

JUN 24 1991

CLERK, SUPREME COURT

By [Signature]  
Chief Deputy Clerk

SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

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Petitioner,

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vs .

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CASE NO. 77,871

DANIEL E. SCHRAMEK,  
individually and d/b/a  
SCHRAMEK & ASSOCIATES, and  
The L.A.W. CLINIC, INC., a  
Florida far-profit corp.

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Respondents.

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RESPONDENTS' ANSWER TO SHOW CAUSE,  
RESPONDENTS' MOTION TO DISMISS, AND  
RESPONDENTS' COUNTERPETITION

COMES NOW, the Respondents, DANIEL E. SCHRAMEK, Pro Se, and DANIEL E. SCHRAMEK, doing business as The L.A.W. CLINIC, INC., by and through his appointed agent, Daniel E. Schramek, pursuant to F.S. 607.011 (Note 30) Actions and Proceedings, West Stuart Acreage, Inc. v. Hannett App., 427 So.2nd 323 (1983), and files this, the answer to the Court's order to show cause and moves this Court to Dismiss this action, and in support thereof would state as follows:

Respondents Agree with counts I, 11, 111, and V.

IV.

Respondents are unaware of such authorization and no evidence has been presented to support such authorization.

VI.

Respondents deny that they have engaged in the unlicensed practice of law in Pinellas and Hillsborough County, Florida, by any of the following acts:

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A. Charles A. Shannon, III

1. Respondents, for their own personal monetary gain, DID NOT advise Charles Shannon, III as to legal remedies available to him and DID NOT cause damage to Charles A. Shannon, III.

2. Charles A. Shannon was advised by licensed attorneys that it would be unlikely for him to reduce his child support payments. However, Mr. Shannon understood his Constitutional rights to proceed and requested the respondents' assistance. He was also interested in eliminating in-the-rears support payments totaling \$1,500.00 and requested the respondents to prepare this paperwork for him to proceed, wherein he successfully had the court discharge the in-the-rears support payments to the financial benefit of Mr. Shannon, which he stated to the respondents was his primary goal.

3. Respondents, for their own personal monetary gain, DID NOT advise Charles A. Shannon, III that he could have his child support payments reduced because of the new guidelines that had been passed by the State of Florida.

4. Agree.

5. Respondents, for their own personal monetary gain, DID NOT advise Charles A. Shannon, III of what type of legal pleadings he would need. Mr. Shannon requested the type of pleadings based on the legal advice he had received from a licensed attorney.

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6. Respondents, for their own personal monetary gain, did **prepare a** Motion for Modification of Final Judgment of Dissolution of Marriage, which IS A LEGAL FORM APPROVED BY THE SUPREME COURT OF FLORIDA, pursuant to Florida Rules of Civil Procedure, Forms Section 1.901 through 1.998, Forms for Use with the Rules of Civil Procedure.

7. Respondents did prepare a Request for Non-Jury Trial, which IS A LEGAL FORM **APPROVED** BY THE SUPREME COURT OF FLORIDA, pursuant to Florida Rules of Civil Procedure, Forms Section 1.901 through 1.998, Forms for Use with the Rules of Civil Procedure.

8. Respondents did prepare a Request for Non-Jury Trial, which IS A LEGAL FORM APPROVED BY **THE** SUPREME COURT OF FLORIDA, pursuant to Florida Rules of Civil Procedure, Forms Section 1.901 through 1.998, Forms for Use with the Rules of Civil Procedure.

9. Respondents, for their own personal monetary gain, DID NOT advise Charles A. Shannon, III of what he should and should not say at the hearing, pursuant to Rule **10-1.1(b)** Definition of UPL under the Rules Governing the Unlicensed Practice of Law of the Rules Regulating the Florida Bar.

10. Agree.

11. Respondents **DID** NOT offer to prepare the appellate **papers** for Charles A. Shannon, III after the Court denied the motion. Mr. Shannon asked the respondents if they could prepare a **Notice of Appeal** for **him**.

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12. Agree.

13. Deny. The conduct of the Respondents has NOT caused harm to the public and continuation of that conduct DOES NOT have potential for harm to the public.

B. Mary B. Muckler

1. Respondents, for their own personal monetary gain, DID NOT advise Mary B. Muckler as to the legal effects of a Living Trust.

2. Respondents, for their own personal monetary gain, PUBLISHED a Living Trust and prepared a Quit Claim Deed neither of which is a legal form required to be approved by the Supreme Court of Florida or any other court.

3. The Quit Claim Deed prepared by the Respondents was NOT defective, and DID NOT require that the real property to be included in the estate proceedings after the death of Mary B. Muckler in order to clear title to the real property resulting in increased expenses to the estate. These expenses are routine expenses under probate proceedings.

