IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

CASE NO. SC02-1752

TFB NO. 2003-10,102(6C)

v.

GENEVA CAROL FORRESTER,

Respondent.

AMENDED APPELLEE BRIEF

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PREFACE

The Appellants Brief is prepared with type font New Courier 12.

For the purposes of this Brief the Record is referred to as (R) which signifies that the facts stated are to be found in the Record on Appeal.

The numbers of the transcript are designated with consecutive pagination. The transcript of the trial before the referee in the trial court on Appeal will be referred to as (T-1, 2) meaning that the facts or testimony related in this Brief will be found in the Transcript of the final hearing held December 13, 2002, on page two. The deposition referred to as (R-D), represents the deposition of Carol De George taken November 23,2002. (R-C) represents the deposition of Attorney Steven Culbreath taken November 25, 2002. (R-K) represents the deposition of Joyce Klingensmith taken November 25,2005. (R-R) represents the deposition of Attorney Barry Rigby of the Florida Bar, taken December 10, 2002. Reference to the Exhibits admitted into evidence at trial will be identified in this Brief as either

Appellant’s or Appellee’s Exhibits, by the following identification. The Florida Bar, FB/Appellant’s Exhibits are referred to as (FB’s Ex). The Respondent, R/Appellee’s Exhibits admitted at trial will be referred to as (R’s Ex).

STATEMENT OF CASE

On August 6, 2002, The Florida Bar filed a Petition for Order to Show Cause why Respondent should not be held in contempt and disbarred for practicing law while under an Order of Suspension. On November 20, 2002, this Court entered four orders: (1) an Order denying Respondent's Motion to Dismiss the Petition for Interim Suspension; (2) an Order to Show Cause, commanding Respondent to show cause on or before November 25,2002, why she should not be held in contempt and disbarred for practicing law while under an Order of Suspension; (3) an Order granting the Bar's Motion for Interim Suspension, and suspending Respondent from the practice of law until further order of this Court, effective 30 days from the date of the Order; and (4) an Order designating the Chief Judge of the Thirteenth Judicial Circuit to immediately appoint a referee to conduct a hearing within seven days from the date of the assignment.

At final hearing on November 27, 2002, the Respondent under duress entered into at Conditional Plea for Consent Judgment, which the Referee accepted and along with demands that Respondent to enter into a “side agreement” to cover previous slander, libel and the wrongful prosecution of the (T-113, lines 17-25, 114, lines 1-25, 115, lines 1-9), (SC01-1819) this agreement has not been returned to

Respondent. This outlandish behavior must be standard abuse, the Judge made no inquiry.

Attorney Louis Kwall, member board of governors called Respondent, after she had called off her witnesses (SC-02-1752) and indicated if she did not sign a paper that the Florida Bar would take her license the next day. Respondent explained to Mr. Kwall that this was a "cover-up" for slander and liable action. Kwall stated the demand involved the Berry case, (SC00-813) 818 So.2d 477 (Fla. 2002).

On December 4, 2002, an emergency hearing was held on the Motion for Plea Colloquy. Respondent testified that she agreed to the Conditional Plea under duress and that the plea was based on false facts. The Referee indicated to the parties that he would withdraw his acceptance of the Conditional Plea and request an extension of time to conduct a complete hearing on he Bar's Petitions and Respondent's defenses. A final hearing was held in the matter on December 13, 2002.

STATEMENT OF FACTS

Respondent, Geneva Forrester was suspended from the practice of law for 60 days by order of the Court dated **May 16, 2002**. The suspension order read: **"'The suspension will be effective 30 days from the filing of this opinion so Ms. Forrester can close out her practice and protect the interests of her existing clients. Forrester shall accept no new business from the date this opinion is filed until the suspension is completed**.'" (T-21). The Florida Bar v. Forrester, 818 So.2d 477(Fla. 2002).

Respondent noticed all active clients and judges that her license was suspended for the period of **June 16, 2002 through August 15, 2002.** The office remained open with hired counsel and a secretary upon the advise of Attorney Henry Trawick, Attorney Scott Tozian and guideline of the Florida Bar and Bar Counsel Barry Rigby, from **June 16, 2002 through July 26, 2002**, when the office was closed.

Attorney William Lance Thompson of the Florida Bar knowingly filed a false pleading and an affidavit to initiate an action to disbar Respondent on **August 6, 2002.** Mr. Thompson was also counsel in The Florida Bar v. Geneva Forrester, SC01-1819. In SC1-1819, Mr. Thompson, filed false pleading that either he failed to investigate or intentionally filed falsely after investigating. When the

bogus nature of his pleading was again brought to his attention in Respondent's Response filed **June 21, 2002.** Thompson objected to the filing of the response as "untimely." He stated in open court that the **pleading was inaccurate. Mr. Thompson's motion for rehearing was denied.** Instead of correcting his error Mr. Thompson went forward to the Board of Governors to obtain authorization to appeal. (SC01-1819, 2nd Amended Brief, pg.10, July 17, 2003).

Mr. Thompson was additionally involved in the case of The Florida Bar v. Forrester, 818 So. 2d 477 (Fla. 2002), where Respondent was suspended for not quickly locating her own contract being sued upon during a deposition. Mr. Berry, (The Florida Bar's witness) presented false evidence that was inconsistent with the trial record, his previous testimony and his previous pleadings. Continued efforts by the Florida Bar to cover-up their false testimony and the false pleading have resulted in abusive retaliation and substantial financial loss to Respondent.

The green copy in the trial record reads: PLEASE RETURN EXECUTED GREEN COPIES TO OUR OFFICE. CALADESI CONSTRUCTION COMPANY CONTRACTOR, In bold print, ACCEPTED BY Palm Marsh. (SC-813, T-22, line 1, pg. 78, lines 3-5). Both attorneys for the Florida Bar knew that the pleadings and the

testimony presented to the Referee were false. The false prosecution and false testimony are the bases of the original suspension.

