

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Supreme Court Case No. SC-

Complainant,

The Florida Bar File
No. 2018-30,078(18B)

v.

PAUL EDWARD BROSS,

Respondent.

_____ /

FORMAL COMPLAINT FOR RECIPROCAL DISCIPLINE

The Florida Bar, complainant, files this Complaint against Paul Edward Bross, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on October 18, 2000, and is subject to the jurisdiction of the Supreme Court of Florida.
2. In addition to membership in The Florida Bar, respondent was admitted to the bar of the U.S. District Court for the Middle District of Florida and is subject to its jurisdiction.
3. This is a reciprocal discipline action, based on an Order dated July 24, 2017, which imposed a six-month suspension on respondent from practicing law before the U.S. District Court for the Middle District of Florida. A copy of the Order is attached hereto as Exhibit "A."

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4. The suspension was based on the following conduct:

A. By Order dated April 5, 2017, U.S. District Judge Roy B.

Dalton, Jr., referred respondent's pattern of misconduct to the Chairman of the Grievance Committee for the Orlando Division of the Middle District of Florida of the U.S. District Court. A copy of the April 5, 2017 Order, hereinafter referred to as the Referral Order, is attached hereto as Exhibit "B."

B. The Referral Order detailed a pattern of misconduct on the part of respondent during the pendency of two federal court cases, Perez v. Harrelson, No. 6:15-cv-879-Orl-37GJK, and Kent v. Brown, No. 6:15-cv-880-Orl-37TBS.

C. The Grievance Committee for the Orlando Division of the Middle District of Florida of the U.S. District Court conducted an investigation based upon the Referral Order received from the Honorable Roy B. Dalton, Jr., and prepared a Report and Recommendation of The Grievance Committee dated July 5, 2017. Attached hereto as Exhibit "C."

D. In its Report, The Grievance Committee summarized respondent's misconduct in the Perez matter as follows:

- (1) failing to respond to initial motions to dismiss;
- (2) responding to a subsequent motion to dismiss late;
- (3) failing to timely file an amended complaint, resulting in dismissal with prejudice of two of his client's

claims; (4) failing to meet discovery deadlines; (5) failing to provide sufficient discovery responses; (6) not complying with Local Rule 3.01(g)'s requirement to meet-and-confer with opposing counsel; (7) failing to timely respond to motions for summary judgment; and (8) failing to respond to a motion for sanctions.

E. In its Report, The Grievance Committee summarized respondent's misconduct in the Kent matter as follows:

(1) failing to file a case management report; (2) failing to serve a key defendant; (3) not responding to the Court's show cause orders, resulting in dismissal of that key defendant; (4) failing to timely file an updated case management report; and (5) failing to timely respond to a motion for summary judgment.

F. The Referral Order also referenced other cases in which respondent engaged in misconduct: Morrison v. City of Holly Hill, No. 6:16-cv-1809-Orl-31TBS, for failing to communicate with opposing counsel and lack of prosecution; Truex v. City of Palm Bay, No. 6:16-cv-1810-GKS-TBS, for failing to timely file an amended complaint, resulting in dismissal with prejudice of the case; and, Pellechio v. Grose, No. 6:15-cv-1056-Orl-41GJK, for failing to timely respond to discovery motions and court orders, resulting in sanctions.

G. In addition to respondent's misconduct detailed in the Referral Order, the investigation of the Grievance Committee of the Orlando Division of the U.S. District Court of the Middle District of Florida revealed further

issues with respondent's conduct.

H. Respondent failed to appear at depositions on multiple occasions, canceled depositions at the last minute, appeared late to mediation and he failed to satisfy monetary sanction obligations.

I. The Committee's investigation further found that respondent's "failures to respond to phone calls (including those required by Local Rule 3.01(g)), letters, and emails were even more pervasive than the Referral Order suggested."

J. The Committee also received writings from several of respondent's colleagues who appeared opposite him that advised in detail of how respondent's conduct had cost them a significant amount of time and money.

K. Respondent also failed to respond timely to the Committee's letter providing him the opportunity to respond to the issues raised by the Referral Order.

L. Overall, the Committee stated in its recommendation, the following:

In sum, [respondent] has demonstrated widespread, consistent failures: to timely file, to timely respond to the Court, to appear in Court and elsewhere when required, to timely respond to opposing counsel, to take on too much work, and to properly manage, organize, and calendar his cases. Such actions and

inactions have been prejudicial to the administration of justice.

The Committee recommends that the Court find that [respondent's] conduct has violated the following Florida Rules of Professional Conduct: Rule 4-1.3 requiring diligence; Rule 4-3.2 prohibiting dilatory conduct; and Rule 4-3.4 requiring fairness to the opposing party and opposing counsel. The Committee further recommends that the Court find that [respondent's] conduct has violated the following Local Rules of the U.S. District Court for the Middle District of Florida: Rule 2.04(f) requiring cooperation compliance with the Grievance Committee; Rule 2.04(h) requiring cooperation among attorneys to prevent delay; and Rule 3.01(g) requiring prompt meeting and conferral.

M. Accordingly, the Committee recommended that the U.S. District Court for the Middle District of Florida enter an Order suspending respondent from the bar of the U.S. District Court for the Middle District of Florida for a minimum period of six months, prohibiting respondent from taking on new cases in the Middle District of Florida, and setting specific reinstatement conditions, which must be met before respondent is permitted to petition the bar of the Middle District of Florida.

N. By Order dated July 24, 2017, the Honorable Roy B. Dalton, Jr. adopted the Grievance Committee's Report and Recommendation, with one exception. The Court declined to impose additional monetary sanctions *sua sponte* or allow opposing counsel the opportunity to move for the imposition

of fees as a consequence of the Order.

5. By operation of Rule 3-4.6, Rules Regulating The Florida Bar, the Order of suspension from the U.S. District Court for the Middle District of Florida shall be considered as conclusive proof of such misconduct in this disciplinary proceeding.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal; a copy has been furnished by United States Mail, via certified mail No. 7017 0190 0000 0892 3081, return receipt requested to Respondent, Paul Edward Bross, whose record bar address is 50 N. Grove Street, Merritt Island, Florida 32953-3440, and via email to Pleadings@brosslawfirm.com; with a copy by email to Karen Clark Bankowitz, Bar Counsel, kbankowitz@floridabar.org, on this 8th day of December, 2017.

Adria E. Quintela

ADRIA E. QUINTELA
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Karen Clark Bankowitz, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424, kbankowitz@floridabar.org; Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.