassing both of these bullies as I lay the paper trail that clearly demonstrates what side of history these two attorneys are on. And hint: it's not the good side!

(The November 29, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit U.)

h. On or about December 5, 2018, Respondent posted a statement to Facebook which gave a glimpse of her intentions with regard to further harming Ms. Bacchus.

- ...and this week, I got some unsavory information about Nisha Bacchus that is a total game changer. Stay tuned for that.

(The December 5, 2018 post was attached to the Bar's petition as The Florida Bar's Exhibit V.)

i. On or about December 19, 2018, Respondent posted a statement to Facebook attacking Ms. Bacchus' filing of a Request to Produce, in her representation of Mr. Williams. Ms. Krapacs stated the following, in pertinent part, with emphasis supplied:

- These tactics do nothing but keep those who are powerless and vulnerable stuck, while they make greedy, evil people like Nisha Bacchus rich. (**How's that BMW treating you, baby?**)

(See Composite Exhibit C of the Bar's petition, which contains Nisha Bacchus' Supplemental Affidavit in Support of Petition Against Stalking. Within that document, identified as Composite Exhibit D, is Ms. Krapacs' December 19, 2018 post.) This post again put Ms. Bacchus in physical fear since Ms. Krapacs publicly exposed the type of vehicle that Ms. Bacchus drives. In Ms. Bacchus' Petition for Temporary Injunction, she stated:

The December 19, 2018 posting was extremely alarming as Respondent made reference to the type of vehicle that I drive. I was terrified when I was alerted by this positing [sic] as I have

never met Respondent, nor do we have any friends or colleagues in common with her. I reached out to her attorney, Patricia Acosta, Esq., who is representing Respondent in the civil matter and expressed my concerns via email. I do not know if Ms. Acosta ever addressed this matter with Respondent. This made me extremely uncomfortable and anxious. I reported this posting immediately to the Florida Bar.

(See Composite Exhibit C of the Bar's petition.)

9. On February 1, 2019, Judge Moon granted a Final Judgment of Injunction for Protection Against Stalking against Ashley Krapacs as a result of her actions toward Nisha Bacchus. (A copy of the court's order dated February 1, 2019 was attached to the Bar's petition as The Florida Bar's Exhibit W.)

10. Within three hours of the conclusion of the hearing and issuance of the Injunction, Ms. Krapacs sent the following e-mail to Bar Counsel:

Received Fri 02/01/2019 4:05PM
From Ashley Krapacs
Subject DVCE 19-000341 Case Update
To Sum, Alice; Casco, Maria; Lazarus, Randi
cc
bcc

Good Afternoon.

Today, Judge Moon issued a limited permanent injunction in the above-referenced case. My attorney has a copy of the order, and I will send it to you as soon as I receive a copy from her. I will be appealing the ruling as soon as I secure the right appellate lawyer.

Further, I have reason to believe that Ms. Bacchus not only abandoned her former client, Ms. Mach, in Ms. Mach's divorce case, I also have reason to believe that Ms. Bacchus unlawfully filed liens against Ms. Mach's property. I need to conduct further research before I can say definitively what kind of case Ms. Mach may have against Ms. Bacchus, but I will continue to provide updates as required. Please let me know if you have any questions.

Have a wonderful weekend.

Best,

Ashley

-

Regards,

Ashley Ann Krapacs
New York Bar #5389309
Florida Bar #122407
District of Columbia Bar #1045497
ashley.krapacs@krapacslaw.com
www.krapacslaw.com
[Follow me on Facebook!](#)
[Follow me on Twitter!](#)
[Connect on LinkedIn!](#)

11. From the above email, it is apparent the Respondent intended to continue her attempts to malign Ms. Bacchus. In fact, she again made unsupported allegations to The Florida Bar of "unlawful" conduct by Ms. Bacchus before admittedly researching the issue.

12. The Bar's Witnesses

At trial, the Bar called Williams and Bacchus as witnesses. Mr. Williams testified credibly. He stated Respondent's social media posts caused him emotional distress, especially since the posts occurred around the

Parkland School shooting, where his children attended school. Mr. Williams testified that, to his knowledge, approximately a dozen people asked him about the post but that they did not have any effect on his professional reputation or his firm's business because most of the people who saw the posts thought them to be outrageous and implausible. Williams further testified that this was the most "upsetting thing he had to go through as a lawyer" of over 30 years of practice. He stated it was humiliating and effected his law firm and his partners. In addition, Williams testified that this took significant time away from his family and his clients. Williams further explained Judge Kaplan was neither rude nor unfair to the Respondent at any point. Lastly, Williams expressed frustration regarding the fact that the Bar did not take action earlier, despite forwarding emails to the Bar of all the postings over the course of several months.

Bacchus also testified credibly and stated Respondent's social media posts caused her severe emotional distress and that at times caused her physical illness. Bacchus testified the posts became more alarming over time, and escalated when Respondent referenced the type of car Bacchus drove and a photo with a gun, despite being a scene from a children's movie. Furthermore, Bacchus testified when her firm website was "tagged" this hurt her both personally and professionally. Ultimately, Bacchus was in fear for her personal safety, she

couldn't sleep or eat, she had extreme anxiety which finally caused her to Petition the court for the Cyberstalking Injunction against the Respondent.

13. Respondent's Witnesses

Respondent called four (4) witnesses to testify: Judith Mach, Leila Campagnuolo, Respondent, and Dr. Yenys Castillo.

Judith Mach was not credible as a character witness for the Respondent. Mach only new the Respondent for a few short months, was not particularly forthcoming with answers when questioned and didn't have a clear memory of the posts the Respondent made on social media. Mach testified she met Respondent through Leila Campagnuolo and that the Respondent took her small claims case against Bacchus. Ms. Mach testified that Respondent is smart, caring, hard-working, and honest; however, it is questionable how Mach would have this solidified opinion of the Respondent having known her for only 4 months. Further, it appeared that she and the Respondent were banding together against Bacchus.

Leila Campagnuolo testified as a character witness for the Respondent. She was more credible than Mach but also only knew the Respondent for four short months and admitted the Respondent's behavior was inappropriate for a member of the bar due to her impaired judgment. Campagnuolo testified Respondent helped her get through her own issues related to her domestic violence situation and that she is caring and wants to help those in need.

The Respondent testified on her own behalf and at times was credible and other times not credible. Respondent is 33 years old, first took the NY Bar in 2016 and then the Florida Bar in 2016. She moved to Florida in 2017 and formed her own law firm. She stated her ex-boyfriend abused her both sexually and physically for a lengthy period and at one point had tried to Baker Act her. The Respondent stated after the Motion to Dismiss her Petition for a Domestic Violence Injunction was granted, as a new and inexperience lawyer, she felt scared and outnumbered without a support system. Respondent testified she felt she did not get her day in court which upset her greatly. She stated that her father was very volatile with her as a child and due to his abuse and the ex-boyfriend's abuse she suffered from PTSD, for which she was in therapy for during the entirety of 2018.

Regarding the posts, Respondent testified she was trying to increase awareness but she admittedly used "the wrong way" to make a statement. She regrets the words she used and that she "expressed herself incorrectly" with her social media attacks. She suggested she had seen other lawyers use social media in this manner and as a new lawyer thought it was an accepted practice. She stated she was frustrated with the process and despite having been in treatment at the time, did not have coping mechanisms to assist with her PTSD. While she expressed some remorse for the social media posts she didn't overtly apologize genuinely about the

stress and damage she caused to Mr. Williams and Ms. Bacchus, nor the statements she made about Judge Kaplan or the contribution to the negative impression the public has of lawyers.

Taken in its totality, as a new lawyer, who had suffered domestic violence abuse, had attempted to obtain an injunction against her abuser and failed, dealt with the sudden passing of her father, the hospitalization of her younger brother, the financial stress she was suffering, along with other issues she claims, caused the “perfect storm” at the time of the postings.

Finally, Respondent highlighted the coping mechanisms she has developed through rehabilitation efforts with her therapist whom she continues to see frequently. Respondent also cited the work of the Florida Lawyers Assistance program and her regular attendance at meetings. When asked directly by her lawyer Respondent specifically stated, “she would never do something like this again.”

Dr. Castillo testified as a forensic psychologist who evaluated the Respondent. Dr. Castillo was credible. She testified about the standardized testing, evaluation, and other investigation she conducted to obtain a detailed psychiatric history and to opine on the emotional and mental status of the Respondent, both during the relevant time and prospectively. Dr. Castillo referred to Respondent’s ex-boyfriend’s financial control and manipulation, physical abuse, and sexual

abuse, which occurred during the few years before Respondent moved to Florida. Citing a report from Respondent's treating psychologist, Dr. Castillo testified that Respondent's behavior from March 2018 to January 2019 was consistent with a person suffering from Post-Traumatic Stress Disorder due to childhood trauma, abuse by the ex-boyfriend, which was exacerbated by the death of her father, leading to her unstable behavior and inability to cope with reality. Also, based on her experience in the field and meetings with Respondent, Dr. Castillo concurred with the diagnosis of Post-Traumatic Stress Disorder at the time Respondent was posting online (both the treating and expert doctors agreed on the PTSD diagnosis for the relevant time).

According to Dr. Castillo, the feelings of helplessness, procedural issues, and defending against Mr. Williams's defamation action caused Respondent to feel as if she was being attacked which is consistent with a person suffering from Post-Traumatic Stress Disorder. Dr. Castillo testified these fears caused Respondent to feel that posting on social media was because she felt she had no other way to protect herself without the social media posts.

Dr. Castillo testified she believes Respondent will not repeat the social media posts, although cannot of course be sure, and that Respondent can handle the stresses of practicing law. She confirmed that the Respondent's current treatment

protocol, which included routine visits with the therapist as well as ongoing attendance at FLA meetings, is sufficient and appropriate to monitor and control the Respondent's condition. Dr. Castillo testified, based on her evaluations of Respondent, that fortunately, Respondent is no longer suffering from Post-Traumatic Stress Disorder and she believes Respondent is a low risk for relapse because of the coping mechanisms and support systems she has developed for herself. She also testified that Respondent has developed the appropriate coping methods to address stressful litigation, can deal with daily life, can handle triggers and is now a "different person" and is at low risk of reoffending. Dr. Castillo further opined that the Respondent does not need to be medicated and she believes the Respondent wants to be a good attorney and help people.

III. RECOMMENDATIONS AS TO GUILT

The Court respectfully recommends that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.3 [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.]; 4-4.4(a) [In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or

knowingly use methods of obtaining evidence that violate the legal rights of such a person.]; and 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:

2.5 Public reprimand is appropriate in cases where the lawyer's conduct, although violating ethical standards, is not serious enough to warrant suspension or disbarment. A public reprimand serves the useful purpose identifying lawyers who have violated ethical standards, and, if accompanied by a published opinion, educates members of the bar as to these standards.

2.7 Probation is a sanction that should be imposed when a lawyer's right to practice law needs to be monitored or limited rather than suspended or revoked. The need for probation can arise under a variety of situations and it can be imposed either alone or along with any other disciplinary measure.

5.11(b) Disbarment is appropriate when a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft;

5.12 Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included within Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice. Lawyers who engage in criminal conduct other than that described above in Standard 5.11 should be suspended in cases where their conduct seriously adversely reflects on their fitness to practice law. As in the case of disbarment, a suspension can be imposed even where no criminal charges have been filed against the lawyer. Not every lawyer who commits a criminal act should be suspended, however. As pointed out in the Model Rules of Professional Conduct: Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, or breach of trust, or serious interference with the administration of justice are in that category.

7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

7.1 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.

V. AGGRAVATING FACTORS VS. MITIGATING FACTORS

There is sufficient evidence of the following aggravating factors:

9.22 Aggravating Factors:

9.22(b) dishonest or selfish motive;

9.22(c) a pattern of misconduct-based on the repeated social media posts over the course of nine (9) months

9.22(f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process – with multiple letters to The Florida Bar, Respondent falsely accused Russell Williams and Nisha Bacchus of conduct that did not occur.

9.22(g) refusal to acknowledge wrongful nature of conduct; and

9.32 Mitigating Factors:

(a) absence of a prior disciplinary record.

Also, there is sufficient evidence of the following additional mitigating factors:

- a) personal or emotional issues– I found there was significant credible and persuasive evidence suggesting that Respondent was suffering from both personal and emotional problems when she was posting;
- b) inexperience in the practice of law – Respondent served as a judicial clerk for the two years preceding her move to Florida. At the time of the incidents, Respondent had little experience practicing law;
- c) interim rehabilitation – Respondent has been and is currently under medical treatment which includes a protocol where she is being seen routinely by her treating psychiatrist and is attending ongoing FLA meetings. According Dr. Castillo, Respondent's PTSD into remission and there is a low risk of reoccurring behavior. Respondent removed social media posts in August 2018 and removed all of the subject statements from the Internet in 2019; and
- d) remorse – I found Respondent to be somewhat remorseful during her testimony. Respondent apologized to the referee, the Bar, the Court and stated that she was going to apologize in writing to attorneys Williams and Bacchus. She further testified to an understanding of the right way and wrong way to express herself and recognition that what did was wrong.

VI. CASE LAW AND ANALYSIS

Sitting in judgment of another, especially a member of the Florida Bar is no doubt a difficult task. It is especially difficult to sit in judgment of a young attorney in the face of the Bar's request for disbarment. However, I have viewed the evidence presented, together with the applicable and current authority.

Extortion email

In January of 2018, Ms. Krapacs sent the following text message while in Florida to her former boyfriend:

Ashley Ann Krapacs

Gregg, I don't want to make this any nastier than it already is. I'm exhausted. I need help financially. Getting a job and building my own income doesn't happen overnight. And quite frankly, after the hell you put me through for 5 years, you owe me.

If you choose not to help me, I will have no choice but to take you to court for the illegal, heinous things you've done to me, and I'll broadcast it far and wide, trust me. Let's not make this worse. I just need help, temporarily, and then you'll never hear from me again. I need to get your toxic presence out of my life, and taking you to court will only drag this out. I need \$5,000 this month and \$5,000 next month, and you'll never hear from me again. Your decision. You want to make this harder, so be it. Not sure how much your boss and your mom and your sons are gonna like hearing that you're a rapist, so I'm giving you this opportunity to end this without a war.

There is a criminal statute that applies to the transmission of this text message by Ms. Krapacs.

F.S. 836.05 provides: Threats: extortion/provides whoever either verbally or by a written or printed communication, maliciously threatens to accuse another

of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation or another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s 775.083, or s. 775.084.

Rule 4-8.4(b) of the Rules Regulating The Florida Bar provides that a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

In *The Florida Bar v. Davis*, 657 So.2d 1135 (Fla. 1995) dealt with a respondent who was charged with criminal conduct and acquitted by a jury. Nevertheless, The Florida Bar proceeded against him based on the underlying felonious conduct. Krapacs potentially committed a felony when she sent the above text message, however no criminal charges were ever filed. Further, the Court in *Davis, supra*, considered events that occurred prior to the substantive charged conduct as evidence in aggravation. The instant matter, which formed the basis for the order of emergency suspension, concerned Respondent's public conduct on social media and elsewhere. The extortionate text message is relevant to my disciplinary recommendation, but is not the central focus.

It is important to note that Respondent argued that she was “sandbagged” by the Bar’s presentation of the extortionate text message. I note, however, that the Petition for Emergency Suspension did reflect in two places the underlying grievances, one of which was the grievance filed by Ms. Krapacs’ former boyfriend which included the extortionate text message.

Social media

The 9-month social media unprovoked attack against two barred attorneys is the central focus of this case. The Florida Bar predominately relies on *Norkin*. In that case, the Supreme Court of Florida found Norkin guilty of violating R. Regulating Fla. Bar 4-8.2(a) and 4-8.4(a). During the course of the litigation, Norkin disparaged opposing counsel, sent threatening and disparaging emails to opposing counsel, would shout at the judge when he felt he was losing a hearing, and was generally disrespectful to opposing counsel and the judge during the pendency of the case. Norkin had a history of previous discipline. The Supreme Court of Florida imposed a two-year suspension and a requirement that Norkin undergo a mental health evaluation upon readmission. The Florida Bar argues the Respondent’s actions in this case are more egregious than Norkin’s due to the numerous disparaging online posts and You Tube videos. *Norkin* is analogous to the instant case.

In *The Florida Bar v. Patterson*, 257 So. 3d 56 (Fla. 2018), the Supreme Court of Florida found Patterson guilty of violating R. Regulating Fla. Bar 3-4.3, 4-1.7, 4-8.2(a), and 4-8.4(d). Patterson wrote a letter to the presiding judge and submitted a filing in his client's appeal that "either disparaged opposing counsel or expounded upon the alleged bias of judges and the shortcomings of the legal system." *Id.* at 62. Patterson also used his client's appellate rights to assert his own interests and seek relief from an order against him. The Supreme Court of Florida suspended Patterson for one year for making disparaging remarks about a judge and violating his duty of loyalty to a client. Patterson's statements, although wrong, were not publicized all over the internet. The Court addressed civility or the lack thereof:

Furthermore, this Court is greatly troubled by the general lack of respect and professionalism Patterson displayed toward judges and other professionals in court filings and in his letter to Judge Martinez. Such conduct, while an inconvenience or a mere slight to those initially confronted by it, **ultimately emboldens others to engage in similar unprofessional or disrespectful acts, the net effect of which is the gradual erosion of public confidence in the courts and the decisions rendered by them.** Like all lawyers in Florida, Patterson took the Oath of Admission to The Florida Bar prior to his admission, wherein he affirmatively committed to "maintain the respect due to courts or justice and judicial officers." This commitment is not extraneous to, but coextensive with the obligation set out in the Bar Rules. The Court expects all lawyers to conduct themselves in a respectful and professional manner when accessing the courts or appearing before a judicial officer regardless of

the form or capacity in which the appearance occurs. *See* Code for Resolving Professionalism Complaints, Standards of Professionalism (prohibiting members of the Bar from engaging in unprofessional conduct and defining such conduct as “substantial or repeated violations of the Oath of Admission to The Florida Bar. The Florida Bar Creed of Professionalism, The Florida Bar Professionalism Expectations, The Rules Regulating The Florida Bar, or the decision of The Florida Supreme Court”).

The Florida Bar v. Patterson, 257 So.3d 56 (Fla. 2018).

Cases regarding cumulative disciplinary history

In *The Florida Bar v. Kassier*, 730 So. 2d 1273 (Fla. 1998), the Supreme Court of Florida found Kassier guilty of violating R. Regulating Fla. Bar. 4-8.4(c) and 4-8.4(d). Kassier was accused of issuing eight dishonored checks. Kassier hired a former client, whom he helped plead guilty to an insurance fraud scheme, as his office manager. Furthermore, Kassier refused to reply to a subpoena from the Florida Bar. The Florida Supreme Court rejected the Florida Bar’s request for disbarment on the grounds that Kassier did not have a significant disciplinary history. Importantly, the Florida Supreme Court found that while cumulative misconduct should be treated more severely than isolated misconduct, Kassier’s alleged other complaints had not been decided, and therefore, could not be considered in the discipline. *Id.* at 1275. I find that Respondent’s conduct was not as severe as Kassier’s conduct and that *Kassier* confirms this facts of this case do not equate to “cumulative misconduct.”

In *The Florida Bar v. Ratiner*, 238 So. 3d 117 (Fla. 2018), the Supreme Court of Florida found Ratiner guilty of violating R. Regulating Fla. Bar 4-3.5(c) and 4-8.4(a) and disbarred Ratiner. That case is distinguishable. Ratiner had a significant and lengthy history of abusing courts and opposing counsel over many years and was reprimanded twice before for his conduct. Ratiner was guilty of shouting “lie, lie, lie” while opposing counsel was conducting direct examination during a jury trial. Ratiner also kicked opposing counsel’s table during a hearing. It is important to note that this was the third time Ratiner had a bar complaint and the third time the Supreme Court of Florida had to issue a decision. The Supreme Court of Florida also referenced its incremental approach to imposing discipline, “increasing the severity of discipline in each instance.” *Id.* at 127. The Respondent’s conduct is analogous in some respects to *Ratiner* but Krapacs has not been previously reprimanded by the Florida Bar.