The misconduct of Florida Bar counsel in The Florida Bar v. Forrester, 818 So. 2d 477 (Fla. 2002), was brought to the Court and the Bar's attention by affidavit of witness Donald Hinrichs and by (SC00-813, Reply Brief, pg.5), complaint filed September 4, 2002, by Respondent.

The conduct of the prosecutors in knowingly presenting false testimony and filing false pleading in The Florida Bar v. Forrester, 818 So. 2d 477 (Fla. 2002), case SC01-1819 and this case, "…caused serious injury to the legal system and potentially serious injury…" The Florida Bar v. Cox, 794 So. 2d 1278 (Fla, 2001). As stated in Cox a prosecutor is "…is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done…He may prosecute with earnestness and vigor-indeed, he should do so. But which may strike hard blows, but he is not at liberty to strike foul ones."

Also see: The Florida Bar v. Agar, 394 So. 2d 405 (Fla. 1980). In Agar, the attorney failed to notify the

Court that a witness had used a false name in testimony. Mr. Thompson and Ms. Bloemendaal knowingly presented false testimony in The Florida Bar v. Forrester, 818 So. 2d 477 (Fla. 2002).

Mr. Thompson immediately moved to retaliate against Respondent after the **June 21, 2002, hearing.** The Florida Bar called Attorney Steven Culbreath and secretary Joyce Klingensmith, both parties understood that without their cooperation, Attorney Culbreath was in danger of "ruining his reputation and losing his license;"(R-K, 39, line 17).

The actions by the Florida Bar in all cases since the initial pleading involving Attorney Robert Merkel have been extreme. (T-4, line 21-25, 5,line 1-10)(T-175, line 18-19). Chief, Headquarters Discipline Counsel in Tallahassee, **Barry Rigby** indicated he had never filed an interim suspension in the eight years he had work for the Florida Bar, nor has attorney Tozian in 25 years seen an interim suspension. Order to Show Cause issued **November 20, 2002**, giving Respondent **until November 27, 2002**, to show cause why she should not be held in contempt and disbarred.

In the instant case, Respondent followed procedures as outlined by both of her attorneys: Henry Trawick and Scott Tozian. She notified all existing clients and judges on ongoing cases. Respondent worked vigorously to place all

existing clients. (T-86, lines, 3-8)(T-133-lines, 5-18)(T-179-184).

There was substantial difficulty relocating clients because some of the clients were on their seventh or eighth attorney and had not paid past attorneys, including Respondent. (T-178-180).

Respondent was in continual contact with both of her attorneys. Attorney Tozian was made available to answers questions for Attorney Culbreath as was Attorney Lee Greene. Respondent was advised by Attorney Trawick and Tozian that she could: act as office manager,
write checks, blued-out, "Law Offices," to pay office expense and salaries, "not hold herself out as an attorney." work as a paralegal or in a paralegal capacity in the office, volunteer in the office (T-195, lines 8-18). Continue to work as a business consultant, continue to try to find representation for unplaced clients.

Mr. Culbreath and Ms. Klingensmith were well aware of the "blued-out" checks they received. Klingensmith purchased the blue, Whiteout. Daily effort was made to comply with the suspension and to constantly remind everyone to be careful of full compliance. (R-K, 11-25-2002,pg. 23, lines 6-25).

There was no direction in the letter Attorney Rigby

dated June 26, 2002, as to the office signs. (T-113). However, soon after the confrontation in the denial of Mr. Thompson's motion in (SC01-1819) on June 21, 2002, Attorney Thompson contacted Attorney Tozian mailing him a 91 day suspension letter and indicating Respondent was in violation with the signs outside her office and her telephone listing had to be removed from the phone book. Removing the telephone listing would be impossible that time of the year and did not apply to 60-day suspensions.

Q Now, did there come a point in time when I called you concerning your signs?

A Yes.

Q And as a result of that telephone call, what did you do?

A I took the signs down immediately.

Q And did your signs go back up?

A Yes, they did.

Q Why did they go back up?

A Because you contacted Mr. Rigby, the Florida Bar, and he indicated it was satisfactory. I faxed you a letter confirming that, and I faxed Henry something on it, too…

Q Do you recall that I told you that the Bar was aware that your sign was still up?

A Yes. It was Mr. Thompson who had gotten in touch with you and he sent you a copy of a letter on a 91-day suspension—no, you sent me a copy of a 91-day suspension.

Q But as far as our communication, I advised you Mr. Thompson gave me a head's up about your sign didn't I?

A Yes. He told you that my signs were up.

Q So—and in response, you took the sign down?

A Right." (T-180-182).

Respondent advised Attorney Culbreath specifically that she was "…going to file a complaint against Mr. Thompson and I didn't need anything – and I didn't need anything done wrong in the office." (T-182, lines, 8-12). Respondent began immediately gathering documentation, and preparing the lengthy complaint that was filed September 4, 2002, with the Florida Bar.

Culbreath and Klingensmith unknown to Respondent began spending periods of time at the Florida Bar office in Tampa. Both Attorney Culbreath and secretary Klingensmith kept their own work hours.

Attorney Culbreath and Ms. Klingensmith decide it was

in their best interest not to tell Respondent of the telephone calls from the Florida Bar:

> "A I was not told to tell her or not tell her. I was just told to, you know, cooperate to the extent that I could.
>
> Q Cooperate with who?
>
> A With The Bar…
>
> A Well, like I said, I was never given a direct order not to talk to her at all cost. I was advised to cooperate….
>
> A I asked both gentlemen whether I should disclose it or not…
>
> Q And what response did you get?
>
> A It was my decision.
>
> Q And this—was this during the same conversation or during the same time in the conversation where you were encouraged to, quote cooperate with The Bar?
>
> A Yes.
>
> Q Did you interpret cooperation with The Bar to mean you shouldn't tell her?
>
> A I would think strategically that would be better for The Bar…. (R-C, pg.33-35). (Emphasis added).

