

047

FILED

SID J. WHITE

NOV 24 1993

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

v

CASE NOS. 79,522 & 80,207

JOHN D. RUE,
Respondent.

_____ /

RESPONDENT'S REPLY BRIEF ON CROSS-PETITION FOR REVIEW

John A. Weiss
Attorney Number 0185229
P. O. Box 1167
Tallahassee, Florida 32302-1167
(904) 681-9010
COUNSEL FOR RESPONDENT

and

Patricia S. Etkin
Attorney Number 290742
8181 W. Broward Boulevard
Suite 262
Plantation, Florida 33324
(305) 424-9272
CO-COUNSEL FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES..... ii
ARGUMENT..... 1

POINT III
(Respondent's Cross-Petition for Review)

THE FLORIDA BAR'S FAILURE TO STRICTLY COMPLY WITH
THE RULES REGULATING THE FLORIDA BAR JUSTIFIES
DISMISSAL OF THESE PROCEEDINGS.

CONCLUSION..... 13
CERTIFICATE OF SERVICE..... 13

APPENDIX

Exhibits H, I, J and K to Respondent's Second Motion to Dismiss
(mistakenly left off Appendix C to Respondent's Initial Brief)

TABLE OF AUTHORITIES

<u>CASE</u>	<u>PAGE</u>
<u>The Florida Bar v McCain</u> 330 So.2d 712, 718 (Fla. 1976).....	12
<u>The Florida Bar v McCain</u> 361 So.2d 700 (Fla. 1978).....	11
<u>The Florida Bar v Rubin</u> 362 So.2d 12, 16 (Fla. 1978).....	10

OTHER AUTHORITIES

RULES REGULATING THE FLORIDA BAR

Rule 3-7.3(a).....	2
Rule 3-7.3(b).....	2,11
Rule 3-7.3(c).....	3 , 8

POINT III
(Respondent's Cross-Petition for Review)

THE FLORIDA BAR'S FAILURE TO STRICTLY COMPLY
WITH THE RULES REGULATING THE FLORIDA BAR
JUSTIFIES DISMISSAL OF THESE PROCEEDINGS.

Respondent asks that these proceedings be dismissed primarily because The Florida Bar violated Rules 3-7.3(b) and 3-7.3(c) of the Rules of Discipline. The Bar has adopted a policy of hiding lawyers who file complaints from the lawyers against whom they complain. Included within their policy is the Bar's not making such lawyers file their grievances under oath. No such policy exists for non-lawyers. Respondent submits that the only viable remedy available to the membership of the Bar is dismissal of improperly brought grievance proceedings.

There were three separate grievance files opened in this case. The third one was the only one initiated by a client, Mr. and Mrs. Paul Douglas. The Douglasses' initial complaint was returned to them because it was not filed under oath. TR 224, 2/16/93, II. Exhibit J to Respondent's Second Motion to Dismiss, Appendix C to Respondent's Initial Brief. (Exhibits H, I, J and K to Respondent's Second Motion to Dismiss were inadvertently omitted from Appendix C to Respondent's first brief. They are attached to this brief as a separate appendix. These four exhibits were accepted into evidence on pages two and three of the transcript of the December 3, 1992 hearing). It was processed only after the Douglasses returned it properly verified.

The first two grievances brought against Respondent were

initiated by two lawyers in the Daytona Beach area who also practice in the personal injury field in competition with Respondent. Those individuals, Bill Chanfrau and Charles Tindall, filed complaints that were assigned separate case numbers and which resulted in a broad, whole-sale investigation of Respondent's practices.

Contrary to the Bar's arguments, Messrs. Chanfrau and Tindall, the latter by his unequivocal statements, intended for The Florida Bar to initiate grievance proceedings against Respondent. Both are former chairs of grievance committees, (Bar Exhibit 1, p. 6; Bar Exhibit 31, pp. 4,5) and both are familiar with Bar Counsel and with grievance proceedings. Respondent submits that The Florida Bar has attempted to shield both of these lawyers from the consequences of their actions by keeping their names off of their complaints. Respondent suggests that this may be a practice engaged in by The Florida Bar and that the only way to insure that it will be discontinued is to dismiss any proceedings so improperly brought.