4. Respondents DID NOT fail to properly instruct Mary B. Muckler and were not required or authorized to complete the transfer of her assets into the Living Trust. Asset transfer was the responsibility of Mary B. Muckler and the resulting increase in expenses by the estate was a result of her failure to transfer her assets according to Respondents instructions. Any expenses associated with probate are routine expenses and not a result of any actions or lack of action by the Respondents.

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5. Respondents deny that the quit claim **deed** was improperly prepared and agree with remaining statement according to (4) above.

6. Agree.

7. Deny. The conduct of the Respondents HAS NOT caused harm to the public and the continuation of that conduct DOES NOT have potential for harm to the public.

c. Violet Gillespie

1. Respondents, for their own personal monetary gain, DID NOT advise Violet Gillespie as to the legal effects of a Living Trust.

2. Respondents, for their own personal monetary gain, PUBLISHED a Living Trust, Pourover Will, Power of Attorney, and prepared a Quit Claim Deed none of which are legal forms required to be approved by the Supreme Court of Florida or any other court.

3. Deny. The Quit Claim **Deed** prepared by Respondents was NOT improperly prepared. The loss of sale of the property was not the result of any action or lack of action by the Respondents. Any expenses associated with probate are routine expenses and not a result of any actions or lack of action by the Respondents.

4. Agree. Violet Gillespie, at her discretion, appointed the individuals as successor trustees. Respondents published the living trust at Violet Gillespie's request and instructions. The language is considered sufficient and proper.

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5. Deny. The Living Trust DID provide for contingent beneficiaries in the event that one of the three beneficiaries dies. There was NO need for a judicial construction of the Trust at the expense of the estate. The attorneys involved HAVE misled and misrepresented Violet Gillespie's relatives for the attorneys' own personal financial gain.

D. Marina Securities, Inc. and Marina Trust Securities.

1. Respondent, Daniel E. Schramek, did sign an Answer to Show Cause and Motion to Dismiss, which IS A LEGAL FORM APPROVED BY THE SUPREME COURT OF FLORIDA, pursuant to Florida Rules of Civil Procedure, Forms Section 1.901 through 1.998, Forms for Use with the Rules of Civil Procedure, as an agent for two (2) corporations, in the case of The Florida Bar v. Marina Securities, Inc. and Marina Trust Services, Inc., Case No. 77,375 filed in the Supreme Court of Florida.

2. On or about March 13, 1991, Respondent, Daniel E. Schramek, did sign a Motion for Change of Venue, which IS A LEGAL FORM APPROVED BY THE SUPREME COURT OF FLORIDA, pursuant to Florida Rules of Civil Procedure, Forms Section 1.901 through 1.998, Forms for Use with the Rules of Civil Procedure, **as** an agent for two (2) corporations, in the **case** of The Florida Bar v. Marina Securities, Inc. and Marina Trust Services, Inc., Case No. 77,375 filed in the Supreme Court of Florida.

3. Deny. A corporation CAN be represented in the Supreme Court of Florida by any person and DOES NOT have to

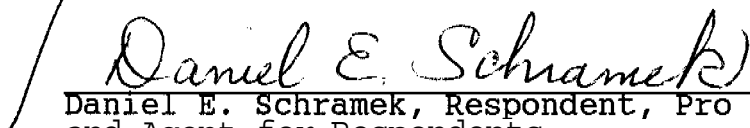
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be represented by a licensed attorney, see The Florida Bar v. Marina Securities, Inc. and Marina Trust Services, Inc., Case No. 77,375 filed in the Supreme Court of Florida, May 30, 1991.

WHEREAS, there has not been an evidenciary hearing to show supportive evidence as to the allegations of the petitioner; and

WHEREAS, the Respondents have denied all the allegations of the petitioner.

WHEREFORE, the Respondents pray that this Honorable Court DENY the Petitioner's petition for a permanent injunction preventing and restraining Respondents from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida; GRANT the Respondents' Motion to Dismiss this action; tax the costs of this proceeding against the Petitioner; and GRANT other and further relief to the Respondents as this Court may deem proper and just.

  
Daniel E. Schramek, Respondent, Pro Se,  
and Agent for Respondents  
1064 62nd Terrace South  
St. Petersburg, Florida 33705  
(813) 866-0141

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RESPONDENTS' COUNTERPETITION

COMES NOW, the Respondent, Daniel E. Schramek, and files this his Counterpetition against the Petitioner, and **says:**

I

Counterpetitioner, Daniel E. Schramek, doing business as The L.A.W. Clinic, Inc., is a Citizen of the State of Florida and a resident of the city of St. Petersburg, Pinellas County, Florida.

11

Counterrespondent, The Florida Bar, are at all times pertinent to this Counterpetition and acting as a person to deprive Counterpetitioner, under color of law, his Rights protected under the Constitution of the State of Florida.

III

The Counterrespondent was acting under color of alleged state laws, rules and practices.