Attorney William Lance Thompson and Steven Alexander Culbreath knowingly filed false pleadings and affidavits with the Florida Supreme Court to obtain the Order to Show Cause to disbar Respondent.

> "Q But <u>if you refused to sign it, you felt it could have negative implications for you, correct?</u>
>
> A <u>I think anybody in my shoes would assume that</u>. Whether it would be or not is a different issue. I read the affidavit; I felt it reflected what I had to say, and I signed it." (T-87, lines 16-21). (Emphasis added).

The Florida Bar filed a false affidavit, Affidavit of Steven Alexander Culbreath, dated August 1, 2002, attaching a form letter dated July 25, 2002, as exhibit A. Both Attorney William Lance Thompson and Steven Alexander Culbreath knew the pleading and affidavit was false at the time of filing.

Attorney William Lance Thompson and Attorney Steven Alexander Culbreath filed the pleading and affidavit to do harm to Respondent and to cause disbarment by presenting false statements to the Florida Supreme Court.

Attorney Culbreath prepared two letters for Respondent to mail to the Florida Bar. One letter was delivered his

last day of work and the second after he no long worked in the office. Culbreath composed, typed and supplied the letters to Respondent to deliver to the Florida Bar; Sara Nam both dated July 26, 2002. Respondent mailed the letter first delivered.

Both letters state: '"please consider this correspondence as notice of Ms. Forrester's employment within this office,"'(R-C, 79, lines 7-9).

Each letter is drafted slightly differently, but both letters indicate that:

"Ms. Forrester is performing various duties in this office, to include: doing legal research; giving advisory opinions based on her long-term experience; drafting, editing, and revising pleadings; and preparing correspondences, for my signature.

Furthermore, since June 16, 2002, Ms. Forrester has had no contact with new clients as stated under Rule 3-6(d) of the Rules Regulating The Florida Bar." (Exhibits, 17B, 17C).

The first letter was supplied to Respondent on the Friday after Culbreath left the office, the second on Monday of the following week. Mr. Culbreath was obviously not under "pressure" from Respondent to sign anything. He was no longer using Respondent's office space or was even around

Respondent. She was not paying Culbreath a salary. (R-C, 71, lines 13-19). (FB's Ex-B, C).

The Florida Bar has the power to bring an action to disbar Mr. Culbreath. The Affidavit presented by Mr. Culbreath and Mr. Thompson to the Florida Supreme Court was signed five days after he composed the above letters is inconsistent with his letters.

"Q this affidavit on August 1st, of 2002, did you tell Mr. Thompson that you signed the letter that says, open quotation marks, I need to notify you of the nature of Ms. Forrester's employment with this office, closed quotation marks, among other things?

A It's possible, yes.

Q You don't know?

A **I don't remember exactly. I'm getting a little confused on the time line. <u>Things are getting blurry</u>."** (Emphasis added). (R-C, 82, lines 1-10) Also see: (R-C,75-82).

CLIENTS: A I don't know. <u>I worked on</u>, maybe, four or five cases that were active at the time.

Q And can you name the clients?

A Ms. <u>De George</u>, Ms. ***<u>Hoffman,</u>*** Ms. <u>Barton</u>, and a few other minor clients where there was just

some sporadic work." (R-C, 48, lines 14-19). (Emphasis added).

Q And during that time period when --- before she was suspended while you were still working there, was there also a significant effort to try and wrap up some of the cases – some of the existing cases prior to the effective date of her suspension?

A Yes.

Q Ms. Forrester would leave the office – actually physically leave the office when new clients were going to come to the office?

A Correct.

Q And that was to avoid any confusion, correct?

A Yep.

Q And did you know that **she had no contact** with any new clients while you were in the office?

A **As far as I know.**

Q When you met with clients you met with them alone?

A Yes. (T-86, lines 3-21). (Emphasis added)

See Petition, dated August 6, 2002, paragraph 18 and paragraph 19:

"18. Since June 16, 2002 to July 26, the Respondent

has not removed her office sign that clearly states, ‘Law Offices of GENEVA FORRESTER.’

19. Since June 16, 2002, the Respondent has erected a new additional sign in front of her office that states ‘Law Offices of GENEVA FORRESTER.’”

The statements were false and known to be false by Attorney William Lance Thompson and Attorney Berry Rigby, of the Florida Bar. Not only are the above statements false, Attorney Culbreath helped remove the signs. No new or additional signs were added except Culbreath’s sign.

Attorney Berry Rigby was contacted for prior approval to put the signs back up. A directive to remove the signs was not contained in the letter to Attorney Henry Trawick. See letter of June 26, 2002, from Mr. Berry Rigby, and fax to attorney Scott Tozian confirming Rigby’s approval as to the signs. (T-110).

Attorney William Lance Thompson’s false statements were made to inflame the Court. Mr. William Lance Thompson stated that Respondent“… violated the public trust by continuing to hold herself out as a licensed attorney…”

Mr. Thompson made the false statements with full knowledge that they were false, and with the intent of causing harm to the Respondent.

Mr. William Thompson stated to the Court at the hearing on December 13, 2002, that the Florida Bar would "not go forward," on the issue of the signs. The statement of Attorney Thompson at the hearing does not eliminate the damage caused by the FALSE STATEMENT. This is the same procedure used in other cases by Mr. Thompson. See SC01-1819.