In *The Florida Bar v. Wasserman*, 675 So. 2d 103 (Fla. 1996), the Supreme Court of Florida found Wasserman guilty of violating R. Regulating Fla. Bar 3-4.3, 3-5.1(b)(1)(C), 4-3.5(c), and 4-8.4(a). Wasserman berated a judicial assistant over the phone, had an angry outburst in court, and instructed his client not to follow a court order. Wasserman also had a disciplinary history at the time of the complaint. Considering all factors, Wasserman was suspended from the practice of law for six months. Respondent’s actions in this case are more prolonged and more egregious.

Severe cases concerning comments about the judiciary

In *The Florida Bar v. Abramson*, 3 So. 3d 964 (Fla. 2009), the Supreme Court of Florida found Abramson guilty of violating R. Regulating Fla. Bar 4-3.5(a), 4-3.5(c), 4-8.4(d). During jury selection, Abramson was discourteous to the judge, interrupted the judge, and improperly demanded to be heard on pretrial motions regarding his client's pleas after the jury was seated. The Supreme Court of Florida imposed a ninety-one-day suspension. Respondent's public barrage of attacks on social media of Judge Kaplan are more egregious.

In *The Florida Bar v. Morgan*, 938 So. 2d 496 (Fla. 2006), the Supreme Court of Florida found Morgan guilty of violating R. Regulating Fla. Bar 4-3.5(c) and 4-8.4(d). During a felony trial, Morgan became incensed when the judge sustained an objection to his question. Morgan refused to listen to the judge, yelled at the judge, and continued to ask questions in violation of the judge's ruling. The Supreme Court of Florida found that this conduct interfered with the tribunal and imposed a ninety-one day rehabilitative suspension. Respondent's maligning of Judge Kaplan in this case is more egregious.

Cases regarding conduct with opposing counsel and dishonesty

In *The Florida Bar v. Sayler*, 721 So. 2d 1152 (Fla. 1998), the Florida Supreme Court found Sayler guilty of violating R. Regulating Fla. Bar 3-4.3, 4-4.4, and 4-8.4(d). Sayler sent an article about the murder of a workers' compensation

defense attorney to opposing counsel. The Supreme Court of Florida found that a public reprimand, six months' probation, and a psychiatric evaluation with completion of recommended treatment were appropriate sanctions. The Respondent's actions are somewhat similar to *Sayler* but more egregious and repeated.

In *The Florida Bar v. Riggs*, 944 So. 2d 167 (Fla. 2006), the Supreme Court of Florida found Riggs guilty of violating R. Regulating the Florida Bar 4-1.15, 4-8.4(c), 5-1.1(a)(1), 5-1.1(g)(2), 5-1.2(b)(1), and 5-1.2(c). Riggs knowingly gave trust account authority to his paralegal and failed to supervise her. Riggs also failed to pay out funds for a closing that were sent to his trust account and misrepresented the reason why the funds were unavailable. The Bar, during its investigation, uncovered several issues with Riggs's management of his trust account. The Florida Supreme Court referred to trust mismanagement as "one of the most serious offenses a lawyer can commit and that disbarment is presumed to be the appropriate sanction." *Id.* at 171. The Supreme Court of Florida upheld the referee's recommendation and suspended Riggs for three years. Respondent's conduct is not as severe as nor directly analogous to Riggs's conduct.

Cases of similar conduct and severity

In *The Florida Bar v. Summers*, 728 So. 2d 739 (Fla. 1999), the Supreme Court of Florida found Summers guilty of violating R. Regulating the Florida Bar 3-

7.11(b) and 3-7.11(c). Summers failed to respond to discovery, failed to respond to demands from judges, and failed to appear for the final disciplinary hearing. The Florida Bar sought disbarment, which the Court classified as “an extreme form of discipline and should be reserved for the most egregious misconduct.” *Id.* at 742 (internal quotations omitted). The Supreme Court of Florida rejected the Florida Bar’s suggested sanction and instead suspended Summers for ninety-one days, required proof of rehabilitation, attendance at ethics school, and assessed costs. Herein, Respondent has already been suspended from the practice of law since February 27, 2019. The severity of Respondent’s conduct is more comparable to the severity of Summers’s conduct, yet more egregious.

In *The Florida Bar v. Uhrig*, 666 So. 2d 887 (Fla. 1996), the Supreme Court of Florida found Uhrig guilty of violating R. Regulating Fla. Bar 4-8.4 and imposed a public reprimand on Uhrig and assessed costs. Uhrig sent an insulting and unprofessional letter concerning opposing counsel’s child support. The Supreme Court of Florida found that the letter’s only purpose was to disparage and humiliate. Respondent’s conduct is similar to Uhrig’s conduct yet more egregious.

In *The Florida Bar v. Martocci*, 791 So. 2d 1074 (Fla. 2001), the Supreme Court of Florida found Martocci guilty of violating R. Regulating the Fla. Bar 4-8.4(d). Martocci made disparaging and profane remarks against opposing counsel and opposing parties during divorce proceedings. These comments came during

depositions and after hearings. There were also racially charged comments made. The Supreme Court found that a public reprimand and two-year probation were appropriate. While the Respondent's posts did not include racially charged language, the nature of Respondent's comments and conduct is similar to Martocci's conduct.

In *The Florida Bar v. McCallum*, Final Report of Referee, *Fla. Bar v. McCallum*, (No. SC18-604), the referee found McCallum guilty of violation R. Regulating Fla. Bar 3-4.3, 4-8.2(a), and 4-8.4(d). McCallum sent correspondences to the Chief Judge of the Fifth Circuit alleging that one judge treated her unfairly in the courtroom and that another judge was corrupt and helped another attorney steal her client. The Referee recommended a public reprimand, attendance at the Florida Bar's Ethics School, and payment of the Florida Bar's costs. I find Respondent's comments to be similar to those made by McCallum about the first judge's courtroom demeanor and decision to "skip over" her during hearings. Respondent's conduct is similar to McCallum's complaints of corruption against the judge.

VII. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED

While Respondent's conduct was improper, unethical and uncivilized, I do not find her conduct to be so egregious to warrant the most severe punishment, disbarment, as the Bar has requested. The case law is clear that disbarment is reserved for the most extreme and repeated misconduct. While the Respondent's misconduct involved multiple incidents that were offensive, hurtful and distressing,

there are some mitigating factors. Moreover, after reviewing the cases above, I find Respondent's conduct does not rise to the level of conduct in cases where disbarment was imposed. In all the cases referenced above where disbarment was the approved sanction, the attorney had been previously sanctioned and the conduct was more egregious. The purposes of attorney discipline are:

- (1) to protect the public from unethical conduct without undue harshness towards the attorney;
- (2) to punish misconduct while encouraging reformation and rehabilitation; and
- (3) to deter other lawyers from engaging in similar misconduct.

See, generally, The Florida Bar v. Dupee, 160 So. 3d 838, 853 (Fla. 2015).¹

The discipline recommended herein satisfies the purposes of attorney discipline enumerated in *in Dupee*. The suggested discipline will protect the public from unethical conduct without undue harshness towards the attorney, punishes misconduct while encourages reformation and rehabilitation, and will deter other from engaging in similar misconduct.

¹ In *Dupee*, Dupee materially misrepresented evidence in a dissolution proceeding after helping her client hide money. Dupee also did not prevent her client from committing perjury during a deposition.

Unfortunately, the Respondent's conduct continued far too long without any immediate intervening action to stop it. The Florida Bar was consistently and over a period of months notified by attorney Williams approximately two dozen times of the Respondent's internet posts; yet, inexplicably no immediate injunctive relief was sought until 8 months had passed.

The Referee has reviewed all the testimony and evidence, takes into account the totality of the circumstances, both the aggravators and the mitigators, balancing that Respondent is a young and inexperienced attorney, with no previous issues with the Florida Bar, who was a recent victim of repeated sexual and physical abuse (which was uncontested) who was suffering from mental illness (which was also uncontested) against Respondent's repeated unprofessional and uncivilized misconduct by public maligning of two attorneys. Respondent's actions caused significant emotional and reputational damage for the attorneys she targeted. The referee has great empathy for victims of sexual abuse and domestic violence as well as those who suffer from mental health issues. However, neither Respondent's prior victimization, horrific as it may have been, nor her PTSD justify Respondent's actions against two lawyers who honorably and professionally practiced law.

Despite all of the aforementioned, the referee would have no trouble recommending disbarment were the Respondent not faithfully adhering to her

mental health treatment or if her previous mental issues was not currently under control. Given the mitigating factors outlined above, it is the referee's hope that the Respondent truly sees the error of her ways and will be able to rehabilitate her reputation and salvage her career. Thus, this Referee is recommending the Supreme Court give her that chance.

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

- A. A two-year suspension from the Florida Bar;
- B. A psychological evaluation and any recommended treatment prior to readmission to the Florida Bar; and
- C. Payment of The Florida Bar's costs in these proceedings.

VIII. 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: 33

Date admitted to the Bar: April 25, 2016

No past disciplinary record

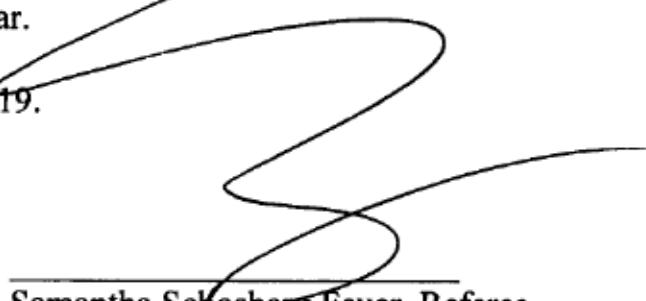
IX. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

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

Administrative Fee	\$1,250.00
Court Reporters' Fees	2,349.30
Bar Counsel Costs	233.10
Investigative Costs	945.00
 Total	 \$4,777.40

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be deemed delinquent 60 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 30th day of May , 2019.



Samantha Schlesberg Feuer, Referee
 South County Courthouse
 200 W. Atlantic Ave
 Delray Beach, FL 33444-3664

Original To:

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

Conformed Copies to:

Christopher Benton Hopkins, Counsel for Respondent, 505 South Flagler Drive, Floor 3, West Palm Beach, Florida 33401-5923, chopkins@mcdonaldhopkins.com

Randi Klayman Lazarus, Bar Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, r.lazarus@floridabar.org
mcasco@floridabar.org

Staff Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite

RULE 3-4.2 RULES OF PROFESSIONAL CONDUCT

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

RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT

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.

RULE 4-4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent must promptly notify the sender.

RULE 4-8.4 MISCONDUCT

A lawyer shall not...

(d) 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...

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ASHLEY ANN KRAPACS,

Respondent.

Supreme Court Case
No. SC19-277

The Florida Bar File Nos.
2018-50,829(17I)FES
2018-50,851(17I)
2019-50,081(17I)

**THE FLORIDA BAR'S ANSWER BRIEF AND INITIAL
BRIEF ON CROSS APPEAL**

Randi Klayman Lazarus, Bar Counsel
The Florida Bar - Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No. 360929
rlazarus@floridabar.org

Patricia Ann Toro Savitz, Staff Counsel
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 559547
psavitz@floridabar.org

Joshua E. Doyle, Executive Director
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 25902
jdoyle@floridabar.org

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PRELIMINARY STATEMENT

Complainant will be referred to as The Florida Bar, or as the Bar. Ashley Ann Krapacs, Respondent, will be referred to as Respondent, Ms. Krapacs or Ashley Krapacs throughout this brief. References to the Report of Referee shall be by the symbol RR, followed by the appropriate page number. (e.g., RR 42) References to the transcript of the final hearing shall be by symbol TR, followed by the volume, followed by the appropriate page number. (e.g., TR III 289) References to Bar exhibits shall be by the symbol TFB Ex., followed by the appropriate exhibit number. (e.g., TFB Ex. 10) References to Respondent's exhibits shall be by the symbol Resp. Ex., followed by the appropriate exhibit number. (e.g., Resp. Ex. 6) References to specific pleadings will be made by title.

STATEMENT OF THE CASE AND OF THE FACTS

On February 20, 2019, the Bar filed a Petition for Emergency Suspension necessitated by Respondent's prolonged social media posts, articles and videos on Facebook, YouTube, LinkedIn and elsewhere in which she disparaged and humiliated members of the Bar and the judiciary. The posts were replete with false statements. As Respondent's behavior escalated with the posting of a violent image, the identification of a victim's vehicle leading to the filing of a cyberstalking injunction, together with the solicitation of clients of that same

victim, and Respondent's communications to the Bar reflecting a continuation of that misconduct, Respondent's actions rose to the level of causing great public harm. Although complaints were pending in the Bar's grievance system, the intensification of the misconduct met the standard as set forth in Rule 3-5.2(a)(1) of the Rules Regulating The Florida Bar. On February 27, 2019, this Court agreed and issued an order of emergency suspension.

Judge Samantha Schosberg Feuer was appointed as Referee. Christopher Hopkins appeared on Respondent's behalf. A final hearing was held on May 1, 2 and 7, 2019.

Russell Williams, a Bar member since 1987, testified. (TR I 22) His firm, Williams, Halal, Wigand & Grande was formed in 2016. He teaches ethics and criminal justice. His practice is mostly criminal law, with commercial and civil clients. His wife is a domestic violence prosecutor. (TR I 23-24)

In early 2018, Gregory Knoop contacted Mr. Williams to handle a domestic violence injunction filed by Respondent. He concluded that there was no jurisdiction. On February 22, 2018, he sent a 57.105 letter to Ms. Krapacs. (TFB Ex. 2, TR I 24-26) The letter provided her with 21 days to withdraw or dismiss the injunction for safe harbor. On February 27, 2018 at 7:25 PM, Ms. Krapacs sent Mr.

Williams an e-mail. On February 28, 2018 at 9:39 AM, Respondent sent him a second e-mail as follows.

Hello Again Mr. Russell J. Williams, ESQ.,

I was going to save your client the embarrassment, but at this stage, if you're threatening sanctions for a petition that contains 100% true information, I'm inclined to file a supplement to bolster my original petition which will even more fully demonstrate that your client is a dangerous sexual deviant, which will include the following information: Your client has unlawfully paid for sex acts at Asian spas, he has performed oral sex on the penis of a transgender individual, he is obsessed with anal sex and requested that I penetrate him anally with a strap-on toy and even found one online and offered to buy it, he requested that I watch him get penetrated anally by a transvestite, and he makes sick and inappropriate jokes about bestiality and pedophilia.

I just want my petition for injunction of protection so that this sick man will leave me alone, and I have more than enough of a legal basis for it. If I have to fully expose all of his sick past acts to get that injunction, I will. Please speak with your client and let me know how'd like to proceed.

Warmest Regards, Ashley (TFB Ex. 4)

Since the e-mail was extortionate, he did not respond and set the matter for hearing. On March 1, 2018, Ms. Krapacs posted on LinkedIn as follows:

Old White Male Attorney #2 steps up to the plate to harass a domestic violence victim with yet another baseless legal threat. Classy.

I emailed Mr. Russell J. Williams, ESQ. to remind him that the Florida Rules of Ethics make it unethical to threaten another member of the bar with a grievance complaint. I also

reminded him that the Rules require that lawyers use the law's procedures only for legitimate purposes and not to harass or intimidate others.

Crickets. (TFB Ex. 5)

Mr. Williams did not intend to harass, intimidate, make a baseless legal threat or manipulate Ms. Krapacs. It was upsetting as the first time anyone had posted something bad about him. He filed a Motion to Dismiss and set it to be heard on April 12, 2018. Ms. Krapacs filed a Motion to Strike but did not set it for hearing. (TR I 34)

During the hearing, Mr. Williams was joined by two office mates, his paralegal and his wife due to Respondent's e-mails and postings. Concerned about allegations of wrongdoing, he wanted witnesses. (TR I 35) Judge Kaplan advised Ms. Krapacs that her Motion to Strike was a response. She apologized for not filing it correctly. The Judge offered the chance to argue the motion, she declined and apologized twice to the Judge for her lack of experience. (TR I 36, 38) Judge Kaplan explained the process and was not disrespectful or rude. (TR I 38) After the Judge dismissed the petition without prejudice to give Ms. Krapacs an opportunity to refile or amend it, there was a discussion about whether Mr. Williams had received her Motion for Leave to Amend. Mr. Williams said he had not received it, but after Ms. Krapacs reacted to his statement, he quickly corrected himself after

a momentary confusion. He tried to get the motion from the clerk and could not. It was then e-mailed to him by Ms. Krapacs. (TR I 40-41) Judge Kaplan did not treat Ms. Krapacs with bias, was not offensive, impatient, loud and did not unduly interrupt. A transcript and the recording of proceedings was introduced. (TFB Ex. 6) Despite Respondent's counsel referencing another transcript, it was never introduced.

After the hearing, Ms. Krapacs filed a Bar grievance against Mr. Williams. (TFB Ex. 7, TR I 45) She charged that his 57.105 letter was threatening, intimidating and harassing. Mr. Williams said he was required, per statute, to send that letter. With the grievance, Ms. Krapacs provided her e-mail of February 27, 2018, but failed to include the threatening one dated February 28, 2018. (TFB Ex. 4) The grievance against Mr. Williams was dismissed. (TR I 47-48)

An April 14, 2019 post that was admitted said her Motion to Amend "got straight up ignored." That was untrue since Judge Kaplan said he was unaware of the motion. She posted that "the judge didn't have to rule on the motion to dismiss. He could have given me time to amend. But he didn't. He granted the motion to dismiss." Ms. Krapacs never asked the Judge not to rule. She posted that "opposing counsel blatantly, flat-out LIED on the record. The judge didn't bat an eye...Something is really off here." (TFB Ex. 8, TR I 51) Mr. Williams denied

lying and said Ms. Krapacs accused him and the Judge of mistreating her and being “in cahoots.” She labelled Mr. Williams a bully, using aggressive and intimidating legal tactics, which was false, embarrassing and upsetting. (TR I 51-54)

The timing of the postings was significant since Mr. Williams’ children attended Marjory Stoneman Douglas, with his son present during the massacre. He was dealing with trauma and the death of friends. Ms. Krapacs’ conduct served to “pile on” and consume his partners, family and friends. (TR I 54)

Ms. Krapacs posted an article dated April 23, 2018 entitled, “When You Don’t Let Female Lawyers Talk, We’ll Only Get Louder” on “Ms. Esquire” a forum for female lawyers. (TFB Ex. 9, TR I 60-61) She referred to Mr. Williams and Judge Kaplan as old, white males who sandbagged and ganged up on her. Mr. Williams said that reading and listening to that hearing does not support that description. (TR I 55-56) Ms. Krapacs disparaged Judge Kaplan for not hearing her motion, which was a fiction, since the court had not received it and she did not follow protocol to set it to be heard. (TR I 57) The Judge read the motion on the bench. (TR I 58) Ms. Krapacs accused Mr. Williams of lying and that the “the judge is bailing him out.” Ms. Krapacs accused Judge Kaplan of treating her in a biased and sexist manner. None of that occurred. Mr. Williams learned of the

article from a prosecutor who reposted it on Facebook. Once she learned it referred to him and Judge Kaplan, she removed it. (TR I 59)

The next article posted was, “Bad Attorney Behavior. If You See It, Report It.” (TFB Ex. 10) She referred to her Bar complaint against Mr. Williams and his lies. She said it was hilarious that he was “whining” and “Boo-hoo. He knows that truth is an absolute defense to defamation and that he can’t do a damn thing about me calling him out for lying.” (TR I 62-63) As noted below, she said he was Facebook stalking her:

If it is, no one is safe. This man has been practicing for over 30 years. I cannot fathom how many female domestic violence victims and opposing counsel have been sandbagged and railroaded by this bully. My heart breaks. But I remain hopeful the Florida Bar will conduct a full investigation and take proper action. This type of sexism and bullying has absolutely no place in the practice of law. (TR I 65)

Mr. Williams never posted in response, never had any face-to-face, e-mail or phone contact with her, except for noticing hearings, possibly done by his staff. He almost responded but knew it was unethical and would not do it. His wife persuaded him not to post. He did not stalk Respondent on Facebook. Friends had seen posts with false statements and forwarded those to him. Posts by Ms. Krapacs caused his name to get recognized. He forwarded posts to the Bar for emergency

assistance. He filed a grievance against Ms. Krapacs in May of 2018. (TR I 66-68, 84)

On May 25, 2018, Mr. Williams advised the Bar about Ms. Krapacs' videos on YouTube, linked to her Facebook and LinkedIn accounts, disparaging Mr. Williams and Judge Kaplan. (TFB Ex. 11, TR I 68) In Ms. Krapacs' June 19, 2018 response to the grievance filed against her, she wrote:

[H]e is an entitled, sexist man that's used to getting his way by bullying those who oppose him, especially women, into defeat. He is clearly accustomed to being able to control the women around him. He is clearly angry that I will not allow him to bully and control me, and he will apparently go to any length, including to try to manipulate the procedures of the legal system and the Florida Bar to get his way. (TR I 70-71)

Respondent does not know people who surround him. He handles sexual battery and domestic violence cases, dealing mostly with female prosecutors. They would say he is professional. (TR 71-72) Mr. Williams discussed her statement that she was up against 5 attorneys from 3 different jurisdictions attacking her relentlessly for 6 months. (TR I 72) Ms. Krapacs posted disparaging comments about Mr. Knoop. His Texas attorneys sent a cease and desist letter. She filed grievances against the Texas lawyers, who hired attorneys to represent them. The grievances were dismissed. (TR I 77-78) Ms. Krapacs didn't care if Mr. Williams was embarrassed by the public knowing his behavior. He was perplexed and upset,

having done nothing wrong. She said he mistreats women and victims and lies and cheats in cases. (TR I 79) If she knew him, she would know he's honest, ethical and responsible. (TR I 80)

Mr. Williams was embarrassed. He considered a defamation lawsuit. (TR I 82) He filed a grievance to stop her posting and defend himself, and not to bully her. (TR I 83) He forwarded "Vlogs" 8, 9 and 10, videos posted on YouTube, to the Bar. The 30-minute Vlogs were defamatory, disparaging, humiliating and emotionally distressing. (TFB Comp. Ex. 13) She described him as a sexist, bully, in cahoots with Judge Kaplan. In Vlog 10, Ms. Krapacs disparaged the 4th DCA, who denied her Writ of Prohibition,¹ as an "all-white male club type of situation." She insinuated that since the Writ was denied without explanation, there was a nefarious motivation by the court. She said that she was so badly treated by Judge Kaplan it was as if she was being raped over and over again. (TR I 86-87)

Mr. Williams prepared a lawsuit hoping that after the injunction was dismissed, she would stop her statements, but she did not. On July 26, 2018, Nisha Bacchus filed suit on behalf of Mr. Williams, hoping to get an injunction quickly to stop her. (TFB Ex. 14, TR I 90) Ms. Bacchus was his former intern and he asked her to represent him as a favor. He regretted doing that since Ms. Bacchus was the

¹ Ms. Krapacs filed a Writ of Prohibition in the 4th DCA after Judge Kaplan denied her motion to recuse him.

subject of unsavory, unethical and relentless posts by Ashley Krapacs. The posts were more “ramped up” by identifying Ms. Bacchus’ vehicle and a violent photograph from a film. He did not expect the backlash being as bad as it was. He hoped the lawsuit would settle quickly, but it did not. (TR I 91-92)

The August 2, 2018 YouTube video was posted the day the lawsuit was served. (TFB Ex. 15) She said she could not stop laughing. He knew she would not stop, and a long battle would ensue. She said the lawsuit was obscene, riddled with lies, and that lying on the record is what Mr. Williams does best. The complaint was truthful. She called Mr. Williams a moron, sexist, and a bully. He could not believe a lawyer would create a video about a recent lawsuit and be untruthful. He could not understand her accusations without knowing him and while the Bar grievance was pending. He was upset that the Bar did not react as quickly as he wanted, which is one reason he filed the lawsuit. (TR I 95-97)

In that video, she said:

You know, and there is - - there is another option here. There is a really easy option. You could, you know, just stop being a dick. Like, there is a really simple solution. Just don't be a dick. But men like Russell J. Williams want to have their cake and eat it, too. Listen, when you have been having your cake and eating it, too, for three decades, and it worked and it made you a lot of money, I guess it would piss you off when someone comes along and makes it clear that this just isn't going to work anymore. You know, it pisses him off that he can't just keep acting a fool and then pretending to be a good

guy. You want to act like a baby, bully people around, lie and cheat his way through cases and pretend like he is a decent human being, sorry, that's just not an option anymore. It's just not. (TR I 98)

Respondent has no information about his earnings. (TR 96)

Ms. Krapacs attacked Ms. Bacchus and said:

So Nisha Bacchus, you are a backstabbing traitor. I almost feel bad for you. Almost. Almost. Because he is playing her. He's playing her like an f'ing fiddle. He knew he was going to have a hard time finding any attorney who was actually going to file this piece of garbage. He knew it. So what did he do? He found someone desperate for work, someone so hard up for cases that she would do anything for a quick buck. And this much is obvious from me. (TR I 99)

Ms. Krapacs said that if you represent a domestic violence abuser, you must withstand whatever you are given on social media by the victim. (TR I 101)

When he saw the video denigrating Ms. Bacchus, he told her not to worry and it will be over soon. (TR I 102) In the video, Ms. Krapacs said "some people try and they end up like Nisha Bacchus, who are so hard up that they take anything, including shit like this. So I feel almost bad for her because he is playing her. It is really obvious from the way that she presents herself, that she will take anything if the price is right, or even it if it is not." (TR I 103) Mr. Williams was not playing Ms. Bacchus. (TR I 106)

Ms. Krapacs said:

So I almost feel bad for her, but not quite. At the end of the day, no matter how convincing and manipulative he is, it is still her choice to represent him, and it's a choice she will live with for the rest of her life, the choice to file this other BS complaint, the choice to go after a rape survivor when you claim to be pro-women's rights. Are you f'ing kidding me? The choice to sell out to make a quick buck. It's her choice. Her actions have spoken volumes about the kind of person she really is, and that she is a woman that does not like women very much. So sorry, honey, you are exposed. (TR I 107-108)

Nisha Bacchus is compassionate. She formed the Florida Women's Center with her former law partner, Tarlika Navarro, to serve women with domestic violence issues who are taken advantage of by the system. She is not a sellout and was not paid to represent him. She gained no advantage and cried a lot. He is not a misogynist pig. (TR I 108-109) Ms. Krapacs posted that he was the type of guy who would cheat on his wife, come home, kiss her and tell her he loved her. He and his wife were upset. Ms. Krapacs never apologized to him and has shown no remorse. (TR I 110-111)

Her derogatory posts on his firm's webpage was bad for business. Google and Yelp removed posts since she was never a client. Business slowed down from Spring of 2018 until May of 2019, guessing it was due to Ms. Krapacs' actions. It was his most upsetting experience as a lawyer. He could never have imagined being treated this badly. Even though his partners supported him, it was upsetting.

This conduct during the time of the school tragedy was needless aggravation, taking him away from his family. It was time consuming writing to the Bar and preparing a lawsuit. It was an awful time. (TR I 112-114, 191) Mr. Williams said that Ms. Krapacs should be disbarred because of everything she put them through as lawyers. When you litigate, it must be done within the Rules and if not, discipline should result. If this conduct is permitted, every lawyer, especially in family law cases, would respond on social media. Social media is the new Yellow Pages and affects business. This conduct has no place in the practice of law. Ms. Krapacs' actions caused him emotional distress. His son was so upset that he wanted to post in response, but Mr. Williams stopped him and instead filed a lawsuit. (TR I 115, 118-121)

Mr. Williams had never experienced name calling as an attorney, never been accused of lying in court, or called a bully. (TR I 123-124) He considered hiring a firm to repair his reputation but did not want to incur the expense. (TR I 125-126)

At the April 12, 2018 hearing, Ms. Krapacs told the judge that she had not litigated before, and the judge said, "This is a tough case to cut your teeth on" or similar words. Ms. Krapacs was apologetic and said she followed the protocol of a D.C. judge for whom she clerked. She was not threatening at any hearing with him, as they never spoke. (TR I 129-130) He did not detect any sexism or preference

during the hearing. If the judge interrupted her, it was to re-address where he was going with his question. He spoke uninterrupted when he made the jurisdiction argument. (TR I 139) When he sent Ms. Krapacs the first 57.105 letter, he did not include a motion, but referenced a case. In a second 57.105 letter, he did include a motion, which has a safe harbor provision. (TR I 134) It was not his intent to intimidate Ms. Krapacs by forwarding a draft motion pursuant to F.S. 57.105. It lets the opposition know there is something wrong in their case. It was clear that the injunction did not establish jurisdiction and none of the alleged facts occurred in Florida. (TR I 135-136)

As for the LinkedIn post of April 14, 2018, in which Ms. Krapacs said he “flat-out lied on the record,” he made a misstatement which he corrected. It needed to be put in context. He received e-mails from Respondent with motions and went to the clerk’s office to find out what had been filed. He did not file a notice of appearance, not wanting his appearance viewed as his client submitting to the jurisdiction. He could not access what he typically could on the website. He went to the clerk’s office the day before and didn’t remember receiving Ms. Krapacs’ e-mail. (TR I 137-138)

He sent many e-mails to the Bar about Ms. Krapacs. (TR I 144) He was frustrated and thought filing a lawsuit was a way to stop it. (TR I 151) Ms.

Krapacs' videos did not tell her story as a sexual assault victim. You can tell your story without disparaging people who are in the story. As a lawyer you should be doing it the right way. She identified herself as a victim, but you don't know if that is truthful or not. (TR I 148-149)

He has never spoken to, e-mailed (except setting hearings), or confronted Ms. Krapacs on social media. (TR I 151) After the lawsuit was filed, Ms. Krapacs complied with her first attorney's request to remove the posts. Ms. Krapacs said if the lawsuit was not dismissed she would start reposting, and a lot was then reposted. (TR I 153-154)

Mr. Williams sent an e-mail to the Bar saying he wanted to fight back on social media, but his wife persuaded him not to. He referred to Ms. Krapacs as a psycho who was ruining his good character and 31-year reputation. (Resp. Ex. 1, TR I 157-158) He knew the Bar was acting since the matter had moved to grievance committee level, but not fast enough for him. He now understands why it took so long. (TR I 164-165)

Mr. Williams testified about his response to the Bar grievance by Ms. Krapacs. He described her Motion to Strike as the ramblings of a scorned woman and "the most scandalous pleading I ever read in 32 years practicing law." (TR I

177) He said, "Hell hath no fury like a woman scorned." That statement was not meant to disparage or degrade Respondent. He said:

Not at all, because that would have been related to the -- Ms. Krapacs had asked my client for \$10,000, and my client had said, no, he wasn't going to give her any more money. And she threatened, at that point, which I thought was clearly classic extortion, that if he didn't give her 10,000 -- I think it was \$5,000 for a two-month period each month, that she would expose him and the relationship that they had. And that's why I decided to phrase that the way I did. (TR I 178)

If Ms. Krapacs offered an apology, he would not consider the matter over. Ms. Krapacs' previous attorney advised her to take all posts down and resolve the case, but she would not listen. She hired someone else and he had to go through a lot at a bad time in his life. He would discount an apology as her attempt to save herself. He would not listen since she had ample opportunity to communicate with him before. She put Ms. Bacchus, partners and family through too much. (TR I 181-183,193)

His defamation lawsuit was resolved with a confidential settlement. (TR I 187) The postings lasted from April 2018 until January of 2019. (TR I 188)

Nisha Bacchus, admitted to the Bar in 2010, testified. She interned for Mr. Williams. She was in private practice since 2011. In 2017, she partnered with Tarlika Navarro until Ms. Navarro became a judge. She practices family law, domestic violence and personal injury and does pro bono work with the Florida

Women's Law Center. They help women and children who have been victims of abuse and work with "Women in Distress." (TR II 199-201)

Russell Williams was like a second father who took her under his wing since 2010. He taught her how to litigate, write, and decorum. (TR II 201) In June of 2018, Mr. Williams had enough of Respondent's posts and asked Ms. Bacchus to assist in filing a defamation lawsuit, which was filed in July. On January 11, 2019, Ms. Bacchus filed a petition for cyberstalking against Ms. Krapacs, which was granted as permanent on February 1, 2019. She filed it because Respondent had been posting about her since July of 2018 and the posts became more alarming. Respondent was defamatory, identified Ms. Bacchus' vehicle, posted a violent photo and also referenced contacting Ms. Bacchus' clients. (TR II 202-203, 211)

On July 31, 2018, Ms. Krapacs was served with the lawsuit. Ms. Bacchus was in a mediation and checked her phone on a break. She received notifications from Facebook, LinkedIn and Instagram that Respondent was "tagging" her. "Tagging" is using a symbol so that the person is alerted that someone is posting about them. Ms. Krapacs had written several blogs about the witness or her firm and tagged her. This was Ms. Krapacs' way of letting her know she was writing about her. She tried to un-tag herself and block Ms. Krapacs. She left the mediation distraught and learned that Ms. Krapacs was retagging her. Ms. Krapacs posted

mocking her saying, “Ha, ha, she is trying to untag herself,” and Ms. Krapacs kept retagging her. The attacks continued from July of 2018 until January of 2019. (TR II 204-207) Ms. Krapacs posted on July 31, 2018; August 8, 2018; October 6, 2018; October 12, 2018; October 22, 2018; October 25, 2018; October 26, 2018; November 29, 2018; December 5, 2018; December 19, 2018; December 23, 2018; and January 4, 2019. On October 25, 2018, Ms. Krapacs posted a photo from a film in which one character is coming through a pet door and the other is at the other end with a shotgun. The inference was that Ms. Bacchus was the person coming through the pet door and Ms. Krapacs held the shotgun. (TFB Ex. 16, TR II 209-211)

On July 31, 2018, Ms. Krapacs posted the following:

Ashley Krapacs

Nisha Elizabeth Bacchus. Damn, girl. You must be hard up for new cases to take on a piece of garbage like Russell J. Williams. And you promote yourself as being “pro-women’s rights.” How do you sleep at night? #sellout #womanhater #metoo #timesup #endrapeculture #endsexism #endmisogyny (TFB Comp. Ex. 17)

Ms. Krapacs tagged the domain of Ms. Bacchus’ law firm and used Ms. Bacchus and her paralegal’s photos without their consent. She could not fathom how someone who did not know her could write like that. She is not a woman hater. (TR II 212-214)

Respondent posted:

Ashley Ann Krapacs, PLLC

Y'all, social media is no joke. You want to act a fool and be a jerk to people? Go right ahead. But don't expect people not to call you out for it. I'm talking to you, **Nisha Elizabeth Bacchus**. The choices you make in life form what becomes your personal brand. What do your choices say about you? #beempowered #metoo #timesup #womensrights #humanrights #domesticviolence #calledout #exposed #notafraid #sellout #traitor #endsexism #endmisogyny (TFB Composite Ex. 17)

She neither sold out nor was a traitor. Ms. Krapacs' actions were purposeful, bolding her name. She wanted to hurt her reputation, damage her firm, belittle, bully, intimidate and antagonize her. Ms. Bacchus never responded to any post. (TR II 215-216) If someone "liked" a post, they could hit "share" and it can be shared endlessly. Even if Ms. Krapacs removed the post, it is already in the universe of social media. (TR II 217) Another post said:

When you get sued for #defamation for speaking publicly about being a #domesticviolencesurvivor and you discover the attorney who filed the case is a WOMAN (Nisha Bacchus) who claims to be a #womensrightssupportor, #wow, #nope, #areyouforreal #metoo, #timesup, #traitor, #womanhater (TFB Composite Ex. 17)

The posts were "full-on" warfare. Respondent went to every social media platform and blogged about Ms. Bacchus and her firm intentionally for her to receive notice of the postings. (TR II 219) Another post said:

Russell J. Williams' partner at WHWG law sued me for #defamation. Way to harass a survivor of #domesticviolence and #rape, you pig. Oh, and #truth, in capital letters, is an absolute defense to defamation, moron, so good luck with that. SMFH. #metoo, #timesup, #frivolous, #vindictive, #bully. (TR II 219-220)

She was hurt for Mr. Williams and his family since these statements are false. (TR II 220)

Respondent said that Ms. Bacchus was trying to silence her. The lawsuit's intent was only to stop the defamation. When Ms. Krapacs said that Ms. Bacchus missed the day in law school where they taught that truth is an absolute defense, it was to demean her intelligence. It could have affected her practice since the post was from LinkedIn, a professional platform. (TR II 222) Ms. Krapacs posted that "Florida Women's Law Center" is nothing more than a marketing ploy and questioned how Ms. Bacchus sleeps at night. It attacks her character and implies she is doing something wrong. (TR II 223)

An article dated August 8, 2018 entitled, "Female Attorney Nisha Bacchus Files Frivolous Lawsuit Against Domestic Violence Survivor" used her photo without her consent. It appeared on Respondent's attorney website tagging her and her firm. Ms. Krapacs wrote, "There is a special place in hell for women who attack rape and domestic violence survivors. Attorney Nisha Bacchus recently locked in her spot." It's misconstrued because she never attacked her for being a

domestic violence survivor. A lawsuit was filed because of the statements made about Mr. Williams and his firm. The statement intended to falsely portray her as against women's rights, the cause of her firm. She was not paid to handle the defamation suit. It was Ms. Krapacs who was harassing and intimidating Mr. Williams for months, leading him to legal action, not the opposite. Ms. Krapacs was warned before the suit was filed and chose to continue to harass. What Respondent wrote about is what she was doing to everyone else. No one ever questioned whether or not she was a victim or had been sexually abused as that was not relevant to the defamation case. (TR II 223-227)

Ms. Bacchus was selected as Mr. Williams' counsel hoping that a female attorney would help, but believes Ms. Krapacs thinks Mr. Williams does not deserve representation. When she appeared, it was the opposite and she got attacked for representing a male. Her firm represents all victims of domestic violence and she stands up for what's right. (TR II 228-229) Mr. Williams is not a bully. She was not helping him torment Respondent, but trying to help him preserve his reputation.

