

097

FILED

SID J. WHITE

SEP 7 1994

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. 82,776

vs.

DOMENIC LEONARD GROSSO,
Respondent.

The Florida Bar File
No. 93-50,256(15F)

REPLY TO ANSWER BRIEF OF THE FLORIDA BAR

1. On 10 June, 1994, Respondent filed a Brief in Support of Respondent's Petition for Review (copy enclosed as Exhibit 1). In addition, on the same date and time, a Motion to Accept the Brief as Timely Filed was sent to the court. A Request for Oral Argument was filed on 10 June, 1994 (copies enclosed as Exhibits 2 and 3 respectively).

2. On June 20, 1994, Respondent received from the Supreme Court of Florida an acknowledgment of receipt of all of the above documents (copy enclosed).

3. The Respondent is not arguing reference the Statement of Case and Facts as stated by The Florida Bar, more particularly Mr. Barnovitz. Respondent understands the reasons why he is before the Supreme Court.

4. The Report of the Referee was filed back on January 24, 1994, in which a recommendation was made for a suspension of 60 days. It further stated that Respondent meet certain conditions and that Respondent pay the Bar's costs.

5. The Report was considered by the Board of Governors of The Florida Bar at a February 1994 meeting. By letter sent to the court, the Bar indicated at that point in time they were not seeking review.

6. Respondent filed a response to the Schneelock grievance on May 13, 1994. Respondent attended a meeting before the Grievance Committee. Whatever the situation is in reference to Schneelock as to the pending matter has nothing to do with this particular case.


REBUTTAL

As to the Bar's Argument, Point I, the bar recommended a ten (10) day suspension. Respondent believes the bar would still go along with that recommendation and does not believe they are opposed to leaving the ten (10) days as is. As indicated in the bar's argument, "the bar does not regard the length of suspension as crucial". The bar addresses the situation that their concern has been and continues to be respondent address his problem by securing the requisite medical attention, which action will hopefully protect the public. Respondent has no objection to submitting to a psychological evaluation.

To alleviate any future problems and to conclude this matter, Respondent agrees to go with the ten (10) day suspension if the Supreme Court so dictates. Respondent will also submit to a psychiatric evaluation, and upon successful completion he will be reinstated.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. mail to: David Barnovitz, Esq., The Florida Bar, 5900 N. Andrews Ave., Suite 835, Ft. Lauderdale, FL 33309; John A. Boggs, Director of Lawyer Regulation, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300; and John T. Berry, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300 this 30th day of August, 1994.



DOMENIC L. GROSSO, ESQUIRE
Boca Reflections, Suite 420
900 N. Federal Highway
Boca Raton, FL 33432
(407) 395-5802
FBN 259837

THE SUPREME COURT OF FLORIDA

The Florida Bar,
Complainant

Supreme Court No. 82,776

vs.

DOMENIC L. GROSSO
Respondent

FILE COPY

The Florida Bar File No.
93-50,256(15F)

BRIEF IN SUPPORT OF
RESPONDENT'S PETITION FOR REVIEW

The Respondent, DOMENIC L. GROSSO, respectfully files this Petition for Review under Rule 3-7.7, subsection (a) Right of Review, subsection (1).

1. On March 7, 1994 Respondent petitioned for a review of the Report of the Referee by addressing a letter to Mr. John A. Boggs, Director of Lawyer Regulation (Exhibit A).

2. On March 15, 1994, Respondent received a letter from Mr. Boggs (Exhibit B) indicating the clerk's office did not treat Respondent's letter of March 7th as anything other than correspondence. Mr. Boggs's letter further indicated:

...we cannot reduce the referee's recommended disciplinary sanction. Only the court may do so.

3. Respondent in turn wrote a letter to Mr. Sid White, Clerk of the Supreme Court (Exhibit C) on March 25, 1994 and filed his Petition for Review in the proper format (Exhibit D).

4. On April 26, 1994, Respondent received a copy of a letter from David M. Barnovitz, which was addressed to the Hon. Sid White, Clerk, Supreme Court of Florida (Exhibit E), along with the Bar's Motion to Dismiss Respondent's Petition for Review (Exhibit F).

5. On May 17, 1994, Respondent filed a Response to the Motion to Dismiss Petition for Review (Exhibit G).

Exhibit 1

6. The Bar's Motion to Dismiss Respondent's Petition for Review states in paragraph 7, page 2,

In his letter to the Director of Lawyer Regulation, respondent represented:

Also, just to get this monkey off my back, I will file a response to Mr. Schneelock's complaint seven days from the date of this letter.

7. Paragraph 8 states:

In his Petition for review, respondent recites:

And to show that I have gotten over this gripping paralysis in reference to the Schneelock complaint, that I file an immediate response thereto. (page 5).

8. Paragraph 9 claims:

Respondent, to date, has not tendered a response to the Schneelock grievance necessitating that he be subpoenaed before the grievance committee.

9. For the Bar's edification, on May 13, 1994, Respondent filed a response to the complaint of Arturo Schneelock, Florida Bar File No. 93-50,256(15F). A copy was sent to the court and receipt thereof was acknowledged by Sid White (Exhibit H).

10. The gripping paralysis which for some reason caused Respondent's failure to file a response to Mr. Schneelock's complaint has been remedied by the response filed by Respondent on May 13, 1994.

11. A meeting was scheduled before the Florida Bar Grievance Committee on May 20, 1994, and Respondent believes the Bar is doing a follow-up on that reference additional documentation.

