

The Florida Bar Internet Inquiry/Complaint Form

PART ONE: (See instructions, part one.)

Your Name: <u>Sharron D. Mangum</u> Address: <u>94 Crestbend Lane</u> City: <u>Powder Springs</u> State: <u>Georgia</u> Phone: <u>770-222-8802</u> Zip Code: <u>30127</u> ACAP Reference No. _____	Attorney's Name: <u>Willie E. Gary</u> Address: <u>221 E. Osceola Street</u> City: <u>Stuart</u> State: <u>Florida</u> Phone: <u>772-283-8260</u> Zip Code: <u>34994</u>
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PART TWO: (See instructions, part two.) The specific thing or things I am complaining about are:

RULE 4-1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

- *Approximately April 2000 Gregory Allen Clark requested in excess of 100 class action members to be introduced to The Gary Firm at the Dekalb County Public Library on Church Street in Atlanta, Georgia. Mr. Gary and fifteen members of his firm marched into the library uniformly like a scene from the movie on Malcom X. Mr. Gary, dramatically proclaimed that, "we gon sue the draws off Coke!" He held up the agreement that lead plaintiffs signed with Cyrus Mehri and referred to it as a, "slave contract." He asserted that, "the amount of money Cyrus was suing for was peanuts!"*
- *May 2000 in an article in the Miami Daily Business Review, Mr. Gary "insists there's nothing wrong with his owning a cable TV network that signed an advertising contract with Coca-Cola . . . on the eve of a court-ordered mediation after putting the MBC Network-Coke deal to bed." Mr. Gary further states, ". . . "the clients consented" and "they were fully informed" of the Coke negotiations and deal before he took their cases. Yet, the plaintiffs were not advised of all the facts, risks and complications in this apparent conflict of interest. Nor were the plaintiffs informed in writing or otherwise, nor the plaintiffs give a consent in writing according to the American Bar Association "Ethics 2000" and Florida Bar "Model Rules of Professional Conduct." (See Exhibit 1)*
- *June 2000 in an article in The Atlanta Journal-Constitution, Cyrus Mehri (lead attorney for the class) alleges that, "Gary has a "glaring conflict of interest that prevents him from representing the class." "There can be no doubt that Mr. Gary's business dealings with Coca-Cola constitute a conflict of interest in any action he purports to prosecute against the company, Mehri contended in a motion." "In the motion, Mehri's team accused Gary's firm of actually helping Coca-Cola by soliciting individual class members. That is allegedly because Coke stands a better chance of defeating individual claims than one involving an entire class of employees, the motion said." "Indeed, the desire to pick off employees' claims one by one is the reason employers oppose class certification," the motion said." (See Exhibit 2)*
- *July 4, 2000 The Gary Firm abruptly appeared in Atlanta with a notary and demanded an impromptu five minute meeting with all eight plaintiffs to hastily sign a twenty-four item or more affidavit acknowledging that The Gary Firm did not solicit plaintiffs from the Coca-Cola class action lawsuit. (See Exhibit 3)*
- *October 2001 Mr. Gary informed the plaintiffs during a meeting held at the Stuart, FL office that, "the things that scare them [defendant] are incidents of racial slurs, failure to act," and "things that you saw done to someone else." However, my complaint, like most of the plaintiffs, did not include all material facts in establishing liability against The Coca-Cola Company. In fact, December 2002, the Firm refused to amend Mangum v. The Coca-Cola Company (Civil Action No. 1:01-CV-2866(RWS)). Only after producing research and advising the Firm in January 2003 to reconsider its position did they file a separate complaint (Civil Action No. 03-CV-223 (ECS)) against my wishes of amending the existing complaint.*