Ms. Krapacs posted the below on her firm's website:

The Web site of Nisha Bacchus tells me everything I need to know about this woman. She is thirsty for work. She is hard up. She will engage with a scumbag, like Russell J. Williams. It's pathetic really. She uses plural pronouns, like 'we' and

‘our’ throughout the site, but it’s just her and one paralegal. News flash. One attorney means you operate a solo practice, which is quite different from a multi-lawyer law firm. Don’t get me wrong. There is nothing wrong with being a solo. I’m a solo. I like working for myself and I wouldn’t have it any other way. But I own it. I don’t put myself as being something I’m not. I don’t have to deceive my clients to get their business. Apparently, Ms. Bacchus does. (TR II 230-231)

A post from August 2018 labeling Ms. Bacchus a fraud was also profane. “Are you fucking kidding me?” “That’s when I call bullshit.” It was upsetting because it was on the internet and attached to Ms. Bacchus’ name and firm’s website. When you put Ms. Bacchus’ name in Google, this blog is listed on page 1 since Ms. Krapacs tagged her website for potential clients to see. Besides its falsity, it hurt business through the internet. (TR II 230-233)

Ms. Bacchus was emotionally distressed by the posts. During the July 31, 2018 posts and tags, after the mediation, she cried in her car. (TR II 233) Emotions erupted with each post. Ms. Bacchus did not react hoping the lawsuit would resolve it. It wasn’t ethical to respond and would incite Ms. Krapacs. She did not want Ms. Krapacs knowing of her anxiety which still continues. The hearings made her sick. Each time in court, she must relive it. She described it below:

And to be in a room with an individual who does not know me, who has never met me, who has never spoken to me, but has so much venomous hate towards me, that energy, I can feel it, and that energy makes me sick to my stomach. And that’s the truth. (TR II 235)

Ms. Bacchus is not connected with the Bar or court and was not doing anything behind the scenes. She never filed a grievance against Ms. Krapacs or anyone else. She contacted the Bar terrified in a desperate attempt when Ms. Krapacs posted about her car. (TR II 237-239)

Ms. Krapacs said if the litigation continued, she would embarrass Ms. Bacchus and Mr. Williams, who are bullies. Ms. Krapacs did not intend to stop the posting and would continue to terrorize, humiliate, embarrass and bully her and Mr. Williams. (TR II 239)

Ms. Krapacs said she had unsavory information about her, and it is “a total game changer” and “stay tuned.” She thought Respondent was prying into her personal life to embarrass her. It was unsettling since she knew there was no end in sight. “She had – the driving force of this train was in full speed and there was no stopping.” (TR II 240) In January of 2019, Ms. Krapacs posted, “These tactics do nothing but keep those who are powerless and vulnerable stuck while they make greedy, evil people, like Ms. Bacchus, rich. How is that BMW treating you, baby?” She wasn’t focused on being called greedy, evil and rich since those names were used since July 31, 2018. Ms. Krapacs knowing her vehicle was terrifying since it’s not public information. (TR II 241) In her type of practice, she has been escorted out of court for her safety. (TR II 242-243)

In October of 2018, Respondent posted more aggressively with a photo from the movie “Home Alone.” A character pointed a gun at the person coming through the pet door. She interpreted herself as the person at which the gun was pointed. It was not funny or a joke, given Respondent’s history. The anger on a civil case with barely any litigation or a court date indicated that Ms. Krapacs was becoming unhinged. (TR II 243-245)

Respondent ran the witness’ name through the Broward County Clerk’s website and found a matter involving Ms. Bacchus. Ms. Krapacs posted, “Manna from heaven.” Respondent was posting about a client who had sued Ms. Bacchus. (TR II 246-247)

Ms. Krapacs was trying to ruin her practice by posting that Ms. Bacchus had taken people’s money, that she wasn’t really who she said she was, that her firm was not really what it said that it was, and that nobody should hire her since she was a fraud and a phony. (TR II 247-248) Respondent posted, “Florida friends, please ask around if you might know anyone who has been represented by Nisha. She claims to practice most areas of law but seems to prey on females going through divorces.” It sounded like a BOLO. Respondent appeared on behalf of the client who sued Ms. Bacchus in the civil case and pro bono in a grievance filed with the Bar. (TR II 248-249)

On January 22, 2019, Ms. Krapacs sent a letter to the Bar, 11 days after the cyberstalking injunction. She would file a grievance against Ms. Bacchus for the inaccuracies in the petition and to gain leverage in the defamation litigation. Ms. Krapacs said she would be representing several of Ms. Bacchus' former clients in Bar complaints and malpractice cases and questioned Ms. Bacchus' mental stability. Considering she never reacted to all that was done, and she did not know her at all, it was incomprehensible that Respondent commented about her stability. She did not file the injunction to gain leverage. She was terrified of Respondent whose conduct was unending and alarming. Ms. Bacchus said she was looking over her shoulder when throwing out her trash. She remains fearful. Respondent has everything to lose and can become unhinged. She does not know her or what she is capable of, but does know what she has written. (TR II 251- 254, TFB Ex. 18)

Ms. Bacchus has not been approached with an apology or remorse. (TR II 254) She has suffered anxiety. Sleeping, eating, and her stomach have been affected. She does not want to be in Respondent's presence, feeling uncomfortable and unsafe. She has tried to harm her professionally, as evidenced by two former clients testifying at the Bar hearing. Had the cyberstalking permanent injunction and order of emergency suspension not been entered, Ms. Krapacs would have

continued. Ms. Bacchus does not believe Respondent should be given a second chance because her behavior will not change. This is who she is as a person, having demonstrated it over several months. (TR II 255-256) Ms. Bacchus testified that it is a privilege to practice law. You have a duty to protect the integrity of the legal community. She described Ms. Krapacs as an abomination, disgrace and embarrassment to the legal community, undeserving of the privilege of practicing law and helping people. Ms. Krapacs will continue to terrorize other professionals. She is the pinnacle of what gives attorneys a bad name and should not be allowed to ruin attorneys' reputations. (TR II 257-258)

She was chosen to handle the defamation suit since before, only male attorneys were involved. The hope was that Respondent would realize that Mr. Williams was not a sexist pig, since he had a female attorney. Ms. Bacchus would have tried to reason with her and soften things up. Ms. Bacchus begged for a resolution throughout the defamation case. (TR II 281) When Ms. Sztyn dor appeared in the case, Ms. Bacchus sent her an e-mail offering to settle. When a settlement was being negotiated, instead of expressing disagreement through her attorney, Respondent started a tirade. Posts were removed and a settlement was sent, and the posts were re-posted. (TR II 282-283) The same thing happened with the next attorney. Before she sought injunctive relief, she begged for a resolution.

Ms. Krapacs' attorney said, "No, my client doesn't want to settle. She wants to keep going with litigation." Before discovery was served, she again asked, "Can we please settle?" There was no reasoning. (TR II 283)

Ms. Bacchus stated the posts were false and hurtful since the intention of starting the Florida Women's Law Center was to help women. The hope was it would grow and help other organizations. (TR II 284-285). Coming to the Bar hearing was upsetting, especially seeing two of her former clients in the hallway and knowing that Ms. Krapacs had poisoned the well. (TR II 286)

The Bar introduced admissions. Text message communications between Ms. Krapacs and Mr. Knoop, dated January 2, 2018, were admitted. Pertinent portions are below, with emphasis supplied:

Gregg, I don't want to make this any nastier than it already is. I'm exhausted. I need help financially. Getting a job and building my own income doesn't happen overnight. And quite frankly, after the hell you put me through for 5 years, you owe me.

If you choose not to help me, I will have no choice but to take you to court for the illegal, heinous things you've done to me, and I'll broadcast it far and wide, trust me. Let's not make this worse. And I just need help, temporarily, and then you'll never hear from me again. I need to get your toxic presence out of my life, and taking you to court will only drag this out. I need \$5,000 this month, and \$5,000 next month, and you'll never hear from me again. Your decision. You want to make this harder, so be it. Not sure how much your boss and your mom

and your sons are gonna like hearing that you're a rapist, so
I'm giving you this opportunity to end this without a war.

* * *

I'm posting on Facebook tonight Gregg it's done. (TFB Ex. 19)

Ms. Krapacs' February 1, 2019 e-mail to the Bar was introduced. It stated:

Today, Judge Moon issued a limited permanent injunction in the above-referenced case.

Further, I have reason to believe that Ms. Bacchus not only abandoned her former client, Ms. Mach, in Ms. Mach's divorce case, I also have reason to believe that Ms. Bacchus unlawfully filed liens against Ms. Mach's property. I need to conduct further research before I can say definitively what kind of case Ms. Mach may have against Ms. Bacchus, but I will continue to provide updates as required. Please let me know if you have any questions. (TFB Ex. 20)

Ms. Krapacs' November 5, 2018 letter to the Executive Director of the Bar said she was disgusted that Bacchus, Williams and Tynan were permitted to be unethical without repercussions, abusing the procedures, to harass and intimidate an innocent victim. (TFB Ex. 21, TR II 302-307)

Judith Mach testified for Respondent. She received a call around Christmas time from Leila, a stranger, who found her since she had filed a small claims matter against her attorney Nisha Bacchus. Leila read everything online. Ms. Bacchus had lied to her, took advantage of her, extorted her and exploited her. (TR III 318-321, 325) Ms. Mach was introduced by Leila to Respondent as someone

else who had bad experiences with Ms. Bacchus. (TR III 323) They met in January of 2019. (TR III 326) They met a couple of times. Respondent was emotionally supportive and a good friend. (TR III 327, 355) Ms. Mach described her as professional, smart, a go-getter, not in it for greed, not a liar, competent, trustworthy, honest and caring who never acted inappropriately, impulsively or violently. (TR III 328, 336-337) Ms. Krapacs was not seeking business. (TR III 329) She knew Respondent had posted things about other lawyers because she was being attacked, and using the right avenues did not help. (TR III 330) She only recalled the “Home Alone” post which was funny, and it did not change her opinion of Ms. Krapacs. (TR III 333, 356)

She hired Respondent before her suspension. Ms. Krapacs did very little work for her. (TR III 335-336, 355)

Ms. Mach did not know how Leila’s contact with Respondent began. (TR III 339) She could not recall who initiated the first call with Ms. Krapacs, but it was to be friends. (TR III 341) Ms. Mach did not recall telling a Bar investigator that she was contacted by four strangers with complaints against Ms. Bacchus. She told the investigator there were “others” or “other strangers” not to reveal Leila’s name. (TR III 342-343)

Ms. Mach did not understand Ms. Bacchus' fear of taking out her trash since she claimed to see Ms. Bacchus follow Ms. Krapacs into the bathroom the day before in the courthouse. Ms. Mach denied being told by someone of Ms. Bacchus' testimony the previous day. She said Leila mentioned it long ago but could not recall details. (TR III 347-350, 366)

Leila Campagnuolo testified for Ms. Krapacs. She e-mailed Respondent on December 3, 2018 and asked her to call after seeing her posts. (TR III 369, 386) They spoke by phone and met once. (TR III 370) They are friends. (TR III 371-372, 385) Ms. Krapacs didn't try to get business. Leila described her as a sensitive woman, altruistic and wanting to help the underdog, not inappropriate or unbalanced. (TR III 374-375) She contacted Ms. Krapacs, Judith Mach and Mary-Mary, another client of Nisha Bacchus. (TR III 377)

She was represented by Ms. Bacchus and told Respondent what type of car Ms. Bacchus drove. (TR III 383) Ms. Krapacs never gave her legal advice. (TR III 383, 385) The posts do not change her opinion. (TR III 384) She did not think that an attorney should engage in name-calling and attacks on social media. She relates to being frustrated by the legal system and being pushed to use social media as a tool when you've exhausted all options. Ms. Krapacs' frustration about not being able to present her case was directed at Mr. Williams and Ms. Bacchus. The

attorney should stick to using the system. Respondent was trying to protect herself. (TR III 386-390)

Respondent, who is 33, testified. She was admitted to the New York and Florida Bars in 2016. She has not worked full time as a lawyer. She was a judicial clerk from April 2016 through August 2017. (TR III 391-393, 403) Ms. Krapacs moved to Florida in October of 2017. In the Spring of 2018, she formed a law firm with 10 clients. (TR III 403-404)

She did not have enough time to file a response to the Bar's Petition for Emergency Suspension and was astonished by it. Her priority was to find an attorney. (TR III 404) Her posts lasted from March 2018 until January 2019, and were removed for one month between August and September of 2018. The last day the posts were online was February 26, 2019. (TR III 406)

On January 21, 2018, Ms. Krapacs filed a petition for injunction for domestic violence against her ex-boyfriend who lived in Texas. He had a history of physical and sexual abuse, and for five years she tried to break up with him and he would not go away. She was fearful. (TR III 410) He tried to have her Baker-Acted since he called the local police thinking she was going to kill herself. Police were called three times and two detectives called screaming at her. Domestic violence organizations advised her to file an injunction even though her ex-boyfriend did

not live in Florida. (TR III 411) The injunction case lasted from January until April 2018. She appeared for multiple hearings and was given continuances since the Dallas police were unable to serve her ex-boyfriend. (TR III 412)

She was terrified when she received Mr. Williams' 57.105 letter because she had gotten a threatening letter from a Dallas attorney and was contacted by two detectives who screamed at her. She knew it could not succeed since a motion was not served. She went to hearings and was told the case was ex parte and turned away. Mr. Williams filed a Motion to Dismiss based on lack of jurisdiction. She could not afford an attorney, but several attorneys guided her. (TR III 413) She filed a Motion to Amend the petition and asked court personnel how to get a ruling on her Motion to Amend. She was told she could not contact the J.A. since she was a pro se litigant and would receive something in the mail. She received notice of a hearing. (TR III 413-414) At the hearing, the judge said there were pending motions, decided to let Mr. Williams argue his motion and opted not to do anything with her motion to amend. The judge granted the Motion to Dismiss and said she could file a new case. She did not understand why he could not delay ruling on Mr. William's motion. She felt frustrated and helpless and scared when the petition was gone. It gave her security. It was a terrifying hearing. The room was filled with people which she now learned was Mr. Williams doing. (TR III

416-417) She paid for a recording of the hearing, listened to it and cried. She was interrupted more than Mr. Williams. (TR III 418-419)

Her post “There is something off here” referred to trying to move the case. Her life was on the line, she did not have a strong support system and was isolated. (TR III 419-420) On April 12, 2018, Judge Kaplan granted Mr. Williams’ Motion to Dismiss and told her she could file a new case, which she did the next day. (TR III 421) When she tried to set the second case, the J.A. yelled at her and said she could not call. (TR III 423) Judge Kaplan denied her Motion to Recuse and she filed a Writ of Prohibition in the 4th DCA after consulting with attorneys, which was denied. In May and June of 2018, she posted periodically. (TR III 424-425) Her father died in June of 2018. She could not look to her mom for support. Her brother blamed her for her father’s illness and sent her threatening text messages. She was scared of her brother, who her mother was defending. (TR III 426) She did not receive updates about her father’s condition. (TR III 427) It was an awful time for her, and she did not have support locally. She was balancing and dealing with heavy stuff with self-care. (TR III 428)

She voluntarily dismissed the petition since she was frustrated, had been unable to serve her ex-boyfriend, was exhausted by her family matters, and her ex-boyfriend had not been in contact with her. (TR III 429-430)

In the summer of 2018, Bar complaints were filed by Mr. Williams and Mr. Knoop. It was overwhelming, frustrating and scary. (TR III 431) After she withdrew the domestic violence action, Mr. Williams sued her, which lasted from July 2018 until February of 2019. There was a relationship between her dismissal of the petition and the filing of the defamation suit – when there was weakness on her side, the attacks escalated. (TR III 432) In September, when her younger brother was hospitalized, she went to Ohio to help. (TR III 433)

Robin Szyndor appeared pro bono in the defamation lawsuit. Ms. Szyndor told her an arrest warrant was being issued since Mr. Williams' wife was a prosecutor. (TR IV 436) Nothing came of it. She was told there were Bar complaints against her in D.C., but did not receive those. Her attorney told her that Mr. Tynan, who represented Mr. Knoop in his Bar complaint, and Ms. Bacchus, were connected with the Bar and that a civil case had been filed against her by her ex-boyfriend and his company in Texas. She has not been served with a civil case filed by Mr. Knoop. (TR IV 438)

The Bar complaint against Mr. Williams was disposed of quickly. (TR IV 439) She was begging the Bar for help. (TR IV 440) None of her legal actions were successful at that point. (TR IV 444)

She removed posts in August of 2018 for one month, at her attorney's request, and the attacks against her escalated. (TR IV 445) Her attorney called her to negotiate a settlement. Ms. Krapacs said that "everything is down and I'm just getting pummeled." Although she had given them what they wanted they would not go away. (TR IV 446)

Ms. Krapacs is a big social media user and it's had a positive impact on her. She followed attorney Pollard, a Fort Lauderdale attorney, online. He called attorneys bullies, a douche, tagged attorneys and referred to the legal system as broken and riddled with corruption. (TR IV 448)

She hired Patricia Acosta. (TR IV 452) Short of a media blitz, Mr. Williams and Ms. Bacchus have done everything to her. She is truthful and used language that she regrets. (TR IV 454) Ms. Bacchus was threatening Ms. Acosta so much that she threatened to quit. (TR IV 457) After she fired Ms. Szyndor in August of 2018, she felt the only thing that kept her insulated was reposting, including the videos, and she returned to social media to protect herself in September 2018 and reposted everything. She could not repost Facebook, LinkedIn and Instagram posts because once deleted it cannot be redone. She fired Ms. Szyndor because of threats that she said were coming from Ms. Bacchus. (TR IV 458-460) January 4, 2019 was the last time she posted anything new. (TR IV 461)

On January 21, 2019, she notified the Bar that she would stop posting. She stated that the limited injunction restrained her physical activity and did not pertain to social media or words. She did not post anything new, not wanting Ms. Acosta to quit. (TR IV 462)

On January 11, 2019, Ms. Bacchus filed a cyberstalking injunction. (TR IV 463) Ms. Krapacs worked for Price Benowitz, a D.C. firm, from January to March of 2018 while in Florida. (TR IV 465-466) They asked her to write about sex crimes, domestic violence, guns, assault, prostitution and solicitation. The firm had a connection with her ex-boyfriend. In January 2018, she received a cease and desist letter from attorney Drakeley, from Dallas, threatening action and her three Bar licenses on behalf of Mr. Knoop, her ex-boyfriend. Because she was disturbed by the letter, she filed a Bar complaint with the Texas Bar. In Drakeley's Bar response he said that David Benowitz was representing Mr. Knoop in the rape investigation in D.C. Domestic violence organizations suggested that she file a police report about the sexual assault in D.C. since the statute of limitations had not run. She filed a complaint against Mr. Benowitz with the D.C. Bar, which was dismissed. (TR IV 467-469) She believed Mr. Knoop was controlling her work and pay. She quit before knowing Benowitz was involved. (TR IV 470)

Ms. Krapacs has two brothers. Her father had mental health and alcohol issues, was volatile, angry, impatient, and yelled a lot. Her childhood was taxing. Her mom worked a lot. She tremendously feared her father. Her childhood caused anxiety and PTSD. (TR IV 473-475) Her on and off relationship with Mr. Knoop lasted from 2012 until 2016 or 2017. He is 24 years older than her. Episodes of abuse described in Dr. Castillo's report were accurate. Verbal abuse occurred three years into the relationship as she got closer to being an attorney. There was physical abuse. He smashed his phone in her face and said it slipped. He sexually abused her when he had anal sex with her in August of 2015 without her consent. (TR IV 475-479) She tried to end the relationship, but he would call, cry and threaten suicide. It was easier to get back with him. (TR IV 479-480)

She moved to Florida in October of 2017 and regularly sees a therapist. (TR IV 482) Bar Counsel suggested that she contact Florida Lawyers Assistance ("FLA"). She participated in their group therapy program in August 2018 and has gone as often as she can afford. (TR IV 483-484, 486) She plans to continue with FLA. Dr. Weinstein advised her that the posts were not helping her move on with her life and suggested she stop posting. (TR IV 487, 489) She followed his advice and stopped posting in January of 2019. (TR IV 488)

Dr. Pearson, her therapist, wrote to the Bar on September 3, 2018. (TR IV 489) She committed to the plan. She has had a therapist since 2013. (TR IV 496)

She has learned to be less reactive, is calm and levelheaded now. She became a lawyer to help people. (TR IV 498) She thought the “Home Alone” photo was funny. Her intent was not to be threatening but in hindsight it was somewhat tasteless, but said 4,500 people saw it and didn’t file cases against the California law firm who originated it. (TR IV 502) It was a child with a BB gun. Regarding the post referencing Ms. Bacchus’ car, she learned of it from Leila. (TR IV 503) This case appeared in the press. It’s upsetting. She has tried to get it to end and walk away and has been unsuccessful. She’s received hate mail, mostly from men. (TR IV 505-505)

She regrets the language she used and tone. She wishes she had seen other avenues to navigate this and resolve it. She has a stronger relationship with her mom and has good support now. (TR IV 507, 515, 519) The first thing she got from Mr. Williams was the 57.105 letter and no attempt to negotiate, just threatening, intimidating tactics. She wishes both attorneys the best. She wants this to go away and wishes there was an opportunity. She feels she did everything in her power to make that happen. (TR IV 508) She was trying to protect herself with posts and help people understand the difficulty. (TR IV 509) She did not use the

proper way to convey a message. She regrets using the phrase “old boys’ club.” (TR IV 510) She would apologize for the terminology used about the hearing before Judge Kaplan. (TR IV 511) She said there was little empathy and humanity on both sides. She apologized for using the wrong way of making a statement. Ms. Krapacs apologized to Bar Counsel and to the Referee. (TR IV 513)

Ms. Krapacs testified that the best way to protect herself since she was scared was by posting words like, “sexist,” “liar,” “bully,” “fraud,” “woman hater,” “pig,” “moron,” and “lunatic.” At the time, she was being attacked by an attorney who was getting money from her ex-boyfriend to task her with things to “mess with her head,” referring to the Benowitz firm. (TR IV 515) Her first post was in January of 2018 about the Dallas firm and it mirrored something that attorney Pollard had posted. (TR IV 516) Posting insults, profanity and threats was a good way to protect herself, so she could have eyeballs on her because she was terrified of her ex-boyfriend. (TR IV 517) Respondent was asked how posting vile things against Florida lawyers, Judge Kaplan and the 4th DCA would protect her from her ex-boyfriend who lived in Dallas. She said that having accountability was causing the attacks to decrease. (TR IV 518-519) The Bar asked if it was possible that Mr. Knoop was looking out for her by calling the police. Ms. Krapacs responded, “It’s possible. It’s highly unlikely, given where I am right now. He is a very vindictive

man.” The Bar asked Ms. Krapacs about being vindictive when she told Mr. Knoop that if he didn’t give her \$10,000, she would tell his employer, mother and sons that he was a rapist. Ms. Krapacs responded with a description of their relationship. (TFB Ex. 19, TR IV 519-522) Bar Counsel pointed out the chronology of the text messages in which Ms. Krapacs accused her ex-boyfriend of rape and he responded that she should contact the police, which she considered a taunt. After she accused him again, he responded “perfect” and would not respond to her multiple texts. She then said she would expose him unless he gave her \$10,000 and then stated that she was going to post on Facebook. The Bar asked if that chronology represented Mr. Knoop retaliating to her. Ms. Krapacs responded that it was. (TR IV 523) The Bar questioned Ms. Krapacs’ accusation that Mr. Knoop tried to have her Baker Acted. She said it was her presumption but there was not any language in the police report reflecting that. (TR IV 524)

