

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

TO: Mr. Matthew Louis Gaetz II
c/o Mr. Henry Matson Coxe III
Respondent's Counsel
101 E. Adams Street
Jacksonville, FL 32202-3303

IN RE: Matthew Louis Gaetz II; The Florida Bar File No. 2019-00,418 (1B)

NOTICE OF NO PROBABLE CAUSE AND LETTER OF ADVICE

The grievance committee has found no probable cause in the referenced matter against you and the complaint has been dismissed.

The grievance committee wants to make it clear, however, that this finding does not indicate that the committee condones your conduct in this matter. While your conduct in this instance did not warrant formal discipline, the grievance committee believes it was not consistent with the high standards of our profession, and in light of the public nature of your comments, your actions do not reflect favorably on you as a member of The Florida Bar.

The grievance committee considered the following facts:

On February 26, 2019, the day before Michael Cohen was to testify before the House Oversight Committee, you posted the following tweet:

Hey@MichaelCohen212- Do your wife & father-in-law know about your girlfriends? Maybe tonight would be a good time for that chat. I wonder if she'll remain faithful when you're in prison. She's about to learn a lot...

Later that evening, on the House floor, you made comments regarding Mr. Cohen's veracity in numerous matters, which were put into the Congressional Record.

You deleted your original tweet late that night after Speaker of the House Nancy Pelosi posted a tweet inferring that it could harm the House Oversight Committee's ability to "obtain the truthful and complete information necessary to fulfill their duties." You responded to Speaker Pelosi's tweet by tweeting the following:

Speaker, I want to get the truth too. While it is important to create context around the testimony of liars like Michael Cohen, it was NOT my intent to threaten, as some believe I did. I am deleting the tweet & I should have chosen words that better showed my intent. I'm sorry.

On February 27, 2019, you sent a text message to Mr. Cohen and his attorney apologizing for your original tweet. You expressed that it was never your intent to threaten Mr. Cohen "in any way," that you "chose [your] words poorly," and "will work to be better." Mr. Cohen sent a courteous reply thanking you for your text and stating that he "hope[d] that the tweet does not cause you any harm," and that he would be happy to assist you if there were any consequences resulting from your original tweet.

You then posted the following tweet:

I've personally apologized to @MichaelCohen212⁴ referencing his private family in the public square. Regardless of disagreements, family members should be off-limits from attacks from representatives, senators & presidents, including myself. Let's leave the Cohen family alone.

As a member of The Florida Bar, you are governed by the Rules Regulating The Florida Bar, not only when you are engaged in legal representation of a client, but also in all your personal and business affairs outside the practice of law. You should always be mindful that your actions are subject to The Florida Bar's Rules Regulating The Florida Bar at all times.

As a member of The Florida Bar, you are also required to uphold the principles of the Oath of Admission. This Oath includes standards of civility and states, in pertinent part:

To opposing parties and their counsel, I pledge fairness, integrity and civility, not only in court, but also in all written and oral communications.

Your original tweet was posted on the eve of Mr. Cohen's public testimony. The grievance committee believes your original tweet was unprofessional, reckless, insensitive, and demonstrated poor judgment. The grievance committee, however,

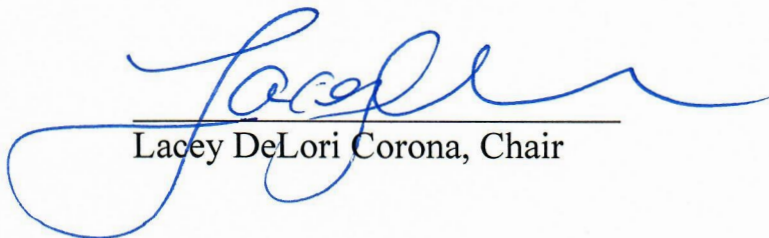
considered all the facts presented, including your prompt withdrawal of the tweet, as well as your public and personal apologies to Mr. Cohen, his attorney, and the Speaker of the House. The grievance committee also considered Mr. Cohen's reply to your apology and his willingness to assist you as a mitigating factor.

The grievance committee hopes this letter will make you more aware of your continuous obligation to uphold the professional standards of a lawyer in The Florida Bar and, in the future, you will adjust your conduct accordingly.

This letter of advice does not constitute a disciplinary record against you for any purpose and is not subject to appeal by you. See Rule Regulating The Florida Bar 3-7.4(k). Pursuant to The Florida Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Dated this 16th day of August, 2019.

First Judicial Circuit
Grievance Committee "B"



Lacey DeLori Corona, Chair

cc: Olivia Paiva Klein, Bar Counsel
John Kenneth Reed, Investigating Member
Clifford C. Higby, Designated Reviewer