Mr. Thompson, Mr. Culbreath and Ms. Klingensmith had full knowledge that Respondent was a Business Consultant.

However, Attorney William Lance Thompson as an officer of the Court, with Attorney Culbreath's affidavit falsely represent to the Florida Supreme Court that Respondent had '…direct contact with this client and bills the client at the rate of $350.00 per hour for her services as a "business consultant." (FB-Affidavit).

Respondent bills all her consulting clients at a rate of $350 per hour. (T-156, lines 21-23). The Respondent had no direct contact with any legal clients after her suspension:

The Referee found that Respondent, Geneva Forrester, intentionally and willfully, not negligently, practiced law while under suspension. (Report, pg.9). The Referees' ruling was based upon: A. The Florida Bar Exhibits 2-14. "Although most of the changes were grammatical or stylistic,

some changes were substantive."(Report, pg.5) B. "She exerted control over her operating and trust accounts, and edited all time records and billing to clients.

Respondent also issued and signed all payroll checks. According to Ms. Klingensmith, nothing went out of the law office without Respondent's approval." (Report, pg.6). The Court further concluded that "Although Respondent did not personally meet with any existing or prospective clients during the course of her suspension, she did talk with one existing client, several times on the telephone. In her deposition, Ms. DeGeorge noted that Respondent informed her of the suspension.

The Court put the term business consultant in quotes, as did the Florida Bar to indicate that he did not believe the Respondent or Culbreath's testimony or Klingensmith's testimony that Respondent worked as a Business Consultant. Respondent during the suspension period billed Ms. DeGeorge at her "business consulting" rate of $350.00 per hour, the same rate Respondent bills as an attorney. The Court then follows through to mime the Florida Bar counsel:

"Respondent during the suspension period billed Ms. De George at her "business consultant" rate of $350.00 per hour, the same rate Respondent bills as an attorney." (Report, pg.6).

The Court heard testimony to support a determination that $350.00 per hour was the rate Respondent charged to other clients as a business consultant. There was no evidence to refute that rate was not reasonable, presented by the Florida Bar. Nor any testimony to refute Respondent's testimony that she has been a business consultant for some years and billed her other clients at that it rate if not more per hour.

The Referee without a hearing on the matter concludes on page 6 of his report: "The evidence completely fails to support Respondent's allegations that, during the course of the investigation, the Bar coerced or threatened Culbreath, Klingensmith, or any other witness. The Court reviewed the deposition of witness DeGeorge, but did not have a hearing on this matter or it appears review the deposition of Mr. Culbreath as to this issue.

Attorney Culbreath was not questioned as to threats of being disbarred. The affidavit filed by Mr. Culbreath is false and he admitted to such in his deposition:
He admitted his actual knowledge that Respondent was a business consultant and her actions as such were not inappropriate. (R-C, 60,lines 25, 61, lines 1-14).
He admitted he had total control and was satisfied with all pleadings and correspondence that he sent from the office

and that the only chances or editing contributed by Respondent was “grammar, organization, stylistic changes to (FB-Exhibits 1-14) and a history on the client. (T-87, lines 25, 88, lines 1-25)

There was no trust violations plead by the Florida Bar.

Attorney Steven Alexander Culbreath and Attorney William Lance Thompson clearly lied to the Florida Supreme Court on the issue of the Signs. (R-K, 43-46)(R-C, 53-54). Both Attorney Thompson and Rigby were involved when the signs were taken down and put back up. Attorney Culbreath admitted taking the signs down and putting his own sign up. (R-C, 50, lines 18-25).

Culbreath had full knowledge that Respondent had informed all clients she was suspended and lead the Florida Supreme Court to believe that this was being “hidden.”

> Q“…Ms. Forrester never told you to mislead anyone about her status?
>
> A No…”

Attorney Culbreath and Attorney Thompson attach a form letter to the Supreme Court Petition for Interim Suspension, knowing that Culbreath left his own composed letter on Friday and on Monday he composed and supplied an additional letter to be delivered to the Florida Bar. The attached

exhibit A was filed with the intent to defraud the Florida Supreme Court and to Cause the immediate suspension of Attorney Forrester. (R-C, 79-82).

Mr. Culbreath's Affidavit falsely stated:

"Since the time of her suspension, Geneva Forrester has not removed her office sign that clearly states, 'Law Offices of GENEVA FORRESTER.

The signs were taken down and not put back up until approval was obtained from Tallahassee.(T-181-lines 4-18) Attorney Culbreath helped remove the signs. Attorney Thompson was fully aware of this situation since he was in contact with Respondent's counsel, Attorney Tozian.

Mr. Thompson and Mr. Culbreath further knew this statement was false and made to inflame the Florida Supreme Court:

> "Since the time of her suspension, Geneva Forrester has new additional sing (sign) in front of her office that clearly states, 'Law Offices of GENEVA FORRESTER'."

Mr. Thompson and Mr. Culbreath have actual knowledge that this is not true. There was one less sign up and Mr. Culbreath's sign was up." (FB-Affidavit).

"Since June 16, 2002, the effective date of Geneva

Forrester's suspension, Geneva Forrester has been in her office every day for at least six hours per day."

Both Attorney Thompson and Attorney Culbreath knew that this statement was false. Respondent was in court with Attorney Thompson on June 21, 2002, she was out of the office every time Mr. Culbreath had a client in the office. He and Ms. Klingensmith did not keep regular business hours and took off half days to "visit" with the Florida Bar. Additional, Respondent was in Louisiana for three days working with Mr. Choi as a Business Consultant.

"A Out of town…

Q Okay. Do you know where she was?

A I forgot the city, but it was on a consulting job." (R-K, 15, lines 15-18).