Once in Florida, Mr. Knoop gave her about \$10,000. (TR IV 528-529) She told him she thought of selling her car. He said she should not. She described this as him wanting financial control. (TR IV 530)

She posted since she was pushed over the edge by Mr. Knoop. (TR IV 531) She referred to other lawyers using inappropriate language on social media. She was not thinking clearly. (TR IV 532-533) With regard to the hearing before Judge

Kaplan, she still did not understand why she did not get a hearing despite the Judge's explanation that she did not request a hearing from his office. She said she called the J.A. for a hearing and she yelled at her. She wished she was directed to division procedures. She was not given that information from her consulting attorneys. (TR IV 535-537)

Describing being in front of Judge Kaplan as being raped all over again was an incorrect way to convey a message, but said it is shocking that our system revictimizes victims. (TR IV 538-539) She read her October 6, 2018 post which stated:

My body is mine. My life matters. My story matters. And fuck anyone who says it doesn't. Fuck Gregory Knoop. Fuck Russell J. Williams. Fuck Williams Hilal Wigand Grande law firm. Fuck Nisha Bacchus. Fuck Bacchus Law. Fuck David Benowitz. Fuck Seth Price. Fuck Price Benowitz law firm. Fuck Kevin Tynan. Fuck James Drakeley. Fuck Kenneth Patterson. Fuck Hiersche Hayward Drakeley & Urbach law firm. Fuck everyone who perpetuates #rapeculture. Fuck everyone who perpetuates #misogyny. Fuck everyone who perpetuates violence against women. You might get Kavanaugh, but you reached a war that you cannot win. #progressiscomingwhetheryoulikeitornot, and will be held accountable. I will never stop fighting. #metoo #timesup (TFB Ex. 1, page 19, TR IV 540)

When asked whether any of the other attorney posts she reviewed had used that language, she recalled aggressive language and calling someone a douche. (TR IV 541) She thought name calling was fair game. (TR IV 542) She said that since

Bar complaints were pending against her, she felt like it was protecting her, it was okay and not an ethical violation. She begged for an open line of communication from anyone and didn't get it. (TR IV 543) Despite a defamation suit, she did not believe there was an ethical rule violation. (TR IV 544) She testified that the strategy of attacking her with a defamation lawsuit, after her dad passed away and she walked away from the injunction, was too much. (TR IV 544)

The Bar asked Ms. Krapacs how she could portray herself as a victim when she started the ball rolling with the domestic violence petition, all of the posting with not a single response from anyone, leading to a defamation lawsuit. She responded that she was attacked by a wealthy, vindictive man using outrageous tactics to control and silence her. The Bar asked if the outrageous tactic was contacting the police after she tried to extort him for \$10,000. She said that it was paying a law firm to psychologically torment her through her employment. When asked how she knew that, she stated that she had it in writing, but admitted she did not have a writing showing that Mr. Knoop asked the law firm to give her assignments, but it was an outrageous coincidence. (TR IV 545-546)

The Bar questioned Ms. Krapacs about the timing of filing a police report accusing Mr. Knoop of sexual abuse after he contacted the police when she attempted to extort him with a \$10,000 demand. She filed the police report at the

advice of domestic violence organizations. She was hesitant and did not want to be the poster child for domestic violence and open a can of worms. When asked about not wanting to go public, yet posting on social media about the accusations for 10 months, Ms. Krapacs stated that she wanted to leave an abusive relationship. (TR IV 547-548) She was thinking about women who don't understand intimidation. Ms. Krapacs said that the Dallas firm's cease and desist letter was an intimidation tactic. (TR IV 549) She said Mr. Williams' 57.105 letter, since he's married to a domestic violence case filer, is intimidating and he should have more empathy and sensitivity to people receiving it. (TR IV 550) She stated that the letter was intended to scare her away. (TR IV 551)

She did not like her brother's threatening e-mails. (TR IV 553) The Bar questioned Ms. Krapacs about a 28-minute YouTube video which castigated Judge Kaplan, the 4th DCA and Mr. Williams without using any foul language. She could not recall that video since she made 16 of them and did not recall accusing the appellate court of bias. (TR IV 554-555) She was frustrated that the 4th DCA did not issue findings when denying her writ, and expressed it in the video. Bar Counsel asked Ms. Krapacs whether the next time a court issues an order denying her request without a reason might she go to social media. She said that was not the case. (TR IV 555-557)

The Referee asked the Respondent what she perceived as bullying since there was no one posting in response to her. She said they were making threats through her attorney to do things they could not do legally, being the warrant for her arrest conveyed to her by her former attorney and other Bar complaints. She started posting again because she was blocked out of the case and had no attorney. The Referee stated there are so many excuses and she was concerned going forward. The Referee added, “[A]nd I’m not taking anything away from the fact that, you know, that you filed a DV petition because you were – you are a victim of domestic violence. I want you to understand that.” The Referee said that the Respondent faults others for her actions and has to take responsibility. Ms. Krapacs responded that she was taking responsibility but there were tactics used to exploit her vulnerability. (TR IV 560-562) She stopped posting a week before Ms. Bacchus filed a cyberstalking injunction. She’s appealing that case. The court order required her to remove everything about Ms. Bacchus and she removed everything about everyone. She was not making excuses but the challenges in her life were used against her. (TR IV 563-564) Ms. Krapacs told the Referee she learned to be less reactive and is calmer. She now uses social media as a positive outlet. (TR IV 565-567) The Referee asked Respondent if she now recognizes that she was not being civil as required by the oath for The Florida Bar. She said that her language

was improper but the cases on incivility involved screaming at judges and throwing things. The Referee asked again, and Ms. Krapacs said she did not act with civility with the tone, language and approach, but said that some of the tactics used against her were not civil. (TR IV 567-568) The Referee expressed concerns that Ms. Krapacs would repeat this behavior and whether she is going to take responsibility for her actions. The Referee stated that Ms. Krapacs' attorney did not direct her to post and social media is a powerful tool that doesn't go away. Ms. Krapacs stated that she has now developed coping mechanisms. The Referee complimented Ms. Krapacs by stating that she is a very articulate person who has come a long way. She is barred in three jurisdictions and worked hard. The Referee said she needs to exhibit the highest level of integrity and civility and be a positive role model as opposed to calling people names. (TR IV 569-572)

Ms. Krapacs was questioned about coping mechanisms since she began treatment in November of 2017 with Dr. Pearson and posting began in March of 2018. She said mental health progress does not happen in a definite period and although Dr. Pearson helped her, it does not happen overnight. When asked why the coping mechanisms given by Dr. Pearson from treatment starting in November of 2017 were not used in March of 2018, Respondent said that coping mechanisms are not something that you give, but something you develop. (TR IV 575-576) She

did not tell Dr. Pearson about the language posted but talked about her troubles.

(TR IV 577) When asked whether Dr. Pearson told her to stop posting, she said it is unethical for a therapist to tell a patient how to make decisions. (TR IV 578)

Yenys Castillo, a forensic psychologist, testified for Respondent. (TR V 591) She was licensed in Florida in 2015 and has a Master's degree and a Ph.D. (TR V 591-592) She has evaluated many patients with PTSD and has treated sexual assault survivors and patients with anxiety and depression. (TR V 597-598) Dr. Castillo looked at Respondent's functioning during last year and currently. She spent four hours doing the evaluation on March 25 and 29, 2019, and drafted a report dated April 24, 2019. She conducted a clinical interview of Ms. Krapacs, looked at collateral sources, read documents and administered assessments. (Resp. Ex .10, TR V 599-601) Dr. Castillo interviewed Ms. Hope, a paternal cousin, and Ms. Newland, a friend. She read letters from four judges and looked at Dr. Pearson's report. (TR V 603) Ms. Krapacs' unstable behavior at the time of the postings was related to a history of childhood trauma, coupled with the abusive relationship with Mr. Knoop and symptoms of PTSD that impaired her functioning. She is now stable and not impacted by these symptoms. PTSD involves a traumatic incident and is in the DSM-V. If something harmful happens to them, they view the world as an unsafe place. In Respondent's case, it is the

abuse from her father and Mr. Knoop. (TR V 604-606) Ms. Newland told Dr. Castillo that she had daily contact with Respondent who saw posting as a way of protection, that she was paranoid and felt victimized. Ms. Krapacs told Dr. Castillo that social media was her only outlet for not being allowed to file an injunction for domestic violence. (TR V 607-608) Respondent said her father screamed at her, beat her for capricious reasons and was cruel. The effects are difficulty regulating feelings, emotions and learning coping skills and a dysfunctional reference point. (TR V 609-611) Ms. Krapacs said Mr. Knoop was controlling. He convinced her to let him financially support her while she studied for the Bar to control her. Mr. Knoop threatened suicide if she left him. (TR V 612) He intentionally drove too fast when her shoulder was broken and burnt her scalp with a blow dryer. In August of 2015, before her broken shoulder, he raped her and told her not to cry and get over it. (TR V 613-614) Ms. Hope said she was told of that event by Ms. Krapacs after the relationship ended. (TR V 615)

The rape Respondent described would cause PTSD. Respondent was previously diagnosed with PTSD, a diagnosis with which she agrees. (TR V 617) Ms. Krapacs was suffering from PTSD in 2018 when posting. (TR V 618) Ms. Krapacs told Dr. Castillo that when all the legal actions were not fruitful, this was the only way to protect herself, which is consistent with her diagnosis. (TR V 619)

Ms. Krapacs was paralyzed at some points causing her to act without thinking. (TR V 620) She was going through a crisis with her father dying and the family not telling her, and then isolated because she's far from home and going to therapy multiple times. (TR V 621) She is currently dating a caring man, has new friends and has mended her relationship with her mother. (TR V 623) She is now in group therapy with attorneys and seeing the same therapist since 2017 every two weeks. (TR V 624) When asked why Ms. Krapacs' actions of posting continued while she was in therapy, Dr. Castillo stated that she never developed the skills to carry her though a crisis. (TR V 625-626) The witness described Ms. Krapacs as believing a bear is in her house with her each day. She now learned that the bear is far away. (TR V 627)

Ms. Krapacs does not now meet criteria for PTSD and has learned to be self-reflective. (TR V 628, 629, 630, 647) Dr. Castillo reviewed letters from judges and gleaned she was busy and able to juggle responsibilities between April of 2016 and August of 2017. (TR V 630) Concerning her posts, Respondent told the witness that she knows they were inappropriate, aggressive, caused damage to herself, her career, the field and she was mournful and regretful. She spoke of the clients she had to terminate. (TR V 634) Dr. Castillo said Respondent is currently psychologically stable and adamant she would never do this again. (TR V 635)

She's learned that self-care is important and has formed a social support network.

(TR V 636-637) In response to being questioned about the conduct repeating, the witness said you can never predict, but from Respondent's pattern throughout her life, she has coped and worked even when abused. (TR V 638) She is now a different person with a low risk that she will revert to her inappropriate postings.

(TR V 639)

The doctor did not review the Bar's petition, the transcript of the hearing before the judge, or any of the postings. Her opinions were based on what Ms. Krapacs told her and not independently verified. She never spoke with Dr. Pearson or reviewed her medical records, but reviewed her one-page letter. She did not contact two of Ms. Krapacs' psychologists in Texas or review their records. (TR V 643-645) When speaking with Respondent's cousin, she did not discuss the abuse by her father. (TR V 645) She did not ask Ms. Krapacs' friend about her upbringing. (TR V 646) She did not know whether between April of 2016 and August of 2017, when she was employed and juggling responsibilities and dating Mr. Knoop (after the August 2015 charge of sexual abuse), Ms. Krapacs was suffering from PTSD then. (TR V 647) Since Ms. Krapacs no longer suffers from PTSD she should currently be able to recognize what things actually happened as opposed to what her symptoms make her think happened. (TR V 650) The Referee

asked the witness a series of questions about her testimony, Respondent's history and future possibility of repeating the conduct. The Referee asked the doctor about whether medication would help Respondent, who suffers from depression and anxiety. The witness did not believe Respondent should be medicated. (TR V 651-660)

Both the Bar and Respondent's counsel presented closing arguments. (TR V 665-728) The Referee issued her 48-page report finding that Respondent violated all charged rules and found all alleged facts. A 2-year suspension with a psychological evaluation was recommended. Ms. Krapacs appealed and filed an Initial Brief. The Bar appeals the disciplinary recommendation and seeks disbarment. This Answer Brief and Initial Brief on Cross Appeal follows.

SUMMARY OF ARGUMENT

From March of 2018 until February of 2019, Ashley Krapacs engaged in an unprovoked and one-sided war on social media against two members of The Florida Bar, other attorneys, a Circuit Court Judge, the 4th DCA and The Florida Bar. There were posts on a variety of social media platforms, articles, blogs and videos. These publications were replete with profanities, outrageous accusations, insults, falsehoods and threats. Ms. Krapacs' sole purpose was to destroy the reputation and embarrass anyone who was in a position adverse to hers. One of the victims sued Respondent for defamation and the other obtained a permanent injunction against cyberstalking. Her actions caused the attorneys to become physically and emotionally sick due to the frequency and intensity of the attacks. Not until the permanent injunction was granted, in February of 2019, were the venomous writings removed. Despite that, Respondent pursued a vendetta by seeking out former clients of one of the victims, in furtherance of doing damage. The Bar sought and obtained an emergency suspension once Respondent's conduct escalated to posting a violence-based photograph and disclosing private information about one of the victims. Additionally, the Referee found that an extortionate text message sent by Respondent to her former boyfriend in which she demanded \$10,000, in lieu of exposing him as a rapist and sexual deviant to his

employer, mother and sons, was potentially criminal. The Referee found that Respondent's conduct was indefensible, as well as finding that she was credible at times and not credible at others and showing little remorse.

The Referee recommended a 2-year suspension, a psychological evaluation and treatment, despite the Bar's recommendation of disbarment. The Referee was sympathetic to Respondent, who maintained that she had a troubled childhood and was abused by her former boyfriend. An evaluating psychologist opined that at the time of the misconduct, Ms. Krapacs suffered from PTSD, but by the time of the final hearing in May of 2019 was no longer exhibiting any symptoms. After the Referee ruled, Ms. Krapacs attacked the Referee with baseless accusations of bias and engaging in ex parte communications in motions to recuse and Writs of Prohibition. In her Initial Brief to this Court she continued to disparage and insult the same individuals about whom she posted. There is no case as severe as this one concerning incivility. Respondent is without regret and does not deserve the privilege of practicing law. Disbarment is warranted.

ARGUMENT I

RESPONDENT HAS FAILED TO MEET THE BURDEN OF ESTABLISHING THAT THE RECORD IS DEVOID OF EVIDENCE OR THAT THE RECORD EVIDENCE CLEARLY CONTRADICTS THE RECOMMENDATION AS TO EACH FINDING TO SUCCESSFULLY CHALLENGE THAT FINDING. (RESTATEMENT)

In order to successfully challenge a referee's findings of fact Respondent has the burden of establishing that the record is devoid of evidence supporting those findings or that the record evidence clearly contradicts the recommendations. The Florida Bar v. Germain, 957 So. 2d 613 (Fla. 2007). Here, Respondent has failed to meet that burden as to each finding alleged to be unsupported. Rather, Respondent relies on her own testimony and distorted view of the facts as a basis for the challenge. Essentially, throughout Respondent's challenges is a consistently false narrative which is created by Respondent to justify her own egregious misconduct. Additionally, the Referee, who was in the best position to view all the witnesses and make credibility determinations specifically addressed Respondent's credibility, as follows:

The Respondent testified on her own behalf and at times was credible and other times was not. (RR 27)

The Bar need only point to some evidence to support the Referee's findings to demonstrate Respondent's failure to meet her burden as to each. Each challenge will be addressed in the same order set forth in Respondent's brief.

A. The Finding that "Respondent repeatedly, and in a calculated manner, targeted the above-identified two members of The Florida Bar with a variety of continuous attacks and other conduct using social media due to their representation of clients in litigation against this Respondent."

Respondent both stipulated and testified to being the author of each post, blog, article and YouTube video. That evidence viewed, without the need for any other testimony establishes that Ashley Krapacs intentionally targeted attorneys Russell Williams and Nisha Bacchus using a combination of profanities, insults and threats. These attacks were the direct result of representation of clients whom Ms. Krapacs deemed unworthy. Mr. Williams appeared on a limited basis on behalf of Ms. Krapacs' ex-boyfriend, a Texas resident, when she sought injunctive relief against him in Florida. Due to her unrelenting attacks, Mr. Williams retained Nisha Bacchus to initiate a defamation lawsuit against the Respondent. These attacks were posted from March of 2018 and until February of 2019.

B. The finding that "The Bar's petition was filed because of the escalation of Respondent's misconduct."

On February 1, 2019 a Permanent Injunction against cyberstalking was entered against Ms. Krapacs as a result of her aggressive and relentless harassment

of Nisha Bacchus. The injunction was the only thing that forced her to remove posts and prevented her from future posting against Ms. Bacchus. Respondent's claim that the situation was diffusing when the Bar filed its petition is belied by her own conduct. Ms. Krapacs' February 1, 2019 e-mail to the Bar was received three hours after the conclusion of the hearing granting the Permanent Injunction. In that e-mail, Respondent accused Ms. Bacchus of unlawful conduct concerning Ms. Bacchus' former client, despite admitting to not fully researching the matter. (TFB Ex. 20) Even the issuance of the permanent injunction against cyberstalking did not deter Ms. Krapacs from her rampage against Nisha Bacchus. The Referee found:

From the above e-mail it is apparent the Respondent intended to continue her attempts to malign Ms. Bacchus. In fact, she again made unsupported allegations to The Florida Bar of "unlawful" conduct by Ms. Bacchus before admittedly researching the issue. (RR 24)

C. The Finding that "The Florida Bar has maintained that Respondent's actions, as set forth below, strike at the heart of conduct prejudicial to the administration of justice since the Respondent's attacks were solely because Williams and Bacchus represented individuals who were adverse to Respondent."

Russell Williams had never encountered Ashley Krapacs until he commenced representing Mr. Knoop, her former boyfriend. (TR I 80) After he sent a standard 57.105 letter based on his opinion that the injunction for domestic violence in Florida that she sought against his client, a Texas resident, was

frivolous, Ms. Krapacs sent Mr. Williams a threatening e-mail on February 28, 2018.² (TFB Ex. 4)

Upon receipt of this threatening e-mail, Mr. Williams understandably did not respond. (TR I 31) Ms. Krapacs then posted to LinkedIn about Mr. Williams' representation. (TFB Ex. 5)

Similarly, Nisha Bacchus did not know the Respondent prior to the defamation lawsuit. (TR II 244) On July 31, 2018, the day that Ms. Krapacs was served with the lawsuit, in which he was represented by Ms. Bacchus, the assault against Nisha Bacchus began. The first post stated, in pertinent part:

Nisha Elizabeth Bacchus. Damn, girl. You must be hard up for new cases to take on a piece of garbage like Russell J. Williams. And you promote yourself as being “pro-women’s rights.” How do you sleep at night? #sellout #womanhater #metoo #timesup #endrapeculture #endsexism #endmisogyny (TFB Comp. Ex. 17)

These attacks, as supported by the evidence, resulted from the two attorneys representing clients against Ms. Krapacs. Further, Rule 4-8.4(d) of the Rules Regulating The Florida Bar, provides in pertinent part:

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

² The e-mail is set forth on page 3 of this brief.

litigants, jurors, witnesses, court personnel, or other lawyers on any basis... (Emphasis supplied.)

The plain language of this Rule supports the Referee's finding that Respondent violated it. Ms. Krapacs, an attorney, involved in litigation, did knowingly disparage, humiliate and discriminate against attorneys Williams and Bacchus with her vicious and multiple public attacks.

D. The Finding that "Rather than properly utilizing the court system, Respondent launched a public attack using online social media under a misguided belief that the First Amendment shielded her from scrutiny and prosecution by The Florida Bar."