- *May 2001 through current date, requests by plaintiffs to meet with Mr. Gary were ignored or his absences from meetings were excused due to a conflict in schedule. In fact, Mr. Gary makes frequent visits to Atlanta which are usually aired on V-103 by Frank Ski, an on-air radio personality and a close friend of Mr. Gary's. Mr. Gary also frequents Atlanta to participate in events which are sponsored by The Coca-Cola Company and Major Broadcast Cable (MBC) i.e. Trumpet Awards, SWAT announcement, 100 Black Men, etc. (See Exhibit 4)*
- *January 17, 2002 Elizabeth Finn Johnson had a discussion with F. Shields McManus and subsequently submitted a letter addressed to Mr. Gary, F. Shields McManus, and Tricia P. Hoffler acknowledging, "that their client Coca-Cola had been given the opportunity to review the settlement demand presented in a meeting between the above parties on December 3, 2001." Elizabeth states, "I write to confirm that conversation." She further acknowledges, "the possibility of settling these cases, and agree that resolution of these cases without further litigation is in the interest of all of our clients" based on a meeting in Atlanta December 2001. (Please note: Exhibit 5 is a copy provided to plaintiffs by The Gary Firm containing blackened section not for viewing.) In a letter dated May 23, 2003 to Sharron Mangum withdrawing as her legal representation, the Gary Firm makes reference to a settlement offer on December 3, 2001 in which they assert that Coke, "would only pay what was available to you in the class action, \$32,043.30. This is in direct conflict to Exhibit 5 (see Exhibit 5-a).*
- *March 2001 to May 2002 The Gary Firm assess the value of each client's case and requested authorization in writing to commence settlement negotiations beginning at \$2,000,000 dollars each. (See Exhibit 6)*
- *September 2002 The Gary Firm contacted all seventeen of his Coca-Cola clients to inform them that they did not have credible cases. In fact, four of the seventeen clients contacted were former lead plaintiffs from the reported \$192.5 million dollar discrimination settlement. If these four had remained class action members would have settled with Coke for \$300,000. Additionally, Sharron Mangum was notified November 2001 that her deposition was postponed and was never rescheduled (See Exhibit 7). Dana Allen also had key witnesses that were never deposed and her case was dismissed.*
- *Client depositions were grossly neglected in adequately preparing clients' for interrogation by Coca-Cola. In addition, the Gary Firm did not object to Coke attorney's badgering clients about their personal lives which had no bearing on the facts in their allegations of discrimination. In fact, Marietta Goodman was deposed for 4 hours about her personal life. Dana Allen was deposed 6 hours about her personal life. In both instances, less than 1 hour each regarding their discrimination complaints.*

RULE 4-1.2 SCOPE OF REPRESENTATION

Criminal or Fraudulent Conduct. A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent. However, a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

- *October 2001 Sharron Mangum was instructed by a subordinate attorney to engage in criminal misconduct without being aware of the legal consequences of the proposed course of conduct. January 2002 she was informed by two partners and two subordinate attorneys that she had engaged in criminal conduct and that I should retain a criminal attorney or withdraw my complaint. April 2002 Mr. Gary informed Ms. Mangum that he supported the attorney's course of actions which were contrary to her instructions (Exhibit 8).*

RULE 4-1.4 COMMUNICATION

(a) Informing Client of Status of Representation. A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) Duty to Explain Matters to Client. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

- *January 2002 through June 2003 several requests were made to the Gary Firm including, but not limited to: case status, trial dates, motions, discovery materials, expenses, settlement discussions, meetings and demands, case files, video depositions, etc. (Exhibit 9)*
- *The Gary Firm neglected to communicate with his clients for a six month span while motions for Summary Judgment were filed as early as October 2002 and subsequent motions were filed to revise material evidence in April 2003 and motions were*

ere filed on settled and dismissed cases. (**Exhibit 10**)

RULE 4-1.5 FEES FOR LEGAL SERVICES

Your lawyer should give a reasonable estimate about future necessary costs. You, the client, have the right to ask your lawyer at reasonable intervals how the case is progressing and to have these questions answered to the best of your lawyer's ability.

- *January 2002 through June 2003 several requests were made to the Gary Firm including, but not limited to: case status, trial dates, motions, discovery materials, expenses, settlement discussions, meetings and demands, case files, video depositions, etc. (see Exhibit 9)*

RULE 4-1.7 CONFLICT OF INTEREST

a) Representing Adverse Interests. A lawyer shall not represent a client if the representation of that client will be directly adverse to the interests of another client, unless: each client consents after consultation.

(b) Duty to Avoid Limitation on Independent Professional Judgment. A lawyer shall not represent a client if the lawyer's exercise of independent professional judgment in the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person or by the lawyer's own interest: the client consents after consultation.

