

## LAWSUITS

# Sex, Lies and Videotape

*Two female clients accuse New Port Richey attorney John A. Majestic of sexual affairs. One committed suicide.*

By DAVID R. CORDER  
Associate Editor

Ten days had passed since Donna Roth committed suicide in the dark morning of May 30. Her parents, Donald and Maude Farnam, sat across the room from the man they accuse of pushing her over the brink. Their reactions to John A. Majestic, 56, flashed from anger to disbelief as the married New Port Richey attorney talked candidly about the affair he had with their 52-year-old daughter — even as he represented her in a divorce action.

On video- and audiotape, in response to questions from a private investigator, Majestic also acknowledged receiving thousands of dollars in gifts from Roth — as her personal finances deteriorated. The recorded statement shows Majestic persuaded Roth to sign as a witness on his father's will — even though the father wasn't present at the signing.

The Farnams knew about the relationship months before their daughter's death. They say they didn't like him very much when they met him during a family gathering on New Year's Day. All they wanted was for him to end the relationship.

"I tried, numerous times," he told the couple.

But it appears Roth was not the first client Majestic had sex with in his New Port Richey law office. At first, Majestic denied he had sexual relations with any client other than Roth. Then New Port Richey private investigator Michael Holden pressed him. Majestic acknowledged relationships with at least two other former female clients, Holden says.

"I did have sex with (her)," Majestic said in a statement about one of the other female clients. "But, you know, I'm one of those guys who thought he missed out on something. Stupid..."

Now, one of those female clients has come forward with allegations similar to those made by Roth prior to her death, says Tampa attorney Brett A. Geer, who represents Roth's estate and the second client. The second client claims she had a sexual relationship with Majestic. But she has not filed a lawsuit. Geer would not disclose her identity without her permission.

"As a result of initial publicity regarding Mr. Majestic's relationship with Donna Roth, another of Mr. Majestic's former clients came forward with the intention to file a (Florida Bar) grievance and civil lawsuit against Mr. Majestic," Geer says. "I can tell you it involves similar allegations and conduct of an outrageous nature, in my opinion."

That unidentified woman's testimony, and the statements Majestic uttered on June 9 before the Farnams and Holden, could cost the New Port Richey attorney. Roth's son, Jason, wants to exact financial revenge from Majestic and Darlene Williams, a psychologist who purportedly encouraged the sexual relationship as good for Roth's emotional health, in a wrongful death complaint Geer filed in the Pasco County Circuit Court.

In addition to the wrongful death action, Geer also represents the Farnams in a formal complaint against Majestic with the Florida Bar, the state agency responsible for lawyer discipline. The bar complaint is pending, and the agency's investigators have not yet determined whether probable cause exists to proceed with the action.

"He preyed upon Ms. Roth, a woman he knew to be suffering under a severe mental disability," Geer states in the bar complaint. "He manipulated her into a tawdry sexual affair for his own base gratification, pretending to be in love with her, and under that pretense relieved her of many thousands of dollars which he did not repay. He took thousands of dollars in gifts from her.

"He engaged Ms. Roth in business transactions to his advantage, and to her disadvantage," he adds. "He counseled and assisted her to engage in multiple frauds and crimes. Finally, he drove her to suicide."

## Expressions of love

Up until about 10 years ago, Roth exhibited all the characteristics of a successful working mother. Over their 25-year marriage, she and Jack W. Roth Jr. raised two children. She became a vice president at Travelers Realty Investment Co. in the San Francisco area, where she managed a billion-dollar-plus real estate portfolio. Then the marriage failed.

"About the same time, Donna Roth started becoming incapacitated by mental disorders, and these grew so severe that she became disabled from working," Geer's bar complaint states. A treating psychiatrist diagnosed her as suffering from extreme mood changes, symptoms of a bipolar disorder.

Roth qualified for Social Security Disability Insurance. That income source and her contributions to Travelers' pension fund brought her a measure of security. In 1998, she relocated to New Port Richey to be near her parents.