12. Respondent requests the Florida Supreme Court review his response to Mr. Schneelock's complaint filed on May 13, 1994. Respondent understands it is incumbent upon him to respond to

complaints. Respondent has been practicing law for 15 years in the State of Florida. Prior to the Schneelock matter, Respondent had a clean record with The Florida Bar. Complaints were filed against Respondent in the general course of practice, but there were no reprimands, no sanctions, no disbarment, no suspensions. The complaints were unfounded. Respondent realizes had he initially responded to the complaint of Mr. Schneelock, which was filed while the appeal was pending on his criminal case, this matter would not be before the Supreme Court today.

13. The actual recommendation of The Florida Bar before the referee dated December 10, 1993 (Exhibit I) was a ten-day suspension and a reprimand. Respondent asks the court to take notice of the letter he sent to Judge Able on January 20, 1994 (Exhibit J). The Florida Bar recommendation came under The Florida Bar vs. Vaughn, 608 So.2d 18 Fla. 1992, in which there was a similar fact pattern. In that case there was a public reprimand, based on the fact that the attorney just did not respond.

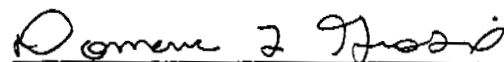
14. Respondent understands The Florida Supreme Court and The Florida Bar is to regulate the practice of law in the State of Florida in the sense that attorneys have to hold themselves out as officers of the court, act accordingly, and respond.

15. Respondent is not saying that he should not be punished; the rules and regulations should be lived by. Respondent represented Mr. Arturo Schneelock in an eight-day trial along with co-counsel, John Garcia, providing the best legal representation possible under the circumstances. It was a situation where you are dealt certain cards and you play your best hand. Respondent

believes he and Mr. Garcia did that.

16. Respondent asks that The Supreme Court review Respondent's letter to Judge Able in addition to the other exhibits, and would request that the recommendation of The Supreme Court be that Respondent be suspended for a period of ten days. Respondent has no objection to undergoing a psychiatric exam. Respondent is asking that The Supreme Court go along with the original recommendation of The Florida Bar, which was a ten-day suspension and a reprimand. A sixty-day suspension would have a devastating effect on Respondent's practice, and on his family in general. Respondent asks The Supreme Court to consider all the factors he has presented and review the sanction that was recommended by the referee.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to David Barnovitz, Esq., The Florida Bar, Cypress Financial Center, 5900 N. Andrews Avenue, Suite 835, Ft. Lauderdale, FL 33309 and John A. Boggs, Director of Lawyer Regulation, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300 and the original to Sid White, Clerk, The Supreme Court of Florida, Supreme Court Building, Tallahassee, FL 32399-1927 this 10th day of June, 1994.



DOMENIC L. GROSSO, ESQ.
Lake Wyman Plaza
2424 N. Federal Highway, Suite 360
Boca Raton, FL 33431
(407) 395-5802

FBN 259837

FILE COPY

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

Supreme Court No. 82,776

vs.

The Florida Bar File No.
93-50,256(15F)

DOMENIC LEONARD GROSSO,
Respondent

MOTION TO ACCEPT BRIEF AS TIMELY FILED

Respondent, DOMENIC L. GROSSO, respectfully files this motion to request that the court accept the Brief in Support of Petition for Review as timely filed.

Due to the confusion with the initial letter that was sent to the Florida Bar, which Respondent considered a Petition for Review, but the Court viewed only as correspondence, and in addition the Bar's indication that they were not going to file a Petition for Review, and the Respondent could address the issue later, which has been done, Respondent is asking that this Brief be accepted as timely filed.

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DOMENIC L. GROSSO, ESQUIRE
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FBN 259837

Exhibit 2

THE SUPREME COURT OF FLORIDA

The Florida Bar,
Complainant

vs.

DOMENIC L. GROSSO
Respondent

Supreme Court No. 82,776

The Florida Bar File No.
93-50,256(15F)

FILE COPY

REQUEST FOR ORAL ARGUMENT

Respondent, under Rule 3-7.7 Procedures Before the Supreme Court of Florida, subsection 4, is hereby requesting oral argument for the Petition for Review that has been filed.

DOMENIC L. GROSSO, ESQ.
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Boca Raton, FL 33431
(407) 395-5802
FBN 259837

CERTIFICATE OF SERVICE

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FILED

SID J. WHITE

SEP 7 1994

CLERK, SUPREME COURT

By _____

Chief Deputy Clerk

TELEPHONE (407) 395-5802

FACSIMILE (407) 391-3994

Domenic L. Grosso, P.A.

ATTORNEYS AT LAW
900 N. FEDERAL HIGHWAY
BOCA REFLECTIONS, SUITE 420
BOCA RATON, FLORIDA 33432

DOMENIC L. GROSSO

DEENA LYNN GANS

August 30, 1994

Mr. Sid J. White, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, FL 32399-1927

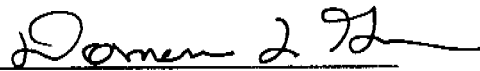
Re: The Florida Bar vs. Domenic L. Grosso
Supreme Court No. 82,776
The Florida Bar File No. 93-50,256(15F)
Reply to Answer Brief of The Florida Bar

Dear Mr. White:

Enclosed please find an original and seven copies of the Respondent's Reply to the Answer Brief of The Florida Bar.

Sincerely,

DOMENIC L. GROSSO, P.A.

By: 
DOMENIC L. GROSSO
Florida Bar #259837

DLG/wsp

cc: David Barnovitz, Esq.
John Berry, Esq.
John Harkness, Jr.
John A. Boggs, Esq.