Respondent seeks to justify her public denigration of attorneys Williams and Bacchus, Judge Kaplan and the 4th DCA based on her failed and/or abandoned legal actions. Respondent misses the point. The proper utilization of the Court system would require any dissatisfaction to find its home in the legal arena, and not on social media. Taking Respondent's argument to its logical conclusion would mean that if and when this Honorable Court rules against a member of the Florida Bar, the Rules would permit profanities, insults, threats and name calling against the Justices. The introduction of the social media posts establishes that the court system was not properly utilized. (TFB Ex. 1, TFB Comp. Ex. 17)

E. The Finding that "Respondent publicly broadcast her intention to 'connect' with Bacchus' former clients and sent out a public cry for others to assist her with the below post dated January 4, 2019 in an apparent crusade to attempt to destroy Bacchus."

The January 4, 2019 post is evidence of Respondent's public request to locate clients of Ms. Bacchus to harm her. Ms. Bacchus aptly described it as synonymous with a BOLO. (TR II 248). It stated, "Florida friends, please ask around if you might know anyone who has been represented by Nisha. She claims to practice most areas of law but seems to prey in particular on females going through divorces." (TFB Comp. Ex. 17)

F. The Finding that "The Respondent's motivation in assisting this former client of Bacchus appeared to be for the purpose of damaging Bacchus

On January 22, 2019, after Nisha Bacchus obtained a temporary injunction for cyberstalking, Ms. Krapacs sent an e-mail to the Bar advising that she would be representing several of Ms. Bacchus' former clients in various Bar complaints and potential malpractice cases. (TFB Ex. 18) On February 1, 2019, the day that the permanent injunction for cyberstalking of Ms. Bacchus was granted, Ms. Krapacs sent the Bar an e-mail in which she accused Ms. Bacchus of unlawful conduct in representation of Ms. Bacchus' former client, despite admitting to not having fully researched the issue. (TFB Ex. 20)

G. The Finding that "Respondent appeared to wage a personal, public and prolonged battle against these two attorneys on social media."

The Petition for Emergency Suspension includes the Respondent's posts, blogs, articles and transcript of at least one of the several "Vlogs" which span from

March of 2018 until February of 2019. This prolonged period of public statements by Respondent were on Facebook, Instagram, LinkedIn, YouTube, and websites. Respondent used descriptions such as “liar, bully, sexist, moron, dick, fool, pig, piece of garbage.” (TFB Ex. 1) In one post, Respondent accused Mr. Williams of being unfaithful to his wife. She said that he was the type of man who would cheat on his wife, come home and kiss her on the lips and tell her he loved her. (TR I 110) The evidence supports this finding.

H. The Finding that “The attorney’s practice of law should not subject them to this type of crusade and such behavior is clearly prejudicial to the administration of justice and causes great public harm.”

After Russell Williams began his representation of Gregory Knoop, he was the victim of a social media assault of monstrous proportions by Ashley Krapacs. The tone, intensity, falsity and frequency were of such a great magnitude that Mr. Williams sued Ms. Krapacs for defamation. He was represented by attorney Bacchus. (TFB Ex. 14, TR I 90). Immediately upon service of the lawsuit, Ms. Krapacs began relentlessly battering Ms. Bacchus on social media. Not only did she disparage and denigrate Ms. Bacchus, she posted a photograph of a violent nature and identified Ms. Bacchus’ vehicle. The combination of these actions caused Ms. Bacchus to seek and successfully obtain a permanent injunction for cyberstalking. The actions of Ms. Krapacs have resulted in further burdening the

court system, harming the image of all attorneys, as well as personally harming Mr. Williams and Ms. Bacchus. In The Florida Bar v. Scheinberg, 129 So.3d 315 (Fla. 2013) an assistant state attorney communicated a multitude of times with a presiding judge while a criminal matter was pending. Their actions caused the State to retry a murder case and further burden the system. The Court found that factor to constitute conduct prejudicial to the administration of justice.

I. The Finding that “Further, it is this type of conduct that perpetuates the public’s negative perception of lawyers.”

Respondent chose social media as a mechanism to insult, threaten, bully and harass opposing counsels, litigants and the judiciary. This negative public behavior by a member of the Bar, does not serve to improve the image of lawyers. (TFB Ex. 1)

J. The Finding that “Beginning on or about March 1, 2018, and continuing until approximately January 2019, Respondent began a social media barrage on Facebook, Instagram, LinkedIn, and by posting YouTube videos disparaging Williams and Judge Kaplan, and insinuating a collusion and corruption between the two against Respondent.”

The testimony of Russell Williams and Nisha Bacchus detailed the public disparaging statements made by Ms. Krapacs on various social media platforms about them and Judge Kaplan from March 1, 2018 until February 2019. A review of those statements reflects Respondent’s baseless accusations of collusion and

corruption. Labelling them as “sexist, bully, pig, womanhater, liar, moron” among others is disparaging. (TFB Ex. 1, TFB Comp. Ex. 17)

K. The Finding that: “Upon reviewing the transcript from the hearing, it is clear Judge Kaplan treated Respondent with dignity, courtesy, and respect.”

The Bar introduced a transcript and recording of the April 12, 2018 hearing presided over by Judge Kaplan. The Referee could both read and listen to the proceedings. (TFB Comp. Ex. 6) Additionally, Russell Williams, who was present at that hearing testified how nicely and patiently Judge Kaplan treated Respondent, despite her lack of experience. (TR I 41-42) The Referee properly found that Ms. Krapacs was treated with dignity, courtesy and respect.

L. The Finding that “Furthermore, Williams was not unprofessional nor unethical towards the Respondent at the hearing and there is no evidence of collusion between the attorney and the judge.”

M. The Finding that “Respondent’s statements were derogatory and untruthful and falsely portrayed her treatment in court at the hearing on April 12, 2018.”

As was referenced with regard to finding “K,” the transcript and recording of the April 12, 2018 hearing supports findings “L” and “M.” (TFB Comp. Ex. 6)

N. The Finding that “Due to Respondent’s unrelenting public social media attacks, on July 26, 2018, and despite Williams’ repeated reports to the Florida Bar regarding Respondent’s continued unethical conduct, Williams believed he had no other choice but to file a lawsuit against Ms. Krapacs for Libel, Slander, Malicious Prosecution and Injunctive Relief to stop Respondent’s behavior.”

Russell Williams testified that after Ms. Krapacs dismissed the injunction against his client, he hoped that her disparaging statements on social media would stop. Since Respondent persisted in her attacks, and the Bar had not yet sought injunctive relief, on July 26, 2018, a defamation lawsuit was filed. (TFB Ex. 14, TR I 90)

O. The Finding that “Although Respondent continued to attack Mr. Williams, in late July 2018, her primary focus shifted to Nisha Bacchus, who represented Mr. Williams.”

P. The Finding that “Respondent launched an online attack which ‘tagged’ Ms. Bacchus personally, as well as her law firm on social media.”

Nisha Bacchus testified concerning the events which unfolded on July 31, 2018, the day that the defamation lawsuit was served. She explained the insulting nature of the posts and the fact that Respondent was “tagging” her personally, as well as her law firm, and mocking her attempts to be “untagged” to make certain that she was aware of the hateful posts. These attacks continued until February of 2019. (TFB Ex. 16, TR II 204-207)

Q. The Finding that “On October 25, 2018, Respondent posted a photograph from a film in which a shotgun is pointed at the perpetrator which frightened Bacchus because of its violent nature was one basis for Bacchus seeking an injunction for stalking.”

Ms. Bacchus testified that when she saw the photo posted by Ms. Krapacs on October 25, 2018, from a film depicting one character pointing a shotgun at another character, she interpreted herself as the individual at which the weapon

was pointed. She found nothing humorous about this post given her prior experiences with Respondent. She found it incomprehensible that someone who she knew through very limited litigation was this angry and hostile. It led her to conclude that Ms. Krapacs was becoming unhinged. (TFB Ex. 16, TR II 209-211, 243-245). In January of 2019, due to Ms. Krapacs' increasingly aggressive actions toward her, Ms. Bacchus sought and obtained an injunction against cyberstalking. (TFB Ex. 1, Comp. Ex. C, TFB Ex. 16, TFB Ex. 18)

R. The Finding that "On or about October 25, 2018, Respondent posted a statement to Facebook accusing The Florida Bar, the Court and the State Attorney's Office of being corruptly influenced by Nisha Bacchus."

At the onset of the Final Hearing before the Referee, Respondent stipulated that she was the author of each post, statement, article and blog enumerated in the Bar's petition. (TR I 4) The October 25, 2018 post stated, in pertinent part:

She's already tried using her personal connections at the Florida Bar to silence me. Didn't work. She tried using her connections at the court to silence me. Didn't work. She and her client Russell J Williams of Williams, Hilal, Wigand & Grande, PLLC. law firm, even threatened to use personal connections at the states attorney office to have me arrested. (TFB Ex. 1, Ex. S)

This post constitutes a basis for the Referee's finding. Respondent intended to convey that there were improper influences exerted by Nisha Bacchus on the Bar, the Court and the State Attorney's Office.

S. The Finding that “On or about October 26, 2018, Respondent posted a statement to Facebook again accusing The Florida Bar of being corruptly influenced by Nisha Bacchus.”

In this post, Respondent refers to hearing from the Bar and concludes that Ms. Bacchus is behind it and there is “a lot going on behind the scenes.” A logical interpretation is an accusation of improprieties. (TFB Ex. 1, Ex. T)

T. The Finding that “On or about December 5, 2018, Respondent posted a statement to Facebook which gave a glimpse of her intentions with regard to further harming Ms. Bacchus.”

[A]nd this week, I got some unsavory information about Nisha Bacchus that is a total game changer. Stay tuned for that. (TFB Ex. 1, Ex. V)

Respondent’s own words supply a basis to conclude that Ms. Krapacs intended to continue with her attempts to harm Nisha Bacchus.

U. The Finding that “On or about December 19, 2018, Respondent posted a statement to Facebook attacking Ms. Bacchus’ filing of a Request to Produce, in her representation of Mr. Williams. Ms [sic] Krapacs stated the following, in pertinent part, with emphasis supplied.”

In referencing this finding by the Referee, Respondent failed to include the pertinent part of the referenced post.

These tactics do nothing but keep those who are powerless and vulnerable stuck, while they make greedy, evil people like Nisha Bacchus rich. (How’s that BMW treating you, baby?) (TFB Ex. 1, Comp. Ex. C)

Respondent’s challenge of this finding is difficult to understand, as there is no dispute that Respondent is the author. (TR I 4)

V. The Finding that “This post again put Ms. Bacchus in physical fear since Ms. Krapacs publicly exposed the type of vehicle that Ms. Bacchus drives.”

The finding refers to the December 19, 2018 post, in which Ms. Krapacs taunted Nisha Bacchus and identified her vehicle. The Referee referenced the Bar’s exhibit, which was Nisha Bacchus’ Petition for Temporary Injunction. In it, Ms. Bacchus stated:

The December 19, 2018 posting was extremely alarming as Respondent made reference to the type of vehicle that I drive. I was terrified when I was alerted by this posting [sic] as I have never met Respondent, nor do we have any friends or colleagues in common with her.

* * *

This made me extremely uncomfortable and anxious. I reported this posting immediately to the Florida Bar. (TFB Ex. 1, Comp. Ex. C)

W. The Finding that “On February 1, 2019, Judge Moon granted a Final Judgment of Injunction for Protection Against Stalking against Ashley Krapacs as a result of her actions toward Nisha Bacchus.”

The Bar’s petition stated that on February 1, 2019, Judge Moon granted the cyberstalking injunction against Ashley Krapacs. (TFB Ex. 1, pg. 2, TFB Ex. 20) Ms. Bacchus also testified as to that ruling. (TR II 203)

X. The Finding that “From the above email, it is apparent the Respondent intended to continue her attempts to malign Ms. Bacchus. In fact, she again made unsupported allegations to The Florida Bar of ‘unlawful’ conduct by Ms. Bacchus before admittedly researching the issue.”

Ms. Krapacs' February 1, 2019 e-mail to the Bar was received three hours after the conclusion of the hearing granting the Permanent Injunction. In that e-mail, Respondent accused Ms. Bacchus of unlawful conduct concerning Ms. Bacchus' former client, despite admitting to not fully researching the matter. (TFB Ex. 20) Even the issuance of the permanent injunction against cyberstalking did not deter Ms. Krapacs from her rampage against Nisha Bacchus. The Referee found:

From the above e-mail it is apparent the Respondent intended to continue her attempts to malign Ms. Bacchus. In fact, she again made unsupported allegations to The Florida Bar of "unlawful" conduct by Ms. Bacchus before admittedly researching the issue. (RR 24)

Y. The Finding that: "He [Williams] stated Respondent's social media posts caused him emotional distress, especially since the posts occurred around the Parkland Shooting, where his children attended school."

Mr. Williams testified that the postings by Ms. Krapacs began in March of 2018, soon after the massacre. His son was in the building. He was dealing with the trauma and murders of friends. The timing of Ms. Krapacs' attacks exacerbated an already awful time for him and his family. (TR I 54) Respondent's actions caused him emotional distress and took time away from his family and clients. (TR I 113) Mr. Williams stated; "I don't think that I could ever believe on my worst

day I was ever treated like this. It was absolutely humiliating, disparaging with my colleagues..." (TR I 113)

Z. The Finding that "Mr. Williams testified that, to his knowledge, approximately a dozen people asked him about the post but that they did not have any effect on his professional reputation or his firm's business because most of the people who saw the posts thought them to be outrageous and implausible. Williams further testified that this was the most 'upsetting thing he had to go through as a lawyer' of over 30 years of practice. He stated it was humiliating and effected his law firm and partners. In addition, Williams testified that this took significant time away from his family and his clients."

This finding is directly supported by Mr. Williams' testimony. (TR I 125, 112-114) Respondent does not dispute that these words were spoken and constitute testimony considered by the Referee. Rather, Respondent seeks to assert her own personal credibility determination, which was solely the province of the Referee. The burden to demonstrate that the record is devoid of evidence of the finding is not met by Respondent's personal credibility determinations.

AA. The Finding that "Bacchus testified the posts became more alarming over time, and escalated when Respondent referenced the type of car Bacchus drove and a photo with a gun, despite being a scene from a children's movie."

As previously stated regarding Finding "Z", Finding "AA" accurately reflects Ms. Bacchus' testimony. (TR II 240-245, 253) Notably, Respondent did not include the sentence before this finding in which the Referee specifically found Ms. Bacchus' testimony to be credible, as noted below:

Bacchus also testified credibly and stated Respondent's social media posts caused her severe emotional distress and that at times caused her physical illness. (RR 25)

BB. The Finding that "Furthermore, Bacchus testified when her firm was 'tagged' this hurt her both personally and professionally."

This finding like the last few represent an accurate reflection of the testimony before the Referee. (TR II 215-216, 218-219, 222, 233-234, 239)

CC. The Finding that "Ultimately, Bacchus was in fear for her personal safety, she couldn't sleep or eat, she had extreme anxiety which finally caused her to Petition the court for the Cyberstalking Injunction against the Respondent."

Nisha Bacchus testified:

I filed the injunction because I was terrified at that point because she would not stop. And the posts were getting more and more aggressive, they were getting more and more alarming and they were getting more and more concerning. And I felt at that point, my safety was at issue. And I felt that I had no choice but to protect myself. And so what I did, professionally was, I sought the remedies of the law that were available to me, and that was law enforcement. And I filed the injunction. (TR II 252-253)

She testified about the physical effects of stomach and eating problems, loss of sleep and anxiety endured due to Ms. Krapacs' relentless misconduct. (TR II 255, 286)

DD. The Finding that "Judith Mach was not credible as a character witness for the Respondent. Mach only new [sic] the Respondent for a few short months, was not particularly forthcoming with answers when questioned and didn't have a clear memory of the posts the Respondent made on social media."

This Court has repeatedly stated that the Referee is in the best position to judge the credibility of the witnesses and will defer to that assessment. The Florida Bar v. Forrester, 916 So.2d 647 (Fla. 2005). Here, the Referee elected not to give weight to the testimony of Ms. Mach. The testimony supported the finding that the witness knew Ms. Krapacs for a few months. (TR III 326, 327, 355) The record supports the Referee's finding that Ms. Mach was not credible. Ms. Mach admitted that she was untruthful to the Bar's investigator when asked about her initial introduction to Ms. Krapacs. When Bar Counsel asked her about advising the investigator that "four complete strangers" contacted her with complaints about her former attorney, she claimed not to have said "four" but instead that "there were others." She said that she did not want to identify Leila as the person who contacted her and chose to give a dishonest answer to the Bar's investigator. (TR III 342-343)

True to the Referee's finding that Ms. Mach "didn't have a clear memory of the posts," this witness testified equivocally about seeing only one of the litanies of posts and nothing else posted by the Respondent. (TR III 330, 355-357)

EE. The Finding that "Mach testified she met Respondent through Leila Campagnuolo and that the Respondent took her small claims case against Bacchus."

The testimony of Ms. Mach is consistent with the Referee's findings. (TR III 318, 335-336)

FF. The Finding that "Further, it appeared that she and the Respondent were banding together against Bacchus."

Ms. Mach, the witness referred to in this finding, claimed to have been contacted by a former client of Ms. Bacchus, concerning their mutual dissatisfaction with her representation. (TR III 318) According to the witness, the other former client had read the Respondent's postings disparaging Ms. Bacchus. (TR III 320, 324) Due to this commonality, Ms. Mach began a relationship with Ms. Krapacs. All three joined forces. Ms. Krapacs contacted the Bar on January 23, 2019 advising she would be representing Ms. Mach, on a pro bono basis, in her existing grievance against Ms. Bacchus. (TFB Ex. 1, Comp. Ex. B) The Respondent also appeared on behalf of Ms. Mach in a small claims matter with Ms. Bacchus. (TR III 335-336) Given these facts, and the supporting evidence, the basis for the Referee's finding is clear.

GG. The Finding that "Leila Campagnuolo testified as a character witness for the Respondent. She was more credible than Mach but also knew the Respondent for four short months and admitted the Respondent's behavior was inappropriate for a member of the bar due to her impaired judgment."

The Referee found the witness to be credible, which is properly within the Referee's province. Ms. Campagnuolo testified concerning her brief relationship

with Respondent. (TR III 369, 386) She advised that in her opinion an attorney should not engage in name-calling and attacks on social media and should use the system. (TR III 387, 389-390) The witness explained that in her view, Respondent had made a mistake because she felt outnumbered and broken down by the system. (TR III 390)

HH. The Finding that “The Respondent testified on her own behalf and at times was credible and others times was not credible.”

In The Florida Bar v. Norkin, 132 So.3d 77 (Fla. 2013) a seminal case concerning incivility, that Referee likewise found that respondent, like Respondent here, was not credible, while finding the victim/complainant credible, like the complainants/victims in this case. The Court held that a referee has the authority not to believe a respondent's testimony. See The Florida Bar v. Gross, 610 So.2d 442 (Fla. 1992). Further, a referee can make a credibility determination based on the demeanor of the witness and other factors. The Florida Bar v. Hayden, 583 So.2d 106 (Fla. 1991).

II. The Finding that “She regrets the words she used and that she ‘expressed herself incorrectly’ with her social media attacks.”

Respondent's challenge of this finding is one of the most shocking of all the arguments made and requires notice. (Respondent's Initial Brief, pg. 59-60) Essentially Respondent is telling this Court that the Referee should not have found

that she was regretful about her social media attacks and that she admitted to expressing herself incorrectly. She wants this Court to know that she apologized for the use of “certain language” and the use of “swear words” is acceptable in this context. Respondent argues that there is not a disbarment or suspension case in which the attorney used “swear words” in the context of their personal life. The Bar would agree with that statement. In reality, however, this case is about so much more than “using swear words”, as established by the Bar. Respondent’s refusal to acknowledge the magnitude of her misdeeds as found in the Referee’s Report and by virtue of this Court’s order of Emergency Suspension is a basis alone to establish that she is beyond redemption. The Florida Bar v. Adams, 198 So.3d 593 (Fla. 2016).

JJ. The Finding that “She stated she was frustrated with the process and despite having been in treatment at the time, did not have coping mechanisms to assist with her PTSD.”