"Since the time of her suspension, Geneva Forrester has had direct contact with this client and bills the client at the rate of $350.00 per hour for her services as a "business consultant." Both Attorney Culbreath and Thompson have full knowledge that Respondent has <u>not had direct contact with any clients</u> and has gone to extremes to avoid contact. Mr. Culbreath and Mr. Thompson also are aware that Respondent is employed as a business consultant for more clients than Ms. DeGeorge and that the rate charged all the clients as

appears on the billings is $350.00 per hour. The attempt by the Florida Bar is to mislead the Florida Supreme Court.

"…without her guidance, I would not be capable of providing her clients with competent representation." Mr. Culbreath was hired upon the recommendation of an old friend. He would spend weeks doing work that a paralegal did 6 months before.

Respondent refused to do his pleading although he continued to leave the work uncompleted. The pleading Respondent started prior to her suspension were finally sent out the day Culbreath left. Culbreath and Klingensmith filed them in the wrong case number. This was corrected after the suspension.

Evidently clerking, education and a license are not sufficient to qualify Attorney Culbreath to practice law. When Respondent was hospitalized for two days in 1991, Ms. Bloemendaal was kind enough to turn over Respondent's trial practice to an attorney with no experience. The practice was bringing in approximately $450,000. per year and the young man had never tried a case, had practiced only probate and had been in practice for 8 months. Respondents practice was in construction, domestic, probate, crime and civil, almost all litigation.

SUMMARY OF ARGUMENT

The Florida Bar brought a Petition for interim suspension knowingly based upon false allegations and a false affidavit of an attorney who was fearful of being disbarred. "…it was never explicitly promised one way or another. Nobody said, If you do this, then you'll be off scot-free…" (R-C, 36, lines 2-4). Attorney William Lance Thompson used Attorney Culbreath in what has become a long-term battle of abusive misconduct by Florida Bar counsel going back to 1990.

Mr. Culbreath's testifies in his depositions that Statements in his affidavit dated August 6, 2002, being used to disbar Respondent, were not true. (R-C, 53-54,60-61,69-83). Additionally, the record clearly shows that Attorney William Lance Thompson had full knowledge that the statements in his pleading and the attached affidavit where known to be false when filed. Knowing the severe consequences to Respondent, Attorney William Lance Thompson and Attorney Culbreath moved to harm, humiliate, intimidate and disbar Respondent.

Referee recommended Respondent be found guilty of contempt for willfully violating the terms of the Order of Suspension in Supreme Court Case Number SC00-00-813 dated May 16, 2002. (Report of Referee at p.8). The Referee

further found that Respondent intentionally and willfully, not negligently, practiced law while under suspension. (Report of Referee at p.9).

Florida Bar v. Williams 734 So.2d 417 (Fla. 1999). The Court cites no cases that support his finding of finding of guilt.

The Referees findings of facts and conclusions:
That Respondent was charged with knowing or discovering what constitutes the practice of law, even though completely defining the practice of law may be difficult, if not impossible, task. (Report of Referee at p.9, 10).
That Respondent maintained absolute control over her law office's billing, time records and banking during the period of suspension, which supports the conclusion, that respondent was continuing to engage in the practice of law. (Report of Referee at p.9). That Respondent made substantive changes to pleadings or letters prepared by the attorney in her office. (Report of Referee at p. 5).

The Referee's asserting that Respondent is guilty Because she could "know" what constitutes the practice of law, really means, what is conceived in court by Attorney William Lance Thompson.

Additionally, the Court indicated at the prior hearing and at the trial, that its focus would not be the misconduct of the Florida Bar.

The Referee concluded that Respondent was guilty because she knew or should have known what constitutes the practice of law related to contempt. Additionally, the Referee finds the Respondent guilty of the contempt of an order, without cases on point to fit his findings of fact. There is no competent evidence on the record to support the finding of guilt.

The Referee does not have the discretion to find Respondent guilty of willful or wantonly violating an order unless the order is sufficiently explicit or precise to put the party on notice. Keitel v. Keitel, 716 So. 2d 842, 844 (Fla. 4th DCA 1998). Rule 4-8.6(e) of the Rules of Professional Conduct makes it clear that an attorney may continue to have financial interest in her business during suspension of less than 91 days.

A judgment must be clear to violate the judgment. The Court does not specify how Respondent made substantive changes to pleadings or letters when Attorney Culbreath's testimony indicated that she did not. (T-87-88). There is no Rule or case law prohibiting such changes. There are no changes that were not *stylistic, grammar, organization or*

choice changes or a history of the client in the case, background. The Florida Bar v. Fortunato, SC01-2141.

Again Respondent will point out to the Court that although there are good employees of the Florida Bar, the branch office in Tampa is a problem. The Florida Board of Governors has realized a high level of abuse of power and certain members of the judicial system and attorneys take advantage of this dysfunction.

These acts have resulted in personal aggrandizement, self-gain, resulting from dishonest, selfish motives and bad faith obstruction of the disciplinary agency.

"The Bar has consistently demanded that attorneys turn 'square corners' in the conduct of their affairs. An accursed attorney has a right to demand no less of the Bar when it musters its resources to prosecute for attorney misconduct. We have previously indicated that we too will demand responsible prosecution of errant attorneys, and that we will hold the Bar accountable for any failure to do so." The Florida Bar v. Rubin, 362 So. 2d 12 (Fla. 1978).

False pleading and slanderous comments were repeatedly pointed out to be bogus and they did not terminated. The Florida Bar v. Adams, 641 So. 2d 399, (Fla.1994). The damage to Respondent and Respondent's clients continued.