Despite attempts at reconciliation, the Roths opted for divorce. In April 2002, they sought Majestic's services. The divorce action took about six months. It took about another year, however, for the court to rule on a disagreement over alimony. Although it granted Roth \$990 a month in alimony payments in early September last year, the court delayed action on her ex-husband's motion for rehearing until earlier this year.

Out of appreciation for his work, Roth walked into Majestic's office on Friday, Sept. 12, last year and delivered two-dozen roses to his legal assistant, Claire R. Frisbee. Later that evening, Roth called the law office and left a message on its answering machine. She wanted to give Majestic a \$170 bottle of Cristal champagne as a token of her appreciation. Majestic called her on that Sunday morning and invited her to stop by his office.

The sexual encounter began with deep passionate kisses, Roth told Holden. She says he initiated it. Soon the two disrobed.

In her statement, Roth acknowledged she did not resist Majestic's sexual advances that Sunday morning. She claims she told Majestic she did not want to complicate his life with a sexual affair. He purportedly told her he would not leave his wife. He suppos-

edly even admitted to her that he had affairs with other female clients.

About a week later, Roth invited Majestic to her home. The affair continued until January. Roth told Holden she and Majestic had sex two to three times a week.

During the interview with the Farnams, Holden asked Majestic what motivated his relationship with Roth. Was it lust or love? Holden asked.

"Oh, I love her," he replied. "I thought I did. It was very passionate."

Then Majestic told the parents their daughter initiated the first encounter. But he acknowledged that legally Roth was still a client at the time the affair began.

"Well, I'm sure she was, yes, at the time, I don't know," Majestic said during the interview. "You say that, and you said it yesterday. And, and, I, OK."

## Financial difficulties

Early on, Roth told Holden, Majestic frequently complained about his personal financial affairs and his wife's spending habits. In late November last year, Roth became so concerned about his financial plight she wrote him a \$4,000 personal check as a short-term loan.

"At this point, Mr. Majestic began laying it on thick, leading her on, and confiding his troubles to her," the bar complaint states. "He told her that he intended to separate from and divorce his wife so they could be together."

"He told Ms. Roth about how he had taken money from his client trust account in a probate matter involving a Medicare lien, in order to alleviate his own financial condition, and how he engaged in some creative accounting in order to conceal the misappropriation from the court," the complaint states. "He told how he had been so fearful of this particular conduct being discovered and referred to the Florida Bar that he was about to have a nervous breakdown."

In response, Roth purportedly cashed in \$12,500 in assets to help Majestic with his financial problems, the complaint states. In all, Roth gave him about \$20,500 in cash and gifts.

Meanwhile, the relationship evolved beyond a physical relationship. She trusted him enough to invite him to her confidential therapy sessions.

"(Roth) also informed her psychologist, Darlene Williams, Ph.D., about the affair as well as her psychiatrist, Bernard Ronald Lopez, MD," the complaint states. "Whereas Dr. Lopez expressed concern and cautioned her about the propriety and pitfalls of a such a liaison, Dr. Williams appears to have encouraged and condoned the relationship as being a good thing for Ms. Roth."

"According to Ms. Roth, Dr. Williams encouraged her to include Mr. Majestic in her therapy sessions after she reported that he had expressed an interest in learning more

about her mental problems," the complaint states. "Thus, incredibly, a mere month or so after the onset of this abusive and inequitable relationship, Mr. Majestic actually observed and participated in at least two of Donna Roth's psychotherapy counseling sessions."

Then Roth sold a 1995 Nissan Maxima sedan to Majestic. She spent almost \$3,000 in repairs to fix it prior to selling it to him. He took possession of the car free and clear of a lien in a contract he wrote and that his legal assistant notarized. But he apparently never repaid her in full.