Prior to specifically rebutting the Bar's assertion on page nine of its Brief that "Mr. Chanfrau's and Mr. Tindall's initial contacts with The Florida Bar were inquiries, not complaints...." (emphasis in original), Respondent would quote the relevant language in the Rules Regulating The Florida Bar.

Rule 3-7.3(a), captioned Screening of Inquiries, gives Bar Counsel authority to screen out complaints that do not state a cause of action or over which The Florida Bar has no jurisdiction.

If, however, the inquiry cannot be screened out at this point, it becomes a viable grievance and Rule 3-7.3(b) becomes operative. That Rule states in its entirety:

(b) Complaint processing and Bar Counsel Investigation. If bar counsel decides to pursue an inquiry, a disciplinary file shall be opened and the inquiry shall be considered as a complaint, if the form requirement of (c) is met. Bar counsel shall investigate the allegations contained in the complaint.

Even if the allegations made by Messrs. Chanfrau and Tindall were initially inquiries, when Bar counsel decided to investigate them, they became complaints and the requirements of Rule 3-7.3(c) had to be met. In fact, a disciplinary file could be opened only "if the form requirements of (c)" were met. That Rules reads as follows:

(c) Form for Complaints. All complaints, except those initiated by The Florida Bar, shall be in writing and under oath. The complaint shall contain a statement providing:

Under penalty of perjury, I declare
the foregoing facts are true, correct
and complete.

When The Florida Bar decided that the allegations made by Messrs. Chanfrau and Tindall warranted investigation, Rule 3-7.3(c) required them to secure affirmations from those two lawyers. The Bar required such an affirmation from Mr. and Mrs. Douglas. There is no earthly reason for them not to require a similar oath from lawyers filing a grievance.

In fact, the Bar's own instruction sheet to complainants, Exhibit K to Respondent's Second Motion to Dismiss (attached as the appendix to this brief) specifically requires in paragraph three

that grievances be notarized.

In Respondent's second motion to dismiss, attached to his Initial Brief as appendix C, Respondent presented an instance of the same policy being followed in a case unrelated to the one at Bar. Exhibit D to Respondent's second motion was a letter from James H. McCarty, Jr. a lawyer, sent to the Bar's investigator, Walt Taylor. That letter read in its entirety:

Dear Walt:

Please find enclosed information concerning a possible conflict of interest situation involving [name deleted]. I have not forwarded an inquiry/complaint form with this letter as it is my understanding that if the Bar feels the conduct exhibited herein was inappropriate, the Bar can proceed on its own to investigate further. I am forwarding this to you for informational purposes and please do not hesitate to call me if you have any questions.

It is obvious that The Florida Bar is allowing lawyers to "bring things to the Bar's attention" for the express purpose of initiating an investigation, i.e., grievance proceedings, without being required to state that they are filing a grievance. This policy is wrong. Lawyers, just like non-lawyers, should be required to overtly state that they want a lawyer investigated. Because confidentiality no longer attaches to grievance proceedings, they should be subjected to the possibility of defamation actions, and perjury for lies, in complaints made against lawyers. Those requirements are applied to non-lawyers; why not to lawyers?

The Bar's assertion that the complaints they received from Mr. Chanfrau and from Mr. Tindall were inquiries, not complaints, are refuted by the evidence presented to the referee. Each individual will be dealt with separately.

A. THE CHANFRAU COMPLAINT

As set forth in paragraph two of Respondent's motion to dismiss, attached to Respondent's initial brief as appendix B, the Chanfrau complaint was originally designated as a complaint by The Florida Bar. After Respondent's counsel requested the name of the individual initiating the complaint, The Florida Bar by letter dated December 6, 1991, stated that:

The initial allegations against Mr. Rue were made by an attorney in Daytona Beach. He was not listed as the complainant since he requested an investigation only and had no specific complaint. Should you still wish to know his name, please let me know.