I. ARGUMENT ON POINT ONE

THE RESPONDENT DID NOT WILLFULLY VIOLATE THIS COURT'S ORDER OF SUSPENSION OR CONTINUE TO PRACTICE LAW. THE RESPONDENT HAS NOT ACTED IN A MANNER TO WARRANT DISBARMENT

A. DISBARMENT IS NOT AN APPROPRIATE SANCTION.

Before the Florida Bar goes forward on Count One of its appeal it must state what grounds it has for showing that the Court erred in some manner. Mr. Thompson cites no grounds and goes forward with no reason.

The Florida Bar v. Lecznar, 690 So 2d 1284 (Fla. 1997) the Court state: "…the referee in a Bar proceeding again occupies a favored vantage point…we will not second-guess a referee's recommended discipline as long as that discipline has a reasonable basis in existing case law…"

Mr. Thompson has cited The Florida Bar v. Ross, 732 So. 2d 1037 (Fla. 1998), involve a party who solicited a bribe in exchange for deposition testimony. Neither Ross nor The Florida Bar v. Brown, 635 So. 2d 13 (Fla. 1994) appear to relate to Respondent's case. In Brown there are no facts except that the Respondent failed to respond and was "practicing" law. No case has interpreted "practicing law quite as broadly as Mr. Thompson and the Referee: running

into a former client at the grocery store and not turning around and running the other way:

> "THE COURT: ... "if you see them in the grocery store you're supposed to turn around and walk away…
>
> MR. THOMPSON: Yes Your Honor." (T-165, line 2-8).

It is not Respondent's wish to harp on past injustices. However, if the Florida Bar insists on discussing discipline history, the Court will remember that Respondent is anxious for an investigation into this matter. Being not guilty is a burden and it makes the Florida Bar angry.

Contrary to The Florida Bar v. Greene, 589 So. 2d 281 (Fla. 1991) Forrester went to great extremes not to write a pleading, not to be in the office if a client was present and asked to see what when out the door to watch for letterhead. Still letterhead went out probably because of the hostility caused by the Florida Bar. Being around a person under attacked by the Florida Bar is not pleasant.

Argument A fails.

B. THE REFEREE'S RECOMMENDATION DOES NOT HAVE A REASONABLE BASIS IN LAW.

Mr. Thompson does cite the Court to The Florida Bar v. Lecznar, 690 So. 2d 1284 (Fla. 1997), he then goes forward

to The Florida Bar v. Golden, 563 So. 2d 81 (Fla. 1990) and The Florida Bar v. Pipkins, 708 So. 2d 953 (Fla. 1998).

The cases cited do not appear to be on point. However, it is agreed the Court does not have case law to support a finding of guilt.

There has been no Rule cited and no case law cited to support the Court or Mr. Thompson's concept of guilt. Respondent went to great lengths to avoid even the appearance of practicing law. She was not in the office when clients were present. She asked to see anything that left the office to check for letterhead. She blued out the word "Law Office" from checks as directed by her attorneys.

Respondent called two attorneys and checked with the Florida Bar to get details on how to make sure there were no problems. She told the Attorney and secretary not to do anything to cause problems. Respondent refused to write any pleadings for the young attorney although he continued to ask.

The Evidence Supports The Conclusion That Respondent "Took Substantial Steps To Eliminate All Pending Cases."

Mr. Thompson is having a real hard time with the truth as presented. On page 22 of his brief he wants us to believe Respondent had " eight active clients."

No one testified respondent had any active clients. Respondent has people that owe her money. She referred three clients to Attorney Culbreath. One didn't pay. One paid and the money was refunded, the other was billed but the bill was adjusted to eliminate his charges. Both Culbreath and Klingensmith produced nothing between June 16 and August 26, 2002, the loss, about $30,000. (T-186, 3-5).

Mr. Thompson has no concept of the gross damage he and Ms. Bloemendaal have done with the Berry case, (SC00-813) 818 So.2d 477 (Fla. 2002). Their greed and game playing over the years have caused many indigent older people their judgments. Because Respondent was suspended many cases were damaged (T-187-188).

Because Respondent has been under constant attack she has not been able to work on the advancements in the school system in Pinellas County for diversity. That was the reason for Ms. Graham's case. Respondent recently was involved in three race, age, and housing discrimination cases in Federal cases. No one takes over.

The fake charges go back to the adoption case in 1990, when Mr. Merkel wanted the name of the natural mother and Respondent was getting threatening phone calls at home. Ms. Bloemendaal like Mr. Thompson did not following the rules.

On page 23 of Mr. Thompson's brief he indicates that the record shows on only three specific cases that were transferred. Please review the record. The Florida Bar is not going to have any better luck placing Respondent's hard to place clients than Respondent has had. Respondent worked for months looking for housing attorneys and did not find a replacement any place in the country. (T-187-189). "I started the Bay (Debate) Club in high school. I worked with friends setting up one of the first Head Start programs in the nation; I worked in setting up Woman's. displaced homemakers in Pinellas County…politically active,"(T-189, lines 12-18). "…a couple hundred thousand or more of pro bono work every year." (T-188, line 25, 189,line 1).

Mr. Thompson's comment on the bottom of page 23 is offensive. The loss to keep the office open from June 16 through August 26, 2002 was approximately $30,000.

D. THE EVIDENCE DOES NOT SUPPORT THE REFEREE'S CONCLUSION THAT THE RESPONDENT ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW IN "LIMITED CASES," IT SUPPORTS THE CONCLUSION THAT RESPONDENT WENT TO EXTREMES TO AVOID THE PRACTICE OF LAW OR THE APPEARANCE OF THE PRACTICE OF LAW. NO CASES.

Mr. Thompson has used propaganda terminology to get the Court to first react and then seek a rationalization thereafter. Too many of these cases are emotional over reactions and Bar counsel is "playing the tune." Respondent refers a client. She is a "conduit." If Respondent went to dinner with former clients before suspension and referred them to Culbreath, she violated her listing of former clients because the new client was not on the list. Respondent's attempt to protect herself from letterhead getting out became Mr. Thompson and the Referee's big evidence: Respondent wanted to see everything that went out.

