

- [Insurance](#)
- [Intellectual Property](#)
- [Product Liability](#)
- [Securities](#)
- [Rankings](#)
- [Regional Powerhouses](#)
- [Law360's MVPs](#)
- [Glass Ceiling Report](#)
- [Global 20](#)
- [Law360 400](#)
- [Diversity Snapshot](#)
- [Practice Group Partner Rankings](#)
- [Practice Groups of the Year](#)
- [Pro Bono Firms of the Year](#)
- [Rising Stars](#)
- [Trial Aces](#)
- [Site Menu](#)
- [Join the Law360 team](#)
- [Search legal jobs](#)
- [Learn more about Law360](#)
- [Read testimonials](#)
- [Contact Law360](#)
- [Sign up for our newsletters](#)
- [Site Map](#)
- [Help](#)

Is Life As A Lawyer Making You Happy?
[Take Law360's Anonymous Satisfaction Survey](#)

Sanctions Sought Against Billionaire Sex Offender, Fla. Firm

Share us on: By [Nathan Hale](#)

Law360 (March 26, 2018, 10:06 PM EDT) -- A federal court has been urged to order Florida law firm [Fowler White Burnett PA](#) and its former client Jeffrey Epstein, the convicted billionaire sex offender, to show why they should not be sanctioned for allegedly retaining copies of another law firm's confidential documents in violation of a court order.

The recently disbanded South Florida firm of [Farmer Jaffe Weissing Edwards Fistos & Lehrman PL](#) said in its March 19 motion that recent developments in [ongoing litigation](#) between Epstein and former Farmer Jaffe partner Bradley J. Edwards, who represented several of Epstein's victims, showed that Fowler White retained a copy of the confidential documents and that they had been passed along to Epstein's current counsel and to Epstein himself.

“Despite obligations as officers of this court to follow a specifically delineated procedure designed to protect highly confidential and privileged materials, Fowler White has apparently deliberately copied

and retained highly sensitive confidential and privileged materials for over seven years,” Farmer Jaffe said in its motion. “The misappropriation of this information has caused irreparable harm.”

Farmer Jaffe filed its motion in bankruptcy court in Fort Lauderdale, Florida, in the liquidation case of law firm Rothstein Rosenfeldt Adler PA, where Edwards had been practicing when he represented several of Epstein's child sex-abuse victims. Edwards is representing Farmer Jaffe in the sanctions matter.

During the bankruptcy of RRA, which collapsed following the revelation of founder Scott Rothstein's \$1.2 billion Ponzi scheme in 2010, Epstein subpoenaed thousands of Edwards' attorney communications from Farmer Jaffe, according to the motion.

Farmer Jaffe asked that Epstein bear the costs of copying and organizing the documents but also expressed concern about Epstein and his counsel at Fowler White possibly misappropriating them, Farmer Jaffe recounted.

The bankruptcy court granted the copying request with strict instructions that Fowler White was not to retain any copies. The court included an enforcement provision that stated, “Should it be determined that Fowler White or Epstein retained images or copies of the subject documents on its computer or otherwise, the court retains jurisdiction to award sanctions in favor of Farmer, Brad Edwards or his client.”

The bankruptcy court permitted Fowler White access to the electronic data because the firm could make the copies and number the documents without reviewing the contents, and this avoided the cost of dealing with over 70,000 emails — a cost that could not be advanced by Rothstein's bankrupt firm, Edwards' attorney Jack Scarola of [Searcy Denney](#) told Law360 on Monday.

“The strong language in the order was considered adequate protection to preserve the confidentiality of the documents,” Scarola said.

In its motion, Farmer Jaffe also asks U.S. Bankruptcy Judge Raymond A. Ray to allow it to conduct extensive discovery, including holding an evidentiary hearing, to determine “the breadth and degree of complicity” between Fowler White and Epstein, saying that “sanctions here must be commensurate with the misconduct.”

The pending litigation between Epstein and Edwards, who recently formed Edwards Pottinger LLC, started with racketeering claims Epstein filed alleging that Edwards, his victim client known as “L.M.” and Rothstein had used the civil claims against Epstein as part of a Rothstein's Ponzi scheme, which involved selling shares in sham legal settlements.