When Majestic told her he played drums in his youth, Roth bought him a Ludwig drum set. She also bought him a TV set, Waterford glassware, fine wines, cigars, DVDs, a mobile phone and a gold key ring with their initials and the date of their first sexual encounter inscribed.

Despite such attention, Geer contends Majestic denigrated Roth.

"From the beginning, Mr. Majestic would make insensitive remarks to the effect that he was displeased with Ms. Roth's body; moreover, he would constantly comment with approval on the lithe young bodies of female models appearing in magazines and so forth," the complaint states.

In response, Roth submitted to several plastic surgeries.

"It is important to understand that Ms. Roth's mental disability reduced her status to that of a child in an adult world," the complaint states. "Due to her disorder, Ms. Roth became smitten with Mr. Majestic in a manner similar to an infatuated teenager who has developed a crush on her teacher."

On New Year's Day, Roth introduced Majestic to her parents and other family members, the complaint states. While there, Majestic explained how difficult it was to care for his father, who suffered from Alzheimer's disease. To illustrate the difficulty, Majestic explained to them how his father rambled about an imaginary sexual encounter with a black nurse. Only Majestic used what the family considered to be vulgar, descriptive language.

"Needless to say, the family was shocked and appalled at this socially inapt, gratuitously graphic anecdote by Donna's new 'boyfriend,'" the complaint states. "Afterward, Mr. Majestic opined to Ms. Roth that he thought her family was 'insincere' regarding him."

Not long after, Majestic's wife, Jacqueline, discovered the gold key ring. She confronted her husband. Then the wife called Roth on the mobile phone she had given to Majestic.

"(Jacqueline) had talked with him, and (said) I had forced myself on him, and forced keys on him and all these presents to induce him into an affair," Roth told Holden in her statement. "That he said that he was not in love with me, that he had never had an affair, that he sought my counsel as an experienced divorcee and problems with marriage."

Later the Majestic's went to Roth's home. The wife made him return all of the gifts Roth had given to him.

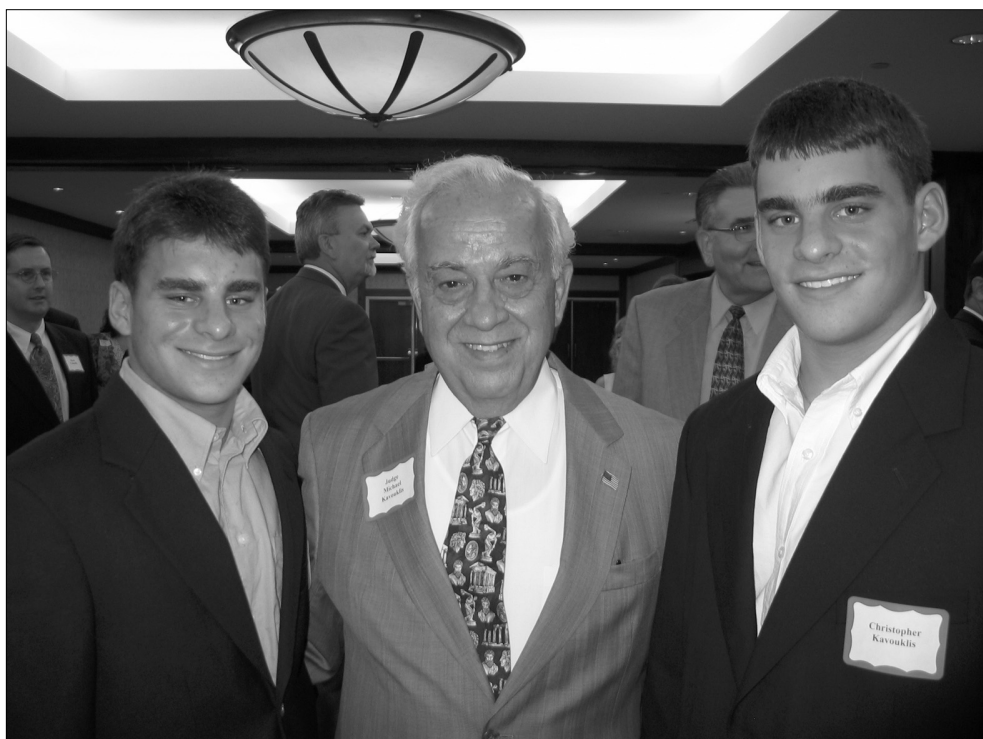
During their relationship, Roth recalled one day when she had a technical problem with the mobile phone she shared on a family plan with Majestic. It concerned her that he deleted three voice messages he had left on her voice mail service. She told Holden she would play Majestic's messages over and over; she liked the sound of his voice.