There is ample basis to find that Ms. Krapacs was frustrated with the process. (TR III 388, TR IV 555) Ms. Krapacs is challenging the Referee’s finding that she did not have coping mechanisms during the period of her misconduct. This finding is consistent with the Referee’s ultimate disposition of being sympathetic and wanting to give Respondent a second chance. (RR 47) Much like the prior finding, Respondent is stating to this Court that she in fact did have

coping mechanisms in place when she was engaging in her social posting attacks. (Respondent's Initial Brief, pg. 60-61) The logical conclusion that Respondent wishes to convey is that she chose not to use them.

KK. The Finding that "While she expressed some remorse for the social media posts she didn't overtly apologize genuinely about the stress and damage she caused to Mr. Williams and Ms. Bacchus, nor the statements she made about Judge Kaplan or the contribution to the negative impression the public has of lawyers."

This finding is based on Respondent's testimony. Throughout her testimony the furthest that Ms. Krapacs went toward an apology was stating that she regretted the language and tone and using the wrong way of making her public statements. (TR IV 510) In her Initial Brief, Respondent has retreated from that testimony when she pointed out that she is not the first attorney to use "swear words" in the context of her personal life. (Respondent's Initial Brief, pg. 60) Respondent never apologized to Mr. Williams, Ms. Bacchus, or Judge Kaplan. When asked by her attorney during the final hearing what she would say to the two attorneys who testified that they were injured by her, she did not take this opportunity to apologize, but rather stated she wished them the best. (TR IV 523) Ms. Krapacs did not apologize for her contribution to the already existing negative image of attorneys, despite acknowledging to Dr. Castillo that her behavior on social media was not good for the field of law. (TR V 632, 634)

LL. The Finding that “When asked directly by her lawyer Respondent specifically stated, ‘she would never do something like this again.’”

The Referee asked Respondent if this is ever going to happen again and she responded, “absolutely not”. (TR IV 578) The Referee’s paraphrasing of this testimony is clearly supported by the record. Ms. Krapacs’ challenge of this finding is perplexing. In her initial brief she states:

Respondent stating that a situation like this would never occur again is quite different from Referee’s paraphrasing.
(Respondent’s Initial Brief, pg. 62)

It appears that Respondent is signaling about the possibility that she might do something like this again.

MM. The Finding that “Citing a report from Respondent’s treating psychologist, Dr. Castillo testified that Respondent’s behavior from March 2018 to January 2019 was consistent with a person suffering from Post-Traumatic Stress Disorder due to childhood trauma, abuse by the ex-boyfriend, which was exacerbated by the death of her father, leading to her unstable behavior and inability to cope with reality.”

Dr. Castillo testified:

So my opinion is that her unstable behavior at the time of the postings was related to a number of issues.... (TR V 604)

The doctor also testified concerning Respondent acting without thinking since she had a distorted perception of impending danger as a result of her condition. (TR V 620-621) Judge’s and Court’s in their orders need not rule

verbatim. Paraphrasing testimony is routinely utilized. Wood et al. v. Provident Trust Co. of Philadelphia, 113 Fla. 260 (Fla. 1934).

NN. The Finding that “The Court respectfully recommends that Respondent be found guilty of violating the following Rules Regulating the Florida Bar: 3-4.3 [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 of Florida, and whether the act is a felony or a misdemeanor.]”

In the Referee’s analysis of caselaw concerning “conduct with opposing counsel and dishonesty” the Referee relied on The Florida Bar v. Sayler, 721 So.2d 1152 (Fla. 1998). (RR 41-42) There, the attorney sent a threatening letter to opposing counsel discussing the murder of an attorney. A violation of Rule 3-4.3 of The Rules Regulating the Florida Bar was found. Here, the Referee noted that the behavior is somewhat similar but more egregious and repeated.

The Referee addressed Respondent’s dishonesty vis a vie her portrayal of the April 12, 2018 hearing before Judge Kaplan. (TFB Composite Ex. 6) The Referee found:

Respondent’s statements were derogatory and untruthful and falsely portrayed her treatment in court at the hearing on April 12, 2018. (RR 9)

The Referee also found that Respondent engaged in deceptive conduct when sending multiple letters to The Florida Bar falsely accusing Russell Williams and Nisha Bacchus of conduct that did not occur. (RR 33, TFB Ex. 7)

The record supports a finding of a violation of this rule.

OO. The Finding that Respondent be found guilty of: “4-4.4(a) [In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person.]”

Respondent, a lawyer, represented herself, as a client, in her efforts to obtain an injunction against her former boyfriend, Gregory Knoop. Mr. Williams represented Mr. Knoop. From the moment his representation began, Respondent waged a unilateral social media war against Mr. Williams, evidenced by the wealth of introduced evidence. That war continued when Mr. Williams sued Respondent. Neither Mr. Williams nor his attorney Nisha Bacchus, ever responded on social media. Ms. Krapacs was open about her intention to embarrass these two attorneys. On November 29, 2018, she posted the following statement to Facebook.

As long as the litigation continues, I look forward to **embarrassing** both of these bullies as I lay the paper trail that clearly demonstrates what side of history these two attorneys are on. And hint: it’s not the good side! (Emphasis supplied.) (TFB Ex. 1, Ex. U)

PP. The Finding that Respondent be found guilty of: “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.]”

Contrary to Respondent’s assertion, everything in this case is in connection with the practice of law. It was Respondent who began the attack of Russell Williams, labelling him publicly as “an Old White Male Attorney” as soon as his representation of Gregory Knoop began. She later attacked him as a liar, hateful bully, misogynist pig, sexist pig, moron, dick, fool, cheater, scumbag and adulterer. (TFB Ex. 1) She moved on to publicly attack Judge Kaplan as a result of his presiding over her injunction matter. She attacked the 4th DCA for bias since they denied her Writ of Prohibition without a written opinion. The extent of and gravity of the social assault of Russell Williams led to litigation. His attorney, Nisha Bacchus, became victimized with labelling on social media such as hateful, insecure, jealous, backstabbing traitor, woman hater, sellout, evil bully, greedy, door lawyer and lunatic. With Respondent’s aggression elevating into threats of physical violence, Ms. Bacchus sought and obtained a permanent cyberstalking injunction against Ashley Krapacs.

In the instant proceeding, Respondent’s attacks of Ms. Bacchus continue in her Initial Brief.

The only poison here is the poison that Bacchus has spewed on anyone who dares to challenge the way that Bacchus conducts herself. What Bacchus has “done for” and “been through” with Mach is nothing short of predatory harassment, legal terrorism, and extortion. (Respondent’s Initial Brief, pg. 68)

The humiliation and disparagement caused by Respondent has drained the judicial system, leading to the necessity of two attorneys to seek redress from the judicial system, together with the litigation created by Respondent in the instant proceedings. The Referee’s finding of the applicability of this rule is amply supported.

QQ. The Finding that there was sufficient evidence of the following aggravating factor: “9.22(b) dishonest or selfish motive.”

Respondent’s testimony is replete with her version of the events in which she perceived herself as being victimized by Mr. Williams, Ms. Bacchus, the Court system and the Bar. It is that view that led her to engage in social terrorism. (TFB Ex. 1) Further, the testimony of Respondent’s witness, Dr. Castillo, as well as the doctor’s report only discussed Ms. Krapacs’ responses to actions she perceived were directed toward her. There is no mention that her conduct was to increase awareness for domestic violence survivors. The report stated:

Ms. Krapacs noted that in February 2018, she began posting on social media about the unfair treatment she perceived to be receiving in court.

* * *

She reported feeling threatened by Ms. Bacchus' legal tactics and wrote in social media about her.

* * *

She mentioned that she had been afraid to stop posting because she felt that the posting was keeping her safe from further attacks.

* * *

Ms. Krapacs explained that she began posting on social media about her experience with various members of the court because she thought this was her only recourse. She noted, "I felt under attack and was afraid to stop posting." (Resp. Ex. 10, TR V 607-608, 632)

RR. The Finding that there was sufficient evidence for the following aggravating factor: "9.22(f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process – with multiple letters to The Florida Bar, Respondent falsely accused Russell Williams and Nisha Bacchus of conduct that did not occur."

Ms. Krapacs filed a grievance with the Bar against Mr. Williams in which she accused him of threatening, intimidating and harassing her by sending her a letter pursuant to F.S. 57.105. That letter was giving Ms. Krapacs an opportunity to dismiss a frivolous injunction action filed in Florida against a Texas resident. (TFB Ex. 2, TR I 135) Ms. Krapacs ultimately dismissed that petition. (TR III 430) In that same grievance, Ms. Krapacs stated that Mr. Williams failed to respond to her February 27, 2018, 7:25 PM e-mail, which she attached to the grievance. She intentionally did not include the e-mail that she sent the next morning. That e-mail

contained extortionate threats to expose his client for sexual improprieties if he did not agree to the imposition of the injunction. (TFB Ex. 4)

Ms. Krapacs wrote to The Florida Bar on June 19, 2018 and accused Mr. Williams of being an entitled, sexist man accustomed to bullying women into defeat and controlling women around him. She accused him of lying and cheating his way through cases. She accused Mr. Williams of lying on the record multiple times during the April 12, 2018 hearing. (TFB Ex. 12) These statements were made by Respondent without any evidentiary support. The Referee specifically found as to the April 12, 2018 hearing that Mr. Williams was not unprofessional or unethical toward Respondent at that hearing. (RR 8)

Ms. Krapacs also falsely accused Nisha Bacchus of conduct that did not occur. In a November 5, 2018 letter to the Executive Director of The Florida Bar she accused both Russell Williams and Nisha Bacchus with initiating and participating in ex parte communications. No support was provided for this serious allegation. (TFB Ex. 21) Her January 22, 2019 e-mail to the Bar, after Ms. Bacchus sought an injunction against cyberstalking, contains more falsities. (TFB Ex. 18) In it she said that the injunction petition was sought to gain leverage in the defamation case. Nisha Bacchus testified that she filed the petition because she

feared Ms. Krapacs due to the escalation of her harassment and threatening behavior. (TR II 252-253)

SS. The Finding that there was sufficient evidence for the following aggravating factor: "9.22(g) refusal to acknowledge wrongful nature of conduct."

This Court need only look at Respondent's argument in her Initial Brief to establish this aggravating factor. (Respondent's Initial Brief, pg. 69-70)

Respondent has somehow twisted her misconduct as fulfilling her obligation as a member of the Bar to uphold its integrity of the profession. She remains righteously indignant. This position is like that taken by attorney Behm in The Florida v. Behm, 41 So 3d 136 (Fla. 2010). Behm maintained he had an ethical obligation to improve the legal system when he challenged the IRS in furtherance of his belief that he need not pay taxes. At oral argument before this Honorable Court he declared his intention to persist in his refusal to pay his income taxes.

This Court stated:

The only appropriate sanction under these circumstances—cumulative misconduct and a course of unrepentant misconduct—is permanent disbarment from the practice of law.

Behm, at 986.

Here, despite this Court's order of suspension, and the quantity of the Referee's findings against Respondent, she persists in attacking the same persons

as referenced in the emergency suspension action and the final hearing and refuses to acknowledge her misconduct.

TT. The Finding that “Remorse – I found Respondent to be somewhat remorseful during her testimony. Respondent apologized to the referee, the Bar, the Court and stated that she was going to apologize in writing to attorneys Williams and Bacchus.”

The Referee relied on Respondent’s counsel’s statement of her intent to apologize to the two aggrieved attorneys. (TR V 725) In her brief, Ms. Krapacs has advised that she did not endorse her attorney’s statement and clarified that she never stated an intent to apologize in writing. (Respondent’s Initial Brief, pg. 70-71)

UU. The Finding that “Krapacs potentially committed a felony when she sent the above text message, however no criminal charges were ever filed.”

In the Referee’s Report under the title “Extortion email,” Ms. Krapacs’ text message to her former boyfriend is included.³ The text message, together with the criminal statute, was properly considered by the Referee. Rules 3-4.3 and 4-8.4(b) of the Rules Regulating The Florida Bar prohibits criminal conduct. An attorney may be acquitted of a crime and Bar action is permissible. The Florida Bar v. Davis, 657 So.2d 1135 (Fla. 1995).

³ Although the Referee refers to it as an e-mail initially, she also references it as a text message. The text message is set forth on pages 27-28 of this brief.

VV. The Finding that “The instant matter, which formed the basis for the order of emergency suspension, concerned Respondent’s public conduct on social media and elsewhere. The extortionate text message is relevant to my disciplinary recommendation, but is not the central focus.”

The Referee appropriately considered the extortionate text message.

Evidence in aggravation is not required to have been the basis for the underlying misconduct. In another seminal case concerning incivility that attorney was charged with misconduct concerning an incident during a deposition. The Bar introduced evidence in aggravation concerning other bad conduct. This Court held:

Contrary to the respondent’s argument, it is not necessary for misconduct to have been a basis for discipline in order for it to be considered in aggravation. Here, the respondent’s pattern of engaging in abusive conduct is relevant to the appropriate sanction to be imposed for the violations at issue in this case. We therefore reject the respondent’s argument regarding aggravation.

The Florida Bar v. Ratiner, 46 So.3d 35 (Fla. 2010)

As in Ratiner, Ms. Krapacs’ conduct of sending a threatening and extortionate text message represents a pattern of the same type of conduct directed at the victim attorneys in this case.

WW. The Finding that “It is important to note that Respondent argued she was ‘sandbagged’ by the Bar’s presentation of the extortionate text message. I note, however, that the Petition for Emergency Suspension did reflect in two places the underlying grievances, one of which was the grievance filed by Ms. Krapacs’ former boyfriend which included the extortionate text message.”

The basis for the Referee's finding is the Petition for Emergency Suspension which included all pending matters against Respondent. (TFB Ex. 1) Additionally, Respondent was aware that her former boyfriend filed a grievance against her concerning this extortionate text message and other misconduct as it was provided to her with a request to respond. In addition, the public portion of the Bar's file was provided to Respondent in discovery.

XX. The Finding that "The 9-month social media unprovoked attack against two barred attorneys is the central focus of this case."

Testimony supported a finding that Ms. Krapacs launched attacks on social media against Mr. Williams and Ms. Bacchus from March of 2018 until February of 2019. (TR I 187-188) The testimony of Russell Williams and Nisha Bacchus supported the Referee's finding that the attacks were unprovoked. The outpouring of venomous statements by Respondent against Mr. Williams began after he sent the Respondent a standard 57.105 letter on behalf of his client. The outpouring of venomous statements by Respondent against Ms. Bacchus began when she filed a lawsuit on behalf of Mr. Williams. Any argument that these two attorneys legitimately provoked Ms. Krapacs' wrath is a fiction.

ARGUMENT II

RESPONDENT HAS FAILED TO ESTABLISH ANY ERROR BY THE REFEREE. (RESTATEMENT)

A. RESPONDENT HAS FAILED TO ESTABLISH AN ABUSE OF DISCRETION BY THE REFEREE CONCERNING RULINGS DURING TESTIMONY OF WITNESSES. (RESTATEMENT)

In this argument, Respondent takes issue with whether the Referee correctly overruled and sustained objections and otherwise managed the testimony. A review of the final hearing which lasted for approximately 2 ½ days will reveal that this case was vigorously and zealously advocated by both parties with frequent objections and rulings evenly distributed. Respondent suggests that objections by the Bar should be prohibited therefore relieving the opposition of the need to respond. This exchange between counsels and the judge and listening to the arguments of each is one of the many ways in which the judge metes out justice and fairness. Further, a judge is tasked with controlling the courtroom. It is incumbent on Respondent to establish an abuse of discretion, which she has failed to do.

B. RESPONDENT HAS FAILED TO ESTABLISH AN ABUSE OF DISCRETION BY THE REFEREE CONCERNING RULINGS ON THE INTRODUCTION OF EVIDENCE. (RESTATEMENT)

The Bar introduced a transcript of the April 12, 2018 hearing before Judge Kaplan and an audio. (TFB Comp. Ex. 6) Respondent's counsel stated that

although the transcript's accuracy was sworn by the court reporter, there was an official transcript of the proceedings which was more accurate. Ms. Krapacs' attorney advised that the other transcript would be introduced in their case in chief. The Referee stated that she would consider both transcripts. Respondent's counsel advised, "That sounds good." (TR I 42-44) The "other" referenced transcript was never introduced by Respondent. The Respondent argues that since the audio is not referenced in the Referee's report, the Referee failed to consider it. This type of statement is typical of the accusatory leaps that the Respondent lodges, whether it is directed at Referee, Bar Counsel, Judge Kaplan, the two victim attorneys or the 4th DCA.

Respondent argues that the extortionate text messages were improperly admitted into evidence because they were incomplete. Respondent had the opportunity to introduce any documentation she deemed more complete, but failed to do so.

ARGUMENT III

THE REFEREE DID NOT EXHIBIT BIAS.

Throughout the 2 ½ day trial before the Referee, there was never a single word spoken by Respondent’s counsel or Respondent stating that the Referee was treating them unfairly. Instead, at the onset of closing argument, Respondent’s Counsel stated:

Your Honor, on behalf of Ms. Krapacs, thank you very much for your time, your attention, your questions...

It was only after the Referee recommended a 2-year suspension, despite the Bar’s request for disbarment that Respondent accused the Referee of bias. Respondent claims that this bias is evident since the Referee prejudged the case. According to Ms. Krapacs, the “evidence” of that accusation is that the Referee referred to Mr. Williams and Ms. Bacchus as victims. The frivolous nature of Respondent’s charge is revealed by the incomplete picture that she has presented to this Court. Below is what the Referee said at the conclusion of the trial:

So it’s just a very sad state of affairs to have to deal with these cases, especially when it deals with a young lawyer who recently passed the Bar. So that’s really all I’m going to say right now. You know, obviously, my heart goes out to the victims who had to go through this. Obviously my heart goes out to Ms. Krapacs, who had a lot to deal with over the time, and also as a victim in her own way and dealt with her own trials and tribulations. And I just think all around it’s just a very, very sad situation, that’s all. (TR V 736)

Respondent argues that the Referee stepped into the shoes of Bar Counsel when asking questions of the witnesses. It is entirely proper for a Referee to inquire of the witnesses. It is a sign that the Referee is determined to have all questions answered. Respondent complains about the questions that the Referee directed toward Dr. Castillo. It was that testimony, together with those questions, which led the Referee to recommend a 2-year suspension, rather than the Bar's recommendation of disbarment. Instead of recognizing that the Referee was giving Respondent a second chance, Respondent has accused the Referee of bias and engaging in ex parte communications in documents filed in this Court.

Respondent attacks the Referee further for copying parts of the Bar's petition for Emergency Suspension in the 48-page report of Referee. This is not improper. In fact, the Referee is permitted to sign a report prepared completely by either party, which did not happen in this case. The Florida Bar v. Picon, 205 So.3d 759 (Fla. 2016).

In further support of the argument that the Referee was unfair, Respondent improperly referenced a July 18, 2019 hearing which was not part of the record before this Court on appeal and should not be considered.

ON CROSS APPEAL

DISBARMENT IS APPROPRIATE GIVEN THE REFEREE'S FINDINGS THAT RESPONDENT WAGED AN UNPROVOKED WAR ON SOCIAL MEDIA AGAINST TWO MEMBERS OF THE FLORIDA BAR FOR NINE MONTHS LEADING TO TWO LEGAL ACTIONS WHERE RESPONDENT IS NEITHER CREDIBLE, REGRETFUL OR REMORSEFUL.

This Court's scope of review over disciplinary recommendations is broader than that of findings of fact because it is this Court's responsibility to order the appropriate discipline. The Florida Bar v. Anderson, 538 So.2d 852 (Fla. 1989). See also art. V, §15, Fla. Const. "The Supreme Court shall have exclusive jurisdiction to regulate...the discipline of persons admitted to the practice of law." The Court usually will not second-guess a referee's recommended discipline as long as that discipline has a reasonable basis in existing case law and in the Florida Standards for Imposing Lawyer Sanctions. The Florida Bar v. Temmer, 753 So.2d 555 (Fla. 1999). A 2-year suspension and a psychological evaluation and any recommended treatment prior to reinstatement to the Florida Bar was the recommended discipline by the Referee. Given the extreme and unique misconduct and lack of remorse or recognition of wrongdoing, the recommended discipline has no reasonable basis in existing case law and disbarment is the appropriate sanction.

