

THE FLORIDA BAR

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EXECUTIVE DIRECTOR

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November 9, 2009

Ms. Crystal Sheffield
12222 Mud Lake Rd
Glen St. Mary, FL 32040

Re: Kim Lowry Picazio; The Florida Bar File No. 2010-50,286 (17I)

Dear Ms. Sheffield:

All correspondence and documents submitted in this matter have been carefully reviewed. In your complaint, you allege that Ms. Picazio violated Rule 4-1.6 by disclosing confidential information concerning her representation of you related to the search and investigation of your missing child, Haleigh Cummings. You also contend that Ms. Picazio did not act with diligence in filing a modification of your child support.

Ms. Picazio responded to the allegations in your complaint and rebuttal with specific denials of each allegation and a detailed history of her involvement in the case. Ms. Picazio stated that she was engaged to be your spokesperson, a duty she undertook on a pro bono basis. She detailed her involvement with you and your mother, Ms. Griffis, in great length. The ongoing investigation of the disappearance of your daughter continues to garner national media attention. In the early days after Haleigh's disappearance, you and other members of the family were heavily scrutinized in the media. Ms. Picazio states that she worked diligently to dispel rumors and turn the tide of public opinion of you from villain to victim. When Ms. Picazio came into the case approximately one month after the disappearance of your daughter, she was required to actively converse and coordinate with media, investigators, law enforcement, search personnel, DCF investigators, and your family. It is quite clear from the information provided in this investigation that a circus atmosphere soon engulfed the internet with bloggers who knew little and blogged often. Ms. Picazio provided copies of correspondence with your mother concerning her desire that no family member appear in the media or blog on the internet. There is insufficient evidence that Ms. Picazio disclosed confidential information in her role as your spokesperson.

Ms. Picazio also shared information concerning the reasons she did not immediately file for a change in custody or a modification in your child support. She opined that the media attention drawn from filing a motion to change custody or to reduce your child support in light of Haleigh's disappearance would negatively impact your case.

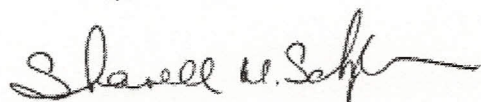
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Ms. Picazio reviewed the court file from 2005, in which she found several discrepancies in your statements that you were never served with notice of the court proceedings. In fact, Ms. Picazio found that you were served, and then failed to show up for your court date so Mr. Cummings was awarded full custody by default. A rehearing was held at which time you were able to have your day in court. The judge ruled in favor of the father having custody and granted visitation.

Ms. Picazio also contends that your current living situation, health concerns, inability to work, and drug addiction/seizures prevented her from filing a petition for a change in custody. All lawyers, as officers of the court, have an obligation to refrain from filing frivolous pleadings or papers, and may be subject to court-imposed sanctions for having done so. This is an area that falls within the exercise of professional judgment by the lawyer, and is not appropriate as a reason for discipline to be imposed.

When a grievance is filed against an attorney, Bar counsel must analyze the complaint and the supporting evidence from the standpoint of whether or not, as a prosecutorial agency, the case stands a reasonable chance of being won if litigated. One of the considerations Bar Counsel must weigh in deciding whether to close a file or proceed further to seek disciplinary measures is the weight of the available evidence. If the Bar seeks to discipline the lawyer, it is required by Supreme Court ruling to show, by "clear and convincing" evidence that there has been a violation of one or more of the Rules Regulating The Florida Bar. Clear and convincing evidence has been defined as "evidence so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." This burden of proof is heavier than the burden of proof required in an ordinary civil trial. Based upon our investigation of the allegations contained in your complaint, there is insufficient evidence that Ms. Picazio violated any of the rules adopted by the Supreme Court of Florida which govern attorney discipline. Accordingly, continued disciplinary proceedings in this matter are inappropriate and our file has been closed. The computer record will be purged and the file destroyed one year from the date of closing.

Sincerely,



Shanell M. Schuyler, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Ms. Kim Lowry Picazio