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Donna Roth

## LEGAL



Retired Judge Michael N. Kavouklis, center, with his grandsons, Michael, left and Christopher, right.

## Hillsborough Bar Honors Judges

By DAVID R. CORDER  
Associate Editor

It was mixture of sadness and celebration that greeted members of the Hillsborough County Bar Association at its September luncheon meeting at the Hyatt Regency Hotel in downtown Tampa.

While members celebrated the lives of the county's retired judges, the association also honored the memory of the late Circuit Judge Robert Simms, who died unexpectedly of a heart attack earlier this year. The association's Young Lawyers Division bestowed upon him its annual Robert Patton Outstanding Jurists Award.

Holland & Knight attorney Dennis McClelland, the division's immediate past president, says Simms' selection as the award recipient recognizes the contributions he made over his career to young lawyers. In that vein, the division has decided to name its annual high school mock trial in Simms'

name to recognize the four years he served as the program's presiding judge.

Simms' widow, Rosalie, and his daughter, Jacqueline, accepted the Patton award in the judge's memory. His wife spoke about how much the late judge wanted to make a difference in the lives of young lawyers. She also spoke about the legacy he left, especially through his daughter, who recently was admitted to practice law.

"While we will miss Bob, his legacy lives on," she says.

On a lighter note, the association recognized the service of Hillsborough's retired judges, including Dennis Alvaraz, Robert H. Bonanno, Morrison Buck, Don Castor, Clifford Cheatwood, Donald G. Evans, Gasper J. Ficarrotta, Florence Foster, Daniel E. Gallagher, Vincent E. Giglio, John M. Gilbert, Roland Gonzalez, Dick Greco Jr., John Griffin, Cynthia A. Holloway, Michael N. Kavouklis, James A. Lenfestey, Bob A.



William J. Schifino Jr., managing partner of Williams Schifino Mangione & Steady PA and president of the Hillsborough County Bar Association, with Florida Supreme Court Chief Justice Barbara J. Pariente.

Mitcham, Calvin A. Pope, Charles H. Scruggs, Guy W. Spicola, Ralph Steinberg, Peter J.T. Taylor and Edward H. Ward.

At the invitation of 13th Circuit Chief Judge Manuel Menendez Jr., Florida

Supreme Court Chief Justice Barbara Pariente spoke to the audience about the impact of hurricanes, the Florida Legislature and the public perception on the state's judicial system.

## LAWSUITS

### Secrets

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"Before I could do anything he had deleted the messages," she told Holden. "I thought, I didn't tell him he could do that. And he didn't ask. Again, I didn't say anything because I thought the man was so fragile. I didn't want to do anything to put him over the edge, because I knew in my own personal life what threat and depression can do. Since he had made the comment one time that he had thought about suicide, that he didn't want to hurt the people around him, I was always scared that might be a possibility. So I let him go on with these things."

During the interview with Holden, Roth also said Majestic expressed fear about a Florida Bar investigation if he filed bankruptcy. On May 18, the Majestic's filed a Chapter 13 petition to reorganize their debts under the U.S. Bankruptcy Code. Earlier this month, the couple asked the court to convert the action to a Chapter 7 liquidation plan.