On December 30, 1991, The Florida Bar revealed that the lawyer who "requested an investigation only" was, in fact, William M. Chanfrau.

There is no earthly distinction between requesting an investigation and filing a grievance. The result of both is an investigation into a lawyer's actions.

Subsequent discovery revealed that Mr. Chanfrau had repeatedly tried to get The Florida Bar to investigate Respondent. During discovery, The Florida Bar produced a file memo dated March 20, 1991 from Bar Counsel to Bar investigator Walt Taylor (Respondent once again commends The Florida Bar for willingly producing this memo during discovery. While Respondent objects to the Bar's

policies, the immediate production of this memo emphasizes that the integrity of Bar Counsel is beyond question). That memo, Exhibit G to Appendix B, states in its entirety:

Walt -

Remember the previous complaints about John Rue soliciting clients at accident scenes in Daytona?

Bill Chanfrau called again and says there is more evidence - he says call attorney Jerry Wells - he has client who has admitted in depo that Rue solicited him. Also, Chanfrau's client, Karen Boehm, knows that Rue's firm solicited her.

Please contact Wells and Boehm and write report -

Mr. Chanfrau was repeatedly reporting rumors which, after being subjected to evidentiary scrutiny, were found to be completely untrue.

The Bar's assertion on page ten of its answer brief that the Bar "was indeed the initiator" of the complaint against Respondent is pure semantics. There is no plainer evidence proving that Mr. Chanfrau initiated these grievance proceedings than the above-quoted memo. He repeatedly asked the Bar to initiate grievance proceedings and, after sufficient badgering, succeeded in getting them to do so.

In essence, Mr. Chanfrau was reporting rumors to The Florida Bar in the hope that Respondent would be disciplined. The rumors, however, were untrue. In the specific instance mentioned above,

the Boehm matter, the testimony at final hearing showed that Ms. Boehm did not know who telephoned her home with the request that they call Respondent's office. TR 78, 2/15/93 I. She further testified that upon calling Respondent's office, she was promptly told that the firm could not help her when Ms. Boehm stated she already had a lawyer. TR 77, 2/15/93, I. Finally, Respondent himself testified that he had no knowledge whatsoever of the Boehm matter.

Ms. Boehm did not know who called her. Perhaps, it was a competitor in the Daytona area trying to make trouble for Respondent. The Bar investigated anonymous complaints made during the proceedings against Respondent. See, for example, attachment F to Respondent's second motion to dismiss (Appendix C to initial brief). Perhaps this same individual tried to make problems for Respondent by calling Ms. Boehm. The allegations of Respondent soliciting other lawyers' clients is rebutted by Ms. Boehm's statement that, upon being told she had a lawyer, Respondent's staff said that they could not help her.

The referee quite properly found that there was no evidence indicating that personnel at Respondent's office initiated the Boehm call.

B. THE TINDALL COMPLAINT

As is true with Mr. Chanfrau, on page nine of its brief The Florida Bar characterizes Mr. Tindall's initial contact with the Bar as an inquiry, not a complaint. Yet, Mr. Tindall himself characterizes the purpose of his communication with The Florida Bar

as the filing of a complaint. Submitted into evidence before the referee as Bar Exhibit 31 is Mr. Tindall's deposition taken during discovery. The first exhibit attached to that deposition was Mr. Tindall's July 31, 1991 letter to The Florida Bar. The initial sentence of that letter reads:

I want to file a grievance against Mr. John D. Rue,.....

Mr. Tindall was not filing an inquiry. He was filing a grievance, i.e., a complaint, which he expected The Florida Bar to prosecute.

As transcribed on page nine of Mr. Tindall's deposition (Bar Exhibit 31) the following dialogue took place:

Q All right, sir. What was the purpose of this letter [July 31, 1991 letter]?

A As stated in the letter, I wanted to complain about some actions taken by John Rue.

Q All right, sir. And you intended to file a grievance against him, did you not?

A Yes, sir.