(c) Explanation to Clients. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

- *Approximately April 2000 Gregory Allen Clark requested in excess of 100 class action members to be introduced to The Gary Firm at the Dekalb County Public Library on Church Street in Atlanta, Georgia. Mr. Gary and fifteen members of his firm marched into the library uniformly like a scene from the movie on Malcolm X. Mr. Gary, dramatically proclaimed that, "we gon sue the draws off Coke!" He held up the agreement that lead plaintiffs signed with Cyrus Mehri and referred to it as a, "slave contract." He asserted that, "the amount of money Cyrus was suing for was peanuts!"*
- *May 2000 in an article in the Miami Daily Business Review, Mr. Gary "insists there's nothing wrong with his owning a cable TV network that signed an advertising contract with Coca-Cola . . . on the eve of a court-ordered mediation after putting the MBC Network-Coke deal to bed." Mr. Gary further states, ". . . "the clients consented" and "they were fully informed" of the Coke negotiations and deal before he took their cases. Yet, the plaintiffs were not advised of all the facts, risks and complications in this apparent conflict of interest. Nor were the plaintiffs informed in writing or otherwise, nor did we give a consent in writing according to the American Bar Association "Ethics 2000" and Florida Bar "Model Rules of Professional Conduct." (See Exhibit 1)*
- *June 2000 in an article in The Atlanta Journal-Constitution, Cyrus Mehri (lead attorney for the class) alleges that, "Gary has a "glaring conflict of interest that prevents him from representing the class." "There can be no doubt that Mr. Gary's business dealings with Coca-Cola constitute a conflict of interest in any action he purports to prosecute against the company, Mehri contended in a motion." "In the motion, Mehri's team accused Gary's firm of actually helping by Coca-Cola by soliciting individual class members. That is allegedly because Coke stands a better chance of defeating individual claims than one involving an entire class of employees, the motion said." "Indeed, the desire to pick off employees' claims one by one is the real employers oppose class certification," the motion said." (See Exhibit 2)*
- *July 2000 The Gary Firm abruptly appeared in Atlanta with a notary and demanded an impromptu five minute meeting with all eight plaintiffs to hastedly sign a twenty-five item or more affidavit acknowledging that Mr. Gary did not solicit plaintiffs from the Coca-Cola class action lawsuit. (See Exhibit 3)*

A lawyer is prohibited from engaging in sexual relationships with a client unless the sexual relationship predates the formation of the client-lawyer relationship. See Rule 1.8(i) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.

- *April 2002 Mr. Gary met with Sharron Mangum at a local restaurant in New York City. Mr. Gary acted inappropriately during and after the meeting held in New York; making sexual suggestive remarks and fondling. Additionally, in May 2002 Mr. Gary offered to fly Ms. Mangum to Stuart, FL at his expense to spend a week with him at a condo and attempted to persuade Ms. Mangum to spend the night with him at a local hotel while conducting business in Atlanta, GA.*
- *June 2002 Mr. Gary telephoned Motisola Abdullah in an attempt to persuade her to meet with him. He stated, "my wife is with me, but I can get away babe around 2 o'clock a.m."*

RULE 4-1.14 CLIENT UNDER A DISABILITY

The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters.

- *September 2002 The Gary Firm contacted all seventeen of his Coca-Cola clients to inform them that they did not have credible cases. In fact, four of the seventeen clients contacted were former lead plaintiffs from the reported \$192.5 million dollar discrimination settlement. If these four had remained class action members would have settled with Coke for \$300,000. The Gary Firm also stated "if your case is dismissed Coke could come back and sue you."*
- *June 3, 2003 the Gary Firm received correspondence from King & Spalding referencing telephone conversations on May 29 & 30 regarding, "settlement of the referenced matters." The letter further states King & Spalding estimates statutory costs are between \$10,000 and \$20,000 for one of the client's whose case was dismissed. Additionally, Sharron Mangum is referenced as a client of the Gary Firm although they formerly withdrew as her legal representation May 23, 2003. (Exhibit 11)*
- *April 2003 Mr. Gary accompanied by former Mayor of Atlanta, Bill Campbell attempted to persuade Sharron Mangum to take a settlement offer while being aware of the mental anguish and stress suffered as a result of working in hostile conditions at The Coca-Cola Company and the termination of my employment.*

RULE 4-1.16 DECLINING OR TERMINATING REPRESENTATION

(a) When Lawyer Must Decline or Terminate Representation. Except as stated in subdivision (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: the representation will result in violation of the Rules of Professional Conduct or law.

- *March 2001 to current I was never informed in writing, verbally or otherwise of Mr. Gary's contractual agreement with The Coca-Cola Company.*
- *May 2003 The Gary Firm notified me in writing that the Firm were withdrawing as my legal representation at my request. However, I have not received my file and other documents and tapes as requested upon termination of the contract.*

RULE 4-2.1 ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.