"That if anything came out about the two estate accounts, that he would be investigated; that it would be probably be criminal," Roth told Holden. "He would not only lose his license, but he would probably have to go to jail, which I think he was telling me that so I would feel sorry for him and help protect him from having that happen. I was horrified; I did not think he was that type of man. I couldn't believe I was continuing to care and love this man."

### Cry for help

Majestic tells GCBR he wants to talk publicly about his relationship with Roth. But he says his attorney, St. Petersburg lawyer Martin Rice, advised him not to talk to the media. Rice did not respond to a GCBR request for comment.

Admitted to practice law in 1983, Majestic graduated from Kent State University and earned a law degree from the Thomas M. Cooley School of Law. From 1983-86, he worked as an assistant Pinellas-Pasco state attorney. In 1992, he campaigned unsuccessfully in a bid to become Pasco County judge.

Despite his attorney's caution, Majestic says he will prevail against the allegations asserted in Jason Roth's wrongful death action and the Farnams' bar complaint.

Until that testimony becomes public, however, those concerned about Majestic's actions must rely on the statements Holden recorded prior to and after Roth's death.

In those statements, Claire Frisbee, who resigned earlier this summer after working 12 years for Majestic, described her last contact with Roth.

Frisbee said Roth frequently called the law office after the divorce but rarely left messages. She said Roth always claimed it was personal. At no time did Frisbee ever suspect a physical relationship between the two.

"Well, she was always upset about something," Frisbee said. "And then after the divorce was over and the attempt by her ex-husband to set aside the marital settlement

agreement was over, she started calling more and more, almost on a daily basis."

The Wednesday before Roth died she left a message on the firm's answering machine. Frisbee first heard the message.

"She was threatening to commit suicide," Frisbee said. "It was a verbal suicide note. She was mad that John would never return her calls. She wanted him to feel guilty. This was all going to be his fault, and she was going to leave him a note for her family, telling them it was all his fault. I don't know. She may have said something about she gave him everything. I have no idea what she meant by that. And she was going to kill herself. That was the gist of the message."

Frisbee considered it a serious threat. "Oh, yes," she said. "(Roth) said she was going to kill herself and that he needed to know why, and that she was telling him because she wanted him to know it was his fault."

When she finished listening to the message, Frisbee called Majestic. "And I told him, I said, 'Should I call 911 or what?' And he said, 'no.'"

Holden then asked Frisbee whether she told Majestic that Roth sounded serious about the threat.

"I didn't have to say that," Frisbee replied. "We both knew that she was ill, and it was serious, and I believe John at that point told me she made previous attempts."

In her statement, Frisbee acknowledged empathy toward Roth's illness. A friend of hers also committed suicide about a year earlier.

"(Majestic) was — he sounded upset by it," Frisbee told Holden. "And his response was, 'No, you need to call her therapist; I have that number, I will get it.' And he did. And he gave it to me, and I called her therapist."

After talking with Williams, Frisbee agreed to replay the message during a call to the therapist's private voice messaging system.

"I explained to (Williams) that I thought there was an urgency about it," Frisbee said in the statement. "The exact words I used I couldn't tell you. I wouldn't have called her if I didn't think it was urgent, if I didn't think it was important for her to know this."

As she replayed Roth's message, Frisbee said Majestic overheard parts of it. But Frisbee cautioned him: He shouldn't listen to it.

"Because he didn't need to know that she was blaming him," Frisbee said. "Because you commit suicide, it's nobody's fault but your own. And John didn't deserve to be saddled with guilt, and that's what she was trying to do."

It was Frisbee's understanding that Roth's therapist did not invoke Florida's Baker Act, the law that allows for temporary commitment of individuals who may be a threat to themselves or others. An autopsy later showed Roth died from an overdose of prescription medicine.

"No, because it had been less than 72 hours since I called the doctor that she died," Frisbee told Holden. "Apparently, she died on a Saturday. If she had been Baker acted, she would have still been alive because she would have been in the hospital."