Mr. Tindall filed a grievance, not an inquiry. The Florida Bar chose to investigate it and, for whatever reason, The Florida Bar never required Mr. Tindall to declare, under penalty of perjury, that his allegations were true, correct and complete as required by Rule 3-7.3(c).

Rule 3-7.3(c) states that all complaints, except those initiated by the Bar, shall be under oath. The Bar is given no discretion in this matter.

The Florida Bar would have this Court believe that it, not Messrs. Chanfrau and Tindall, are the initiators of the grievances brought against Respondent. This is simply not true. These grievances were initiated by communications from Mr. Chanfrau and by Mr. Tindall.

Respondent has no quarrel with the actual initiation of grievances by The Florida Bar. Initiations, however, means the Bar was the genesis of the investigation. Respondent recognizes that The Florida Bar has the right to initiate grievances when Bar counsel or other Bar employees learn of potential misconduct. Examples would be newspaper articles, appellate opinions, or information regarding other lawyers while investigating previously filed grievances. The operative factor is that the Bar agent is the one that set the grievance in motion.

The definition of initiate, as set forth in the Websters New Collegiate Dictionary, 1977 Edition, G.&C. Merriam Co., is:

To cause or facilitate the beginning of: set going.

In the case at Bar, The Florida Bar did not cause the beginning of these grievance proceedings: Messrs. Chanfrau and Tindall did.

Mr. Chanfrau's allegations led into an all-encompassing investigation. As indicated by Exhibit I to Respondent's second motion to dismiss, (attached to their brief), 23 separate investigations were begun as a result of Mr. Chanfrau's allegations. Mr. Chanfrau is listed as the source for the first four investigations, the grievance committee is listed as the source for 15 investigations, and former employees are listed as

the source for the other four. Not a single one of those sources filed a complaint under oath. It is clear that the Bar, once it started investigation into Mr. Chanfrau's complaint (See Exhibit H attached), solicited grievances from the members of the local grievance committee.

The most troubling aspect of this grievance is the disparate treatment afforded non-lawyer complainants and lawyer complainants. It is obvious that The Florida Bar has embarked on a course of conduct of requiring different standards for grievances filed by lawyers than by non-lawyers. The only remedy for such improper conduct is dismissal. The quotation on page 42 of Respondent's initial brief from The Florida Bar v Rubin, 362 So.2d 12, 16 (Fla. 1978) is squarely on point. The Bar demands that lawyer turn "square corners" in their practice. Accused lawyers have the right to demand exactly the same of The Florida Bar.

The Bar does not rebut Respondent's claims of selective prosecution (page 40 of his first brief). The Troutman firm was not investigated in the Wolf matter despite the fact that their conduct was identical to that of Respondents. Although the referee ultimately acquitted Respondent of any impropriety in signing up Mr. Wolf, no disciplinary action was taken against the Troutman firm for similar misconduct. The Bar basically says that only Respondent was investigated because there was a pattern of allegations against Respondent (there was no such pattern; there was a jumble of different allegations based primarily on uncorroborated hearsay, on conjecture (for example, the Boehm

case), on alleged solicitation of the type of cases that Respondent's firm does not even handle and on isolated incidents of coincidental contact). Respondent submits that if Respondent's alleged conduct in the Wolf case warranted formal charges, similar conduct by any other firm warranted, at least, an investigation.

More significantly, however, is the fact that the Bar prosecuted only Respondent for using contracts that were used by two other lawyers in the firm, Ray Stark and P. K. Hunt. As was true with Respondent, Mr. Stark and Ms. Hunt are charged with knowledge of the Rules of Professional Conduct. They used the same contracts to sign up clients that Respondent used. Yet, there were no disciplinary proceedings brought against them.

It is patently obvious that the Bar was "out to get Respondent". Exhibit I to Respondent's Second Motion to Dismiss makes that obvious. The Bar expended untold sums of money and personnel hours in an attempt to prove up allegations that simply were not true. This is selective prosecution at its worse and the only remedy for such conduct is dismissal.