Epstein has dropped his claims against Edwards, but Edwards is pursuing a malicious prosecution claim against Epstein in state court in Palm Beach County.

Farmer Jaffe pointed to a March 2 filing by Epstein's current counsel in that case that it said contained “49 privileged emails spanning over 100 pages” that were “never lawfully permitted to be provided to Epstein or retained by his lawyers.”

“Not to put too fine a point on it, Epstein and his lawyers at Fowler White appear to have misappropriated a set of confidential documents, which include sensitive and attorney-client protected

communication about Epstein's sex abuse victims, and those documents to this day remain in the possession of the victims' sex abusers, Epstein," Farmer Jaffe said.

Epstein has also provided out-of-context and misleading summaries of the emails and mischaracterized their significance in the malicious prosecution case, Farmer Jaffe asserts.

On March 7, Epstein's current counsel gave Edwards' counsel a flash drive its said duplicated a disc it found in Fowler White's files and provided a sworn affidavit from a paralegal saying she had obtained the materials from Fowler White's files.

According to the motion, during a March 8 hearing on the privileged communications, State Circuit Judge Donald W. Hafele said, "The critical question, though, is why did Fowler White have these documents, why were they continued to be held, and was it in violation either expressly or constructively as it relates to Judge Ray's order?"

Epstein's counsel told the court during the hearing that Fowler White was disclaiming memory of the circumstances of the creations and retention of the disc, according to the motion.

Representatives for Fowler White did not immediately respond to requests for comment Monday.

Epstein's counsel also revealed during the hearing that Epstein had personally retained copies of the confidential materials, Farmer Jaffe said.

On Monday, Epstein's counsel Scott Link of Link & Rockenbach PA told Law360, "Mr. Epstein never even knew Fowler White had the disc until we found it."

Counsel for three victims — identified as L.M., E.W. and Jane Doe — asked Judge Hafele to order Fowler White to explain its handling of the confidential documents, but he said he lacked the authority to do so since the firm had withdrawn from the case, the motion said.

Epstein pled guilty to felony charges involving solicitation of prostitution and procurement of minors for prostitution. He was sentenced to 18 months in prison and is registered as a sex offender.

Edwards represented nine of Epstein's victims and filed three civil suits alleging sexual offenses against Epstein, according to court documents. He also filed a suit accusing federal prosecutors of arranging with Epstein to keep the plea deal from the victims in violation of the Crime Victims' Rights Act. That case is still pending.

Farmer Jaffe Weissing Edwards Fistos & Lehrman PL is represented by Bradley J. Edwards and Brittany N. Henderson of Edwards Pottinger LLC.

Epstein is represented by Scott J. Link and Kara Rockenbach of Link & Rockenbach PA and Jack A. Goldberger of Atterbury Goldberger & Weiss PA.

Edwards is represented by Jack Scarola and David P. Vitale of Searcy Denney Scarola Barnhart & Shipley PA and Phil Burlington and Nichole J. Segal of Burlington & Rockenbach PA.

L.M., E.W. and Jane Doe are represented by Jay Howell of Jay Howell & Associates and Paul G. Cassell of Hatch James & Dodge PC.

The case is In Re: Rothstein Rosenfeldt Adler PA, case number 09-34791, in the U.S. Bankruptcy Court for the Southern District of Florida. The state court case is Epstein v. Rothstein et al., case number 50-2009CA04800XXXX MB AG, in the Circuit Court for the Fifteenth Judicial Circuit of Florida.

--Additional reporting by Carolina Bolado. Editing by Jill Coffey.

[View comments](#)

0 Comments

Add Comment

- [Add to Briefcase](#)
- [Printable Version](#)
- [Rights/Reprints](#)
- [Editorial Contacts](#)

Documents

- [Motion](#)

Related

Sections

- [Bankruptcy](#)
- [Florida](#)
- [Legal Ethics](#)
- [Real Estate](#)
- [Securities](#)
- [White Collar](#)

Case Information

Case Title

[Rothstein Rosenfeldt Adler, PA](#)

Case Number

[0:09-bk-34791](#)