IV

Florida Statute Chapter 542, Combinations Restricting Trade or Commerce, cited as the "Florida Antitrust Act of 1980", Section 542.18, Restraint of trade or commerce, wherein: "Every contract, combination, or conspiracy in restraint of trade or commerce in this state is unlawful".



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V

Section 542.19, Monopolization; attempts, combinations, or conspiracies to monopolize, wherein: "It is unlawful for any person to monopolize, attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of trade or commerce in this state."

VI

Section 542.17, Definitions, (3) "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

VII

Section 542.16, Purpose, "The Legislature declares it to be the purpose of this act to complement the body of federal law prohibiting restraints of trade of commerce in order to foster effective competition. It is the intent of the Legislature that this act be liberally construed to accomplish its beneficial purpose".

VIII

Counterrespondent has engaged in the violation of Florida Statute Chapter 542, Section 542.18 and Section

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542.19, against the Counterpetitioner, by one or more of the following acts:

A. Marina Securities, Inc. and Marina Trust Securities.

1. Counterrespondent acted to restrain the counterpetitioner's trade in the State of Florida by filing a petition for an injunction against Marina Securities and Marina Trust Securities of Vero Beach, Florida, a licensing agent for the counterpetitioner; The Florida Bar v. Marina Securities, Inc. and Marina Trust Services, Inc., Case No. 77,375 filed in the Supreme Court of Florida.

2. This action was an attempt by the counterrespondents to intimidate, coerce, harass, and to discredit the business relationship of the counterpetitioner and his licensing agent, thus effecting the counterpetitioner's ability to conduct trade in this state, independently or with licensing agents such as Marina Securities.

3. This action was an attempt by the counterrespondents to intimidate, coerce, harass, and to discredit the business relationships of the counterpetitioner and his clients, thus effecting the counterpetitioner's ability to conduct trade in this state, independently or with licensing agents such as Marina Securities.

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B. Daniel E. Schramek, doing business as The L.A.W. Clinic, Inc.

1. Counterrespondent acted to restrain the counterpetitioner's trade in the State of Florida by filing a petition for an injunction against the counterpetitioner, The Florida Bar v. Daniel E. Schramek, doing business as The L.A.W. Clinic, Inc., Case No. 77,871, file in the Supreme Court of Florida, May 1991.

2. This action was an attempt by the counterrespondents to intimidate, coerce, harass, and to discredit the business relationships of the counterpetitioner and his clients, thus effecting the counterpetitioner's ability to conduct trade in this state, independently or with others such as Marina Securities.

**WHEREAS**, the Counterrespondent has conspired to restrain the Counterpetitioner's trade in the state of Florida, conspiring to monopolize the providing of legal services in the state of Florida, absent any court order, without jurisdiction, under color of law, in violation of state law; and

**WHEREAS**, the Counterrespondent's acts have affected the Counterpetitioner's ability to effectively trade in this state; and

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WHEREAS, as a result of these actions by the Counterrespondents, the Counterpetitioner requests that this Court grant declaratory and injunctive relief, restraining the Counterrespondent from further harassing, threatening, intimidating, coercing, extorting, attempting to prosecute, prosecuting, or threatening to prosecute Counterpetitioner, in restraint of trade in this state.

WHEREIN, the Counterpetitioner requests evidenciary hearings concerning this counterpetition and oral arguments before this Court.

WHEREFORE, Counterpetitioner prays for this Honorable Court to ORDER and ADJUDGE Relief for the Counterpetitioner:

1. Issuing declaratory relief restraining the Counterrespondent from further harassing, threatening, intimidating, coercing, extorting, attempting to prosecute, prosecuting, or threatening to prosecute Counterpetitioner, in restraint of trade.

2. Issuing permanent injunctive relief restraining the Counterrespondent from further harassing, threatening, intimidating, coercing, extorting, attempting to prosecute, prosecuting, or threatening to prosecute Counterpetitioner, in restraint of trade.

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3. Awarding Counterpetitioner compensatory relief far the reasonable cost, expenses and attorney fees (42 USC 1988) of this action and punitive relief as deemed fair and just by the court; and

4. Granting Counterpetitioner such other and further relief as may be deemed just and proper.

**AND FURTHER ORDER AND ADJUDGE:**

1. A federal criminal investigation of the actions of the Counterrespondent against the Counterpetitioner for indictment of the Counterrespondent on criminal charges for Restrain Trade in violation of state and federal Anti-Trust laws.

*Daniel E. Schramek*

Daniel E. Ychramek, Respondent, Pro Se,  
and Agent for Respondents  
1064 62nd Terrace South  
St. Petersburg, Florida 33705  
(813) 866-0141

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Attorney Joseph R. Boyd, Attorney for the Petitioner, at P.O. Box 14267, Tallahassee, Florida 32317, on this 20th day of JUNE, 1991.

*Daniel E. Schramek*

Daniel E. Schramek