The Bar submits that Rubin is inapplicable to the case at Bar because it involved serious misconduct. Respondent submits that hiding lawyer complainants and engaging in selective prosecution of a lawyer is far more serious misconduct than that involved in the Rubin case.

Although it is not on point, the Court in The Florida Bar v McCain, 361 So.2d 700 (Fla. 1978) recognized that it is the entity that controls The Florida Bar and that it is the only recourse that

lawyers who feel they have been improperly prosecuted can turn to for redress. On page 705 of that opinion, the Court noted that:

The Florida Bar is an agency of the Court and under its direction. Whenever a lawyer feels that an unreasonable time has passed since the alleged misconduct for which the Bar brings charges, this Court will be open to address that problem. After all, The Florida Bar acts for and is an agency of this Court. When the child falters the parent shall correct.

Respondent at Bar has not complained of undue delay. He complains of the Bar's wilful failure to follow this Court's Rules of Discipline. The child has faltered; the parent must correct. Said by this Court another way:

The Florida Bar as an arm of this Court is charged to act responsibly. If it acts irresponsibly, this Court has the power and the duty to impose appropriate sanctions against the offending members.

The Florida Bar v McCain, 330 So.2d 712, 718 (Fla. 1976).

Dismissal, Respondent recognizes, is a severe sanction. There are times, however, when such drastic measures must be imposed to preserve the rights of the innocent majority. For example, evidence can be suppressed that is improperly seized by law enforcement officials even if it allows the guilty individual to go free. This Court has recognized that the rights of individuals must be protected and that, at times, the only viable sanction for improper law enforcement conduct is dismissal of charges. The same philosophy holds true here.

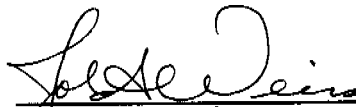
The Bar has wilfully failed to abide by this Court's rules of discipline. The only viable sanction available to aggrieved respondents is dismissal. That sanction, imposed in the case at

Bar, would send a clear signal to The Florida Bar that it, too, must abide by this Court's rules. An agency cannot do a credible job of prosecuting rule violations if it has unfettered discretion to violate those rules itself. Respondent asks that these proceedings be dismissed.

CONCLUSION

The Bar has clearly and unequivocally violated Rules 3-7.3(b) and (c) of the Rules of Discipline. The only sanction available is dismissal of these charges.

Respectfully submitted,



John A. Weiss
Attorney Number 0185229
P. O. Box 1167
Tallahassee, Florida 32302-1167
(904) 681-9010
COUNSEL FOR RESPONDENT

and

Patricia S. Etkin
Attorney Number 290742
8181 W. Broward Boulevard
Suite 262
Plantation, Florida 33324
(305) 424-9272
CO-COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Reply Brief on Cross Petition for Review was mailed to Jan K. Wichrowski, Esquire, The Florida Bar, 880 N. Orange Avenue, Suite 200, Orlando, FL 32801-1085 this 24th day of November, 1993.

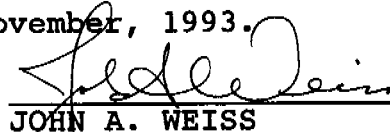

JOHN A. WEISS



Exhibit H

CONFIDENTIAL

Exhibit I

THE FLORIDA BAR

Orlando Office
880 North Orange Avenue
Suite 200
Orlando, FL 32801-1085
Telephone (407) 425-5424

November 12, 1991

MEMORANDUM

TO: David G. McGunegle
FROM: Walter E. Taylor ^{WET}
RE: John D. Rue
Case No. 9-31,241 (07C)

The following investigation conducted:

<u>DATES</u>	<u>PERSON CONTACTED</u>	<u>ALLEGATION</u>	<u>SOURCE</u>
3/22/91 3/26/91 3/27/91	Attorney Bob Elton (client - Austell)	Solicitation	William Chanfrau
	Arrow Wrecker	Solicitation	William Chanfrau
	Attorney Ward Berg (client - Tammy Cash)	Solicitation	William Chanfrau
	Tammy Cash (declined initial representation)	Solicitation	William Chanfrau
4/11/91	Mrs. Richard Austell	Solicitation	Grievance Committee
8/07/91	Attorney Ray Stark	Solicitation Referrals	Grievance Committee
8/07/91	Don Beardslee	Solicitation Bonus Payments	Grievance Committee
8/07/91 & 8/29/91	Jean Abrahamson	Referrals Bonus - paralegals	Stark
9/04/91	Attorney P.K. Hunt (former employee) (interview by Larsan)	Solicitation	Grievance Committee