On February 20, 2019, the Bar filed a novel petition for emergency suspension resulting from the escalation of Respondent's actions in attacking two members of The Florida Bar publicly on social media. With Respondent's increasing aggression of posting a violent photograph, identifying the vehicle of one of the attorneys who was under siege and Respondent's search through court records of aggrieved clients of that attorney, pending grievances could no longer travel through the normal disciplinary channels. Emergency action was taken. Respondent's conduct, including posting of profanities, threats in a multitude of social media platforms, including YouTube videos rose to the highest level of incivility, such as never been seen. One victim attorney filed suit for defamation and the other obtained a permanent injunction against cyberstalking. After this Honorable Court granted the Bar's petition, the matter was tried before the Judge Samantha Schosberg Feuer. Although the Bar sought disbarment, the Referee recommended a 2-year suspension. Rather than being appreciative of the Referee's showing of mercy, Respondent filed motions to recuse the Referee and two Writs of Prohibition in this Court in which she accused the Referee, without any evidence, of engaging in ex parte communications and exhibiting bias.

The Referee found that Ms. Krapacs was "somewhat" remorseful based on her testimony that she regretted some of her language and tone. Before this Court

in her Initial Brief, Respondent has reverted to the same accusations denouncing the two victim attorneys. It is apparent that Respondent has learned nothing from these proceedings and persists in the same uncivilized conduct. Examples are set forth below from Respondent's Initial Brief:

Bacchus was hurling threats against anyone who opposed her selfish agenda. (Pg. 22)

[T]he only escalating conduct was the conduct of the Bar, Williams, and Bacchus, as Bacchus had filed a domestic violence cyberstalking injunction against Respondent to gain leverage in the civil lawsuit. (Pg. 28)

[I]t is clear from the transcript (even the unofficial, incorrect version which was considered by Referee that Williams made a false statement to Judge Kaplan several times. At one point, he even made up an entire story to try to justify his false statement. (Pg. 37)

No evidence in the record demonstrates that Respondent's conduct, in increasing awareness regarding the terroristic, antagonistic legal tactics that attorneys like Williams and Bacchus used against vulnerable populations, was unethical. (Pg. 40)

[I]t was actually Williams who was harassing Respondent and causing her emotional distress around the time of the Parkland Shooting, yet Williams, and Bacchus, chose to exploit that event to try to gain leverage and sympathy in these proceedings. (Pg. 47)

[T]here is no evidence in the record that Respondent ever posted about the "type" of car Bacchus drove. Respondent made a brief reference to a popular make of vehicle which was intended only to emphasize the greed and evil that was motivating the army of attorneys attacking her. (Pg. 50)

[T]he only thing Bacchus feared was getting exposed for the unethical,

bullying, terrorizing legal tactics she has used not only against Respondent, but also against at least two of her former clients. (Pg. 51)

Respondent's misconduct began in January of 2018 when she sent an extortionate text message to Gregory Knoop, her former boyfriend, a Texas resident.⁴

The Referee found with this text message Respondent potentially violated F.S. 836.05, the crime of extortion, a second-degree felony. The Referee also referenced Rule 4-8.4(b) of the Rules Regulating the Florida Bar prohibiting an attorney from committing a criminal act regarding this text message and criminal statute. (RR 35-37) Although this text message was considered by the Referee in aggravation and not the central focus of the recommendation it is extremely significant. The fact that this action occurred in the Respondent's personal dealings does not excuse it. This Court has held that, "an attorney is an attorney is an attorney." The Florida Bar v. Della-Donna, 583 So.2d 307 (Fla. 1989). Attorneys must avoid tarnishing the professional image. The Florida Bar v. Hooper, 507 So.2d 1078 (Fla. 1987). In The Florida Bar v. Carricarte, 733 So.2d 975 (Fla. 1999), that respondent, who had been in business with his brother, threatened to reveal a database to competitors and refused to return funds held in trust, unless he

⁴ The text message is set forth on pages 27-28 of this brief.

was paid \$25,000. This conduct was found to be extortionate and Carricarte was disciplined.

When Mr. Knoop would not agree to her extortionate demand, ceased responding to Ms. Krapacs, and would no longer financially support her, she stated the following in a January 2018 text message.

I'm posting on Facebook tonight Gregg it's done. (TFB Ex. 19, pg. 8)

True to her word, Ms. Krapacs posted disparaging comments about Mr. Knoop. Thereafter, Mr. Knoop contacted the Fort Lauderdale Police to report the extortion attempt. Also, attorney Drakeley from Texas sent Ms. Krapacs a cease and desist letter, on behalf of Mr. Knoop. Ms. Krapacs filed a grievance in Texas against that attorney and his partner. As a result, they hired attorneys to represent them. The Texas Bar dismissed Ms. Krapacs' grievances. (TFB Ex. 7, TFB Ex. 21, TR I 77) Ms. Krapacs next filed a criminal complaint against Mr. Knoop in D.C. (TFB Ex. 7) Ms. Krapacs filed her third grievance against the DC attorney who represented Mr. Knoop as a result of her criminal filing. That grievance, like the previous two was dismissed. Ms. Krapacs next filed a petition for injunction against Mr. Knoop in Broward County, despite there being a clear lack of jurisdiction as he was a Texas resident and none of the acts Ms. Krapacs alleged

occurred in Florida. (TR 1 25) At this juncture, Mr. Williams, one of the victims of Respondent's social media massacre, stepped in to represent Mr. Knoop.

Ironically, Respondent falsely and repeatedly portrays that since she was up against an "army of attorneys" attacking her, she was left with no choice but to engage in a war against the Florida attorneys on social media. It was Ms. Krapacs who was the moving force and aggressor for every action and all the attorneys were defending themselves against her. Each one that encountered her in Texas, D.C. and Florida, with the surprising exception of Nisha Bacchus, were the subject of grievances filed by Ms. Krapacs, all of which were dismissed by their jurisdictions. They also became targets of Respondent's social media assassinations. There is not a single shred of evidence establishing that any of the attacked attorneys, responded on social media, a commendable feat in and of itself.

With Mr. Williams' representation, the onslaught on social media began against him and the judiciary and led to the filing of the defamation suit. That filing led to the social media rampage against Nisha Bacchus. The bundle of vicious statements by Ms. Krapacs on a variety of social media platforms, articles, videos, letters and e-mails are set out in the Bar's Petition for Emergency Suspension and various other exhibits. (TFB Ex. 1, 5, 8, 9, 10, 12, Comp. 13, 15, 16, 17, 18, 20, 21) Ms. Krapacs advised the Bar in her June 19, 2018 letter:

[S]ince I am my own client, I am entitled to speak publicly about my case as much as I wish. I post on social media (Facebook, LinkedIn, Twitter, Instagram). I create videos on YouTube, and I write a blog. I have nothing to hide... (TFB Ex. 12)

Inasmuch as the conduct of Jeffrey Norkin in both of this Court's opinions seem to represent the epitome of incivility, this case has reached new heights. The Florida Bar v. Norkin, 132 So.3d 77 (Fla. 2013); The Florida Bar v. Norkin, 183 So.3d 1018 (Fla. 2015) In Norkin I, the respondent was suspended for two years after he sent disparaging e-mails to opposing counsel, falsely accused a retired judge of wrongdoing, and disrupted court proceedings. In Norkin II, that case involved Norkin's conduct of practicing law while suspended, as well as sending disparaging and threatening e-mails to Bar Counsel and admitting to staring down the Justices of this Court during the administration of a reprimand. This Court concluded that given Norkin's continuation of egregious behavior after the suspension, it was obvious that he would not change his pattern of misconduct. The Court also referred to his filings in the case which indicated his unrepentant and defiant attitude. Norkin was permanently disbarred in the second case.

The public disparagement by Ms. Krapacs of the two attorneys, Judge Kaplan and the 4th DCA, was far worse than the private, yet admittedly disparaging and inappropriate e-mails, sent by Norkin. The content was also much

more extreme and prolonged by this Respondent. Some of the profanities appear in an earlier portion of this brief. A typical example of those postings is set out under the threatening “Home Alone” photograph.

ashleykrapacs Ya'll, I just can't with this diva. SIMPLY CANNOT! Nisha Bacchus clearly isn't a fan of my social media. Today, she tells my attorney that she's going to sue me (more) for my recent posts about her. Apparently, she's gone through all the contents of her Bag of Tricks to Mindfuck Sexual Assault Survivors, and now she has to keep reusing the contents. She's already tried using her personal connections at the Florida Bar to silence me. Didn't work. She tried using her connections at the court to silence me. Didn't work. She and her client, Russell J. Williams of Williams Hilal Wigand Grande law firm, even threatened to use personal connections at the state's attorneys office to have me arrested. Even then, I refused to be silenced. This lady is OUT OF CONTROL Nothing but an evil bully. Bring it, diva. NOTHING they can do to me is going to silence me from speaking the truth about what people like them do to vulnerable
#sexualassaultsurvivors. #metoo #timesup #Womensrights
#believesurvivors #humanrights #enoughisEnough

The harm caused by Ms. Krapacs is incalculable. Both attorneys were forced to take legal action against this Respondent simply because they appeared on behalf of clients. Like Norkin, in her Initial brief, as well as in two Writs of Prohibition and Motions to Recuse the Referee, Ms. Krapacs has continued with attacks demonstrating that she will not change her pattern of behavior. Like Norkin, she has made it clear, that she is not remorseful.

The Referee essentially found that all allegations and rule violations as set forth in the Bar's Petition for Emergency Suspension were proven. The only noticeable evidence in mitigation found was the weight that was given to the testimony of Dr. Castillo. The Doctor met with the Respondent on March 25 and 29, 2019 for four hours which included interviewing and testing. She spoke briefly telephonically with two individuals who knew Respondent, reviewed a one-page letter dated September 3, 2018 from Respondent's psychologist Colleen Pearson, and 3 letters from Respondent's employers. From those sources, Dr. Castillo concluded that during the 10-month period from March of 2018 to January of 2019, of vile postings and other public statements, Ms. Krapacs suffered from PTSD. (Resp. Ex. 7, 10) Ms. Krapacs' treating psychologist, Colleen Pearson did not testify. Dr. Castillo never spoke with Dr. Pearson or reviewed Ms. Krapacs' medical records, nor did she speak or review Ms. Krapacs' medical records from two other psychologists who treated her in Texas. Her opinions were based on what she was told by Respondent, without any independent verification. She did not review the Bar's Petition for Emergency Suspension nor did she read any of the posts. (TR V 643-646) Dr. Castillo opined that at the time of the final hearing, Ms. Krapacs was no longer suffering from PTSD. (TR V 628) What is puzzling about both the diagnosis and its absence is why then is Ms. Krapacs still making

the same accusations against everyone involved and why isn't she sorry for her actions?

Given the extreme level of incivility, being at the apex of misconduct, this case should be viewed on the same level as a misappropriation. This Court has been warning attorneys that incivility will exact a great disciplinary price from The Florida Bar v. Ratiner, 46 So.3d 35 (Fla. 2010) to The Florida Bar v. Norkin, 132 So.3d 77 (Fla. 2013), and more recently in The Florida Bar v. Patterson, 237 So. 3d 56 (Fla. 2018). The Court went so far as to amend the Oath of Admission to the Florida Bar in 2011, the oath taken by this Respondent, when admitted, to include civility in all written communications. Whether it is the most extreme case of incivility, as committed by Ms. Krapacs, on the level of a misappropriation case, the finding of mitigation, whether it is alcoholism, [The Florida Bar v. Golub, 550 So.2d 455 (Fla. 1989)], drug addiction [The Florida Bar v. Shuminer, 567 So.2d 430 (Fla. 1990)], depression [The Florida Bar v. Shanzer, 572 So. 2d 1382 (Fla. 1991)], or in this case, PTSD, might explain the misconduct, but does not excuse it. As this Court so aptly said many years ago in Golub, *supra*.

Although we may consider such factors as alcoholism and cooperation in mitigation, we must also determine the extent and weight of such mitigating circumstances when balanced against the seriousness of the misconduct.

Here, the mitigation does not outweigh the seriousness of the misconduct and Ashley Krapacs should be disbarred.

CONCLUSION

Based on the foregoing argument and citations of authority, The Florida Bar respectfully submits that the Referee's recommendation is too lenient and Respondent should be disbarred.

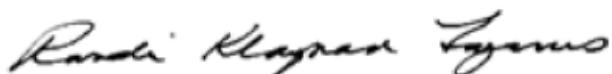
Respectfully submitted,



Randi Klayman Lazarus
Randi Klayman Lazarus, Bar Counsel

CERTIFICATE OF SERVICE

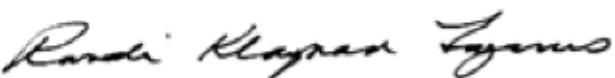
I certify that this document has been E-Filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, and that a copy has been furnished by United States Mail via Certified Mail No. 7017 1070 0001 0817 3434, return receipt requested, to Ashley Ann Krapacs, Respondent, at her record Bar address of P.O. Box 21665, Fort Lauderdale, FL 33335-1665, and via e-mail at krapacsaa@gmail.com; and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via e-mail at psavitz@floridabar.org, on this 27th day of September, 2019.



Randi Klayman Lazarus, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No. 360929
rlazarus@floridabar.org
mcasco@floridabar.org

CERTIFICATE OF TYPE, SIZE AND STYLE AND ANTI-VIRUS SCAN

Undersigned counsel does hereby certify that this Brief is submitted in 14 point proportionately spaced Times New Roman font, and that this brief has been filed by e-mail in accord with the Court's order of October 1, 2004. Undersigned counsel does hereby further certify that the electronically filed version of this brief has been scanned and found to be free of viruses, by Norton AntiVirus for Windows.



Randi Klayman Lazarus, Bar Counsel

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,
vs.

ASHLEY ANN KRAPACS,

Respondent.

Supreme Court Case
NO. SC19-277

The Florida Bar File
Nos. 2018-50,829 (17I)FES;
2018-50, 851 (17I);
2019-50, 081 (17I)

**RESPONDENT/ATTORNEY ASHLEY A. KRAPAC'S
RESPONSE, ANSWER, and AFFIRMATIVE DEFENSES TO
FLORIDA BAR'S PETITION FOR EMERGENCY SUSPENSION**

COMES NOW, the Respondent, ASHLEY ANN KRAPACS ("Krapacs" and "Respondent") by and through undersigned counsel and files this Response, Answer, and Affirmative Defenses to the Petitioner THE FLORIDA BAR's ("Florida Bar" and "Petitioner") Petition for Emergency Suspension dated February 20, 2019 ("Petition") and states (the following paragraphs correspond to the numbered paragraphs of the Petition):

1. Unknown and therefore denied and strict proof is demanded thereof.
2. Admitted.
3. Admitted.

4. Admit that exhibits A and B to the Petition appear to be affidavits which the Bar relies upon.

5. Denied as phrased.

6. Unknown as to the Florida Bar's stated reason for filing the Petition; admitted that Bacchus filed an injunction which is now on appeal; admitted that exhibits C, D, and E are attached to Petition.

7. Denied as phrased.

8. Denied as phrased; moreover, Respondent cannot respond to the opinions expressed in this paragraph and those statements are denied. Respondent admits that litigation with Williams has been settled and that the injunction sought by Bacchus has been appealed.

9. Respondent admits that she is the author of the January 4, 2019 post, January 21, 2019 email, and January 23, 2019 letter; all other statements are denied as phrased.

10. Denied.

11. In response to the alleged "salient facts," Respondent denies that the following are the entirety of the salient facts; any portion of the following subsections not addressed are denied and, by acknowledging the attaching of exhibits, Respondent does not admit to relevance, authenticity, or contents:

a. Admitted;

- b. Admitted;
- c. Admitted;
- d. Admitted;
- e. Denied as phrased.
 - i. Admitted that Respondent wrote Exhibit G; the remainder is denied as phrased.
 - ii. Admitted that Respondent wrote Exhibit H; the remainder is denied as phrased.
 - iii. Admitted that Respondent wrote Exhibit I and that Exhibit J is a transcript (Respondent denies that the transcript is accurate); the remainder is denied as phrased.
 - iv. Admitted that Respondent wrote Exhibit K; the remainder is denied as phrased.
 - v. Admitted that Respondent wrote Exhibit L; the remainder is denied as phrased.
- f. Admitted that Exhibit E is a lawsuit filed against Respondent; otherwise, denied as phrased.
 - i. Admitted that Respondent made YouTube videos; Respondent acknowledges that Exhibit M appears to be a transcript of one video but cannot admit, at this time, the accuracy of the

transcription. The Bar's summary and allegations are otherwise denied as phrased.

- ii. Admitted that Respondent wrote Exhibits N, O, P, Q, the cited portions of C, and R; the remainder of the allegations and footnote is denied as phrased.
- iii. Admitted that Respondent wrote Exhibit S; the remainder of "f" is denied as phrased.
- iv. Admitted that Respondent wrote Exhibit T; the remainder of "g" is denied as phrased.
- v. Admitted that Respondent wrote Exhibit U; the remainder of "h" is denied as phrased.
- vi. Admitted that Respondent wrote Exhibit V; the remainder of "i" is denied as phrased.
- vii. Admitted that Respondent wrote the cited portion of Exhibit C; the remainder of "j" is denied as phrased.

12. Admitted.

13. Admitted that Respondent wrote this email.

14. Denied as phrased.

15. Respondent disputes and denies the Bar's entitlement to the claims sought in the WHEREFORE clause.

16. Respondent generally objects to the Exhibits as incomplete and denies, in their current state, that the Exhibits accurately reflect the statements and contexts.

17. Unless addressed herein, any other allegations are denied and strict proof is demanded thereof.

AFFIRMATIVE DEFENSES

1. Not Bar Violations – the Bar cannot establish, by clear and convincing evidence, that the quoted / cited statements violate the Rules Regulating the Florida Bar.

2. Freedom of Expression – Respondent has a state and constitutional right to freedom of expression, including but not limited to the right to express her observations and opinions (including about the quality and quantity of justice and conduct of others) as well as participate in civic and political “movements,” such as the “#MeToo Movement” and other causes advancing and protecting the rights of women and those subjected to sexual assault.

3. Freedom of Association – Respondent has a state and constitutional right to associate herself with persons and/or represent clients on a variety of issues, including but not limited to issues which advance Respondent’s beliefs as well as her civic and political interests.

4. Duty of Zealous Representation – Respondent is charged with zealously representing and defending her clients (including, her *pro se* representation).

5. Absence of Aggravating Factors – Respondent is not guilty of any of the aggravating factors which the referee is charged to consider and address.

6. Presence of Mitigating Factors – Respondent meets and is entitled to the benefit of all of the mitigating factors which the referee is charged to consider and address.

7. Conditions Precedent – The Bar has not complied with condition precedents prior to filing a Petition for Emergency Suspension and has not raised a claim which establishes grounds for “emergency” suspension, as evidenced, at least in part, by the absence of any lawyer being placed on emergency suspension in Florida purely based on social media posts, a form of pure speech which does not threaten great public harm.

8. Injury – any injury arising from or relating to the alleged acts or omissions are “little to no injury” based upon the definition in *Florida’s Standards for Imposing Lawyer Sanctions* (updated May 2015) (“Standards for Sanction”).

9. Mental State – Respondent denies that she had an adverse mental state as defined in the Standards for Sanctions; in addition and in the alternative, Respondent avers that, at most, she was negligent and/or her actions should be

excused and/or be addressed in a non-disciplinary method, including but not limited to mental health and therapy services.

10. Non-Emergent Nature of Allegations – Respondent is entitled to dissolution and/or vacating of the emergency suspension because the allegations do not warrant an emergency suspension.

11. Right to Supplement Affirmative Defenses – Respondent retains the right to amend, supplement, and add to these Affirmative Defenses.

Dated: March 18, 2019.

McDonald Hopkins LLC
Counsel for Respondent, Ashley Ann Krapacs

By: /s/ Christopher B. Hopkins
Christopher B. Hopkins, Esq.
Florida Bar Number: 116122
Email: chopkins@mcdonaldhopkins.com
Craig S. Distel, Esq.
Florida Bar Number: 105098
Email: cdistel@mcdonaldhopkins.com
505 South Flagler Drive, Suite 300
West Palm Beach, Florida 33401
Tel: (561) 472-2121
Fax: (561) 472-2122

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 18, 2019, a true and correct copy of the foregoing served to the Clerk of Court and to all counsel of record via Florida e-Portal service as well as by email and to:

Randi Klayman Lazarus, Esq., Bar Counsel, The Florida Bar, Lakeview Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (rlazarus@floridabar.org, mcasco@floridabar.org); and

Adria Quintela, Esq., Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399 (aquintel@flabar.org).

By: Christopher B. Hopkin
Christopher B. Hopkins, Esq.