Obviously, Mr. Culbreath and Ms. Klingensmith did not consider Respondent in anyway in control. Letterhead went out and was introduced into evidence. Mr. Culbreath and Ms. Klingensmith set their own hours and spent half days or more at the Tampa Bar office and were paid by Forrester. Both reported to Mr. Thompson and were hostel to Respondent.

There is no evidence that Respondent acted as a conduit. Respondent had no control over the office or the material that went out of the office. Corrections on bills were mainly made after the suspension. The case cited by Mr. Thompson of The Florida Bar v. Greene, 589 So. 2d 281 (Fla. 1991) is not applicable. Respondent had no clients

during the time of the suspension whether paying or not paying. She did not give legal advise to good friends or relatives.

Contrary to what Mr. Thompson and Mr. Culbreath would like it to be, Respondent refused to practice law during the suspension period.

E.

THE RECORD SUPPORTS ONLY THAT ATTORNEY WILLIAM LANCE THOMPSON ATTEMPTED TO SOLICIT FALSE STATEMENTS AND RECEIVED FALSE STATEMENTS FROM ATTORNEY CULBREATH IN THE FORM OF AN AFFIDAVIT THAT WAS ATTACHED TO THE PETITION FOR INTERIM SUSPENSION DATED AUGUST 6, 2002 AND USED TO DESTROY THE BUSINESS AND REPUTATION OF RESPONDENT.

This kind of ongoing misconduct by the Florida Bar office is the reason the Tampa Florida Bar is able to continue to harm attorneys and their clients. There is no policing of false pleading and continual slander of attorneys. Complainant has a history of false charges. Speaking out against these charges has subjected Respondent only to more false charges, harassing phone calls and threats from Complainant.

The letters that Mr. Culbreath supplied to Respondent were dated the day he left, July 26, 2002. Respondent could not force a person that was no longer anywhere near her to leave a letter, much less bring a second letter back the following Monday. Query, Why does the Florida Supreme Court continue to believe the false pleadings filed by Complainant?

Attorney Culbreath and Attorney Thompson attached a form letter to the Supreme Court Petition for Interim Suspension, knowing that Culbreath left a letter he had composed on Friday and on Monday he composed and supplied his second letter to be delivered to the Florida Bar. The Florida Bar's Exhibit (FB-Affidavit) was filed with the intent to defraud the Florida Supreme Court and to Cause the immediate suspension of Attorney Forrester. (R-C, 79-82). Why did the affidavit contain false statements about the signs, "consulting", seeing a client, having any clients that affiliate admitted under oath were not true? This action has intentionally caused grave damage to Respondent's reputation.

F. RESPONDENT'S PAST HISTORY DOES NOT WARRANT DISBARMENT. IT SHOULD DRAW THE ATTENTION

TO THE DEFECTS OF THIS SPECIFIC OFFICE AND JUDICIAL SYSTEM. ATTEMPTS TO RESOLVING THE ONGOING HOSTILITY HAVE BEEN USELESS. ATTEMPTS AT JUSTICE HAVE RESULTED IN HARASSMENT.

Mr. Thompson is again suffering from a desire to harm that is not appropriate to the court system and certainly not appropriate to the grievance system and his position with the Florida Bar. There is no evidence that Respondent is "doing harm." An investigation by an objective panel will show substantial harm caused by Mr. Thompson and Ms. Bloemendaal to Respondent and her clients. The legal profession and the legal system are grossly damaged when false pleading continue, good attorneys are not allowed to help indigent clients and attorney commit suicide and leave the profession based on the erratic wrongful abuse from the Tampa ethics office.

Mr. Thompson of course wrongfully states the charges. The items are listed by the Court in 818 So. 2d 477, (Fla. 2002), Respondent's desire to keep the office open and avoid clients filing claims saying they had been "over charged" and to assist Ms. De George until counsel for her could be found, was unsuccessful.

II. ARGUMENT ON POINT TWO

THE REFEREE ERRED BY REQUIRING THAT THE BAR PROVE "BEYOND A RESONABLE DOUBT" THAT RESPONDENT VIOLATED THE ORDER OF SUSPENSION.

A. CONTEMPT PROCEEDING ARE GOVERNED BY THE RULES REGULATING THE FLORIDA BAR, HOWEVER THAT DOES NOT SET THE RULES FOR CONTEMPT, THE REFEREE IS CORRECT IN DETERMINING THE GUIDELINES AS TO A REASONABLE DOUBLE.

B. THE TRIAL COURT HAS APPLIED THE APPROPRIATE STANDARD.

C. DISBARMENT AND CONTEMPT ARE SERIOUS ISSUES THAT REQUIRE CLEAR STANDARDS.

Complainant has again failed to show a reason for not following the Referee's thoughts on this issue. The Florida Bar v. Lecznar, 690 So 2d 1284 (Fla. 1997) the Court state: "…the referee in a Bar proceeding again occupies a favored vantage point…we will not second-guess a referee's recommended discipline as long as that discipline has a reasonable basis in existing case law…" and therefore the argument fails. The reference to The Florida Bar v. Quick, 279 So. 2d4 (Fla. 1973) does not relate to this issue.

It appears that opposing counsel is more intent on arguing that Respondent did not remove her signs, as in The Florida Bar v. Brigman, 322 So. 2d 556 (Fla. 1975) then considering the substance of this argument.

The issue of the signs was filed knowingly by Complainant to inflame the Court. There are no grounds for a finding of disbarment on contempt on any standard. Complainant has failed to meet the level of interest that would generate the Court "second-guess"(ing) the standard.