THE FLORIDA BAR

<u>DATES</u>	<u>PERSON CONTACTED</u>	<u>ALLEGATION</u>	<u>SOURCE</u>
9/13/91	Attorney John Letschar (for employee) (declined interview)	Solicitation	Jonathan Rotstein
9/23/91 & 9/27/91	Attorney Jonathan Rotstein (former employee)	Advances to clients Sale of autos to clients paralegals performance	P.K. Hunt
10/7/91	Jean Abrahams	Appraisal fees (Solicitation) paralegal performances	Stark
10/7/91	Sylvan Wells	Solicitation	Grievance Committee
10/8/91	Chobee Ebbetts	Solicitation	Grievance Committee
10/15/91	Larry Ridgely Adjustor - State Farm	Paralegals	Grievance Committee
10/14/91	Respondent	Regarding P/R records	Grievance Committee
10/14/91	Karen Boehm	Solicitation	Grievance Committee
10/15/91	David Baugh Adjustor - State Farm	Paralegals	Grievance Committee
10/9/91 10/15/91	Janet Suazo Nancy Graves (Adjustors - AllState)	Paralegals	Grievance Committee
10/17/91	Respondent	Review 1990 General Journal	Grievance Committee
10/21/91	Mike Papsideros MAS Appraisal	Solicitation Referrals	Grievance Committee

THE FLORIDA BAR

<u>DATES</u>	<u>PERSON CONTACTED</u>	<u>ALLEGATION</u>	<u>SOURCE</u>
10/30/91	Frank Mercantini	Car purchase	Grievance Committee
11/4/91	Respondent w/1991 General Acct. Journal	Advances client loans Solicitation	Grievance Committee

The following inventory was conducted (Case No. 92-30,174 (07C):

<u>DATES</u>	<u>PERSON CONTACTED</u>	<u>ALLEGATION</u>	<u>SOURCE</u>
8/7/91	Attorney Charles Tindell	Solicitation	Complaint
8/20/91	Int. Witness Paul Schmitt (telephone) prepare affidavit) returned by mail.	Solicitation	Tindell

WET/vss

Exhibit J

THE FLORIDA BAR

Orlando Office
880 North Orange Avenue
Suite 200
Orlando, FL 32801-1085
Telephone (407) 425-5424

February 14, 1992

Mr. Paul A. Douglas
214 Sand Pebble Circle
Port Orange, Florida 32119

RE: Your Inquiry, Case No. 92-31,118 (07C)

Dear Mr. Douglas:

Pursuant to the recent amendments to the Rules Regulating The Florida Bar, all complaints to The Florida Bar are now required to be made under oath.

For this reason, I am returning the enclosed complaint to you. Please print or type the following statement on the last page of your complaint: (Please note these exact words must be used.)

Under penalty of perjury, I declare the foregoing
Facts are true, correct and complete.

Then please have your statement notarized before a notary public and return it to this office. If we do not receive your complaint within 30 days, we will close the file as we will be unable to pursue it.

Thank you for your cooperation.

Sincerely yours,



Jan K. Wichrowski
Assistant Staff Counsel

JKW/vss

Enclosure

Exhibit K

THE FLORIDA BAR

Orlando Office
880 North Orange Avenue
Suite 200
Orlando, FL 32801-1085
Telephone (407) 425-5424

INSTRUCTIONS TO BE READ PRIOR TO FILING FLORIDA BAR INQUIRY COMPLAINT

Enclosed is The Florida Bar Inquiry/Complaint Form which you requested. A pamphlet explaining our procedures is also enclosed. Following the instructions set forth below will greatly assist in the processing of your inquiry/complaint, should you determine to submit same, and prevent the return of your Inquiry/Complaint Form for failure to follow such instructions.