- *June 2001 I was instructed by a subordinate attorney to engage in criminal misconduct without being aware of the legal consequences of the proposed course of action.*
- *January 2002 I was informed by two partners and two subordinate attorneys that I had engaged in criminal conduct and that I should retain a criminal attorney or withdraw my complaint.*
- *April 2002 Mr. Gary informed me that he supported the subordinate attorneys course of action in the criminal misconduct which was contrary to my instructions.*
- *April 2003 Mr. Gary attempted to persuade me to take a settlement offer although I stated that the Coca-Cola Company's reason for terminating my employment was a fabricated.*

RULE 4-3.1 MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law.

The action is frivolous, however, if the client desires to have the action taken primarily for the purpose of harassing or maliciously injuring a person or if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification, or reversal of existing law.

- *June 2001, March 2002 and May 2002 assessed my claim and asserted to The Coca-Cola Company a value of \$2,000,000 dollars.*
- *September 2002 I was informed by a partner that I did not have a case against The Coca-Cola Company and that I had less than a 50% chance of winning the argument. Additionally, The Coca-Cola Company could sue me for bringing a false claim against them.*
- *December 2002 Mr. Gary informed me that I had one of the better cases during a meeting at the Stuart, FL office.*

RULE 4-3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL

a) unlawfully obstruct another party's access to evidence or otherwise unlawfully alter, destroy, or conceal a document or other material that the lawyer knows or reasonably should know is relevant to a pending or a reasonably foreseeable proceeding; nor counsel or assist another person to do any such act.

(b) fabricate evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness.

- *October 2001 Mr. Gary instructed the plaintiffs present at a meeting in the Stuart, FL office to inflate their discrimination charges to incite the jury and to gather privileged and confidential documents to support their claims.*
A subordinate attorney stated that if the documents were too "voluminous" they would not be disclosed to the defendant, but would be used instead to ensure the defendant was complying during discovery.

RULE 4-4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by failure to act.

- *January 2002 Mr. Gary insists he had only one settlement discussion with Coca-Cola which occurred in December 2001. However, in April 2002 The Gary Firm states that there had been other settlement talks. In fact, a letter received from the Firm May 2001 states, "we have entered into discussions with the attorneys for Coca-Cola with regard to setting up settlement discussions."*
- *April 2003 The Gary Firm stated that the Coca-Cola Company had an excessive amount of evidence to support my termination and would be filing a motion in court to have my case dismissed. No such action has been taken by the Coca-Cola Company. In fact, a Department of Labor Federal Investigator reports that Coke officials were not able to provide her with any evidence supporting the terminator.*
- *May 2003 The Gary Firm asserts that he held group meetings to inform me and the other plaintiffs of his relationship with Coca-Cola and to receive our consent. He had not at any time. In fact, there was only one group meeting held in October 2001 in which Mr. Gary was present.*

RULE 4-5.1 RESPONSIBILITIES OF A PARTNER OR SUPERVISORY LAWYER

Responsibility for Rules Violations. A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if: (1) the lawyer orders the specific conduct or, with knowledge thereof, ratifies the conduct involved; or (2) the lawyer is a partner, proprietor, shareholder, member of a limited liability company, officer, director, partner, or manager in an authorized business entity, as defined elsewhere in these rules, or has supervisory authority over another lawyer in the law department of an enterprise or government agency, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

- *April 2002 Mr. Gary was aware of subordinates' conduct as it relates to the alleged criminal conduct. Yet he made excuses for their behavior.*
- *May 2002 to March 2003 Mr. Gary was aware of subordinates' conduct in persisting to the point of harassing plaintiffs to accept Coke's "opt-in" offer.*
- *December 2003 Mr. Gary was aware of a subordinate's decline to amend my existing complaint against the Coca-Cola Company with new allegations of ongoing discriminatory practices.*

PART THREE: (See instructions, part three.) The witnesses in support of my allegations are: [see attached sheet.]

PART FOUR: (See instructions, part four.) I did did not (circle one of the other) attempt to use ACAP to resolve this situation.

To attempt to resolve this matter, I did the following:

- *I met with Mr. Gary in April 2002, May 2002, December 2002 and April 2003.*
- *I corresponded with Mr. Gary and subordinate attorneys from January 2002 to May 2003.*

PART FIVE: (See reverse, part five.): *Under penalty of perjury, I declare the foregoing facts are true, correct and complete. I have read and understand the information on the reverse of this page and contained in the pamphlet "Complaint Against a Florida Lawyer." I also understand that the filing of a Bar complaint will not toll or suspend any applicable statute of limitations pertaining to my legal matter.*

Signature

Date