III. ARGUMENT ON POINT THREE

THE REFEREE ABUSED HIS DISCRETION WHEN HE FOUND RESPONDENT GUILTY OF CONTEMPT

A. THE REFEREE HAS FAILED TO APPLY EXISTING LAW TO THE FACTS.

The Referee does not have the discretion to find Respondent guilty of willful or wantonly violating an order unless the order is sufficiently explicit or precise to put the party on notice. Keitel v. Keitel, 716 So. 2d 842, 844 (Fla. 4th DCA 1998). The Court cites no case law or rule to show that a 60 day suspension prohibits Respondent from: writing payroll OK'ed by her attorneys, editing pleading, correcting billings, all actions approved by counsel and the Florida Bar. Rule 4-8.6(e) of the Rules of Professional Conduct clear states that an attorney may continue to have financial interest in her business during suspension of less than 91 days.

B. THE REFEREE DID NOT REVIEW THE BACKGROUND PRESSURE EXERTED ON WITNESSES.

The Referee indicated early in the Case that he would not be proceeding into the issues of fraud. The outlandishness of the rushed affair starting in the afternoon and going into the evening pleased no one but Attorney Thompson. Certainly not Respondent who's reputation and ability to support a family was being damaged. (T-14, lines 11-15).

However, it is clear from the ruling that the Referee did not review the Depositions of Culbreath and Klingensmith as to the pressure exerted on Attorney Culbreath if he did not cooperate with Mr. Thompson.

C. THE FLORIDA BAR CANNOT PROCEED TO FILE FRIVOLOUS ACTIONS AGAINST MEMBERS OF THE FLORIDA BAR AS PERSONAL GRIEVANCES AND BE PROTECTED.

Respondent at this point is not enthusiastic about the concept that the judiciary will improve the actions of the Florida Bar grievance procedure. The action by this Court in this contempt action indicates no insight into long-standing and well-known problems. Failure of action for such a long period of time indicates that the

type of behavior that is presently pervasive is acceptable to the Florida Supreme Court.

The outlandish charges and convictions show that level of corruption is beyond Respondent's clean-up powers. Maybe in another day before Respondent was so fully disgusted with the judicial system and corruption. It is discouraging. The Florida Bar v. Rubin, 362 So. 2d 12 (Fla. 1978).

Respondent has obviously been "preaching" reform for many years. The folks in the Tampa Bar office have been doing wrongful deeds, but the stage was set. The Florida Supreme Court and attorneys of Florida encouraged the filing of false pleading when they gave the Florida Bar attorneys, Board of Governors and the committees immunity and no supervision. They can break ethics rules and believe they are free from ethics violations and are above the law.

The stage was set and nothing is done to stop the damage that results to many attorneys from the abuses that followed. The result was inevitable.

IV. ARGURMENT ON COUNT FOUR

THE RECOMMENDED DISCIPLINE OF THE REFEREE IS EXCESSIVE.

Florida Bar v. Williams 734 So.2d 417 (Fla. 1999). The Court cites no cases that support his finding of finding of guilt and no cases on point to support the punishment imposed.

As opposed to the many cases cited by Complainant for one-year suspension and disbarment, none of the cases cites show the substantial evidence of extensive attempts to comply with the suspension, none of the cases cited are on point.

The very aim at complying, watching what went out of the office is cited by the Referee as noncompliance. The signs, record keeping and "blued out checks, all cleared with two to three attorneys, one from the Florida Bar are cited as non compliance by the Referee. None of these activities violate case law or Bar Rule.

The Referee cited no exhibit to support the determination that some corrections were more then "*grammatical or stylistic*" the court said, "…some changes were substantive. Florida Exhibits 2-14."(Referee Report-pg.5). Attorney Culbreath disagreed he said all of Exhibits 2-14 were *grammatical or stylistic, (*T-87-90). He was unable to point out any changes that were not stylistic, grammar, and organization changes. A "substantive change" to a pleading or letter is not practicing law. As in The Florida Bar v. Williams, 753 So. 2d 1258 (Fla. 1258), the burden is on the Respondent. However, in the instant case, the pleadings and the Affidavit came in as a fraud. The Respondent has been unreasonably harm by the willful

misconduct of Bar counsel and was in full compliance with the Court's order.

The Referee was seeking a way to comply with the court's directive and was misguided by intentional false pleading of Complainant. Misconduct By Bar Counsel Should Not Be Encouraged. The Referee Does Not Have The Authority To Create Law, Nor Does Attorney Thompson. THE RECOMMENDED DISCIPLINE OF THE REFEREE IS EXCESSIVE AND THE FINDING OF GUILT SHOULD BE REVERSED.

CONCLUSION

No evidence was presented to support a finding of contempt. The Referee has exceeded his discretion by finding Respondent guilty of willful or wantonly violating an order without a sufficient finding of the elements of the order or how Respondent violated the order. The finding of contempt should be reversed. The Complainant failed to show grounds to disbar the Respondent. Complainant has a history of filing false, harmful and grandiose pleading with the Court. The pleadings and affidavit are false and known to be false at the time of filing. No case law or rule was used to support the finding of guilt as to practicing law.

Respectfully submitted

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Geneva Forrester

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Brief has been furnished by U.S. Mail to the Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399 and U.S. Mail to Attorney William Lance Thompson, Assistant Staff Counsel, The Florida Bar, Tampa Airport Marriott Hotel, Tampa, Florida 33607 and by U.S. Mail to Attorney John A. Boggs, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 this 2th day of September, 2003.

_____
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CERTIFICATE OF FONT SIZE, STYLE, and VIRUS SCAN

I HEREBY CERTIFY that the foregoing Brief was prepared on New Courier, in 12 point and the computer disk enclosed with the brief has been scanned and found to be free of viruses, by Norton Anti virus.

_____
Geneva Forrester