1. You must complete every part of the Inquiry/Complaint Form.
2. You must print or type the information requested in the Inquiry/Complaint Form.
3. Each individual who wishes to join in the filing of the inquiry/complaint must sign the form and each signature must be notarized. If additional space is needed for signatures and notarizations, the back of the form may be used for that purpose and that purpose only.
4. You must give us the specifics of your inquiry/complaint and dates. If you can't remember the exact dates involved, then at least give us your best estimate. You may use additional sheets of paper, if you need more space, which should be attached to the Inquiry/Complaint Form.
5. Should you attach documents to your inquiry/complaint, you must refer to them in your explanation of what happened and tell us why you think each document you submit is important. Do not send us documents without telling us why you are sending them and what their significance is to your inquiry/complaint. It will help us if you mark each document with a number and refer to the document by that number when you tell us about it in your inquiry/complaint.
6. Documents submitted with your inquiry/complaint must not be larger than the Inquiry/Complaint Form. Please reduce to 8 1/2 x 11 size.
7. A complete copy of your inquiry/complaint may be sent to the attorney against whom you have complained for response. Therefore, don't submit any documents you don't want the attorney to see.
8. We will process your inquiry/complaint much faster if you send us two (2) complete copies of everything you submit to The Florida Bar.
9. If you wish to allege misconduct against more than one (1) attorney you must use a separate Inquiry/Complaint Form for each attorney. Either make copies of the Inquiry/Complaint Form or call us and we will send you additional forms. Remember, you must complain against individual attorneys, not law firms.

Over ...

10. You must affix proper postage. We will not accept postage due envelopes.

Finally, you should note that The Florida Bar is only authorized to consider inquiries/complaints against attorneys to determine if there has been a violation of professional ethics. The Florida Bar is without authority to obtain a refund of legal fees on your behalf and is not permitted to render any legal advice. Any action taken by The Florida Bar on your inquiry/complaint will not resolve any legal problems you now have or may have in the future. Such problems can only be resolved by the courts. It is suggested that you consult with the attorney of your choice if you are uncertain regarding your legal rights. You may wish to contact the Lawyer Referral Service in your geographic location should you need assistance in finding an attorney. Upon request, this office can provide you with a pamphlet explaining this service.



The Florida Bar Inquiry/Complaint Form

Please carefully review this inquiry/complaint form once you have included all information. Note that there is a requirement for you to execute the oath at the end of this form and that the oath must be administered by a notary public or any other officer authorized to administer oaths in your jurisdiction. False statements made in bad faith or with malice may subject you to civil or criminal liability. Further information may be found in the pamphlet "Complaint Against A Florida Lawyer?"

Your Name: _____ Attorney's Name: _____

Address: _____ Address: _____

City: _____ State: _____ City: _____ State: _____

Telephone: _____ Zip Code: _____ Telephone: _____ Zip Code: _____

Is this your attorney? Yes/ No If not, who is your attorney?

Name: _____ Address: _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

DESCRIBE YOUR COMPLAINT, PROVIDE DATES AND FACTS OF ALLEGED MISCONDUCT
(Use a separate sheet if necessary. Do not write on the back of this form!)

Under penalty of perjury, I declare the foregoing facts are true, correct & complete.

Signature

The foregoing instrument was acknowledged before me this ____ day of _____, 19__ by _____ who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Notary Public

(Type or Print Name)

Commission Number

RETURN TO THE FLORIDA BAR

- Tampa Airport Marriott Suite C-49 Tampa, FL 33607
- 880 N. Orange Ave. Suite 200 Orlando, FL 32801
- Cypress Financial Ctr. 5900 N. Andrews Ave. Suite 835 Ft. Lauderdale, FL 33309
- Rivergate Plaza Suite M-100 444 Brickell Ave. Miami, FL 33131
- 650 Apalachee Pkwy. Tallahassee, FL 32399-2300