

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

PAUL EDWARD BROSS,

Respondent.

Supreme Court Case
No. SC-

TFB File Nos. 2016-30,574(9C) and
2016-30,993(9C)

COMPLAINT

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. Respondent resided in Brevard County, Florida, and practiced law in Brevard County, Clay County, and Sumter County at all times material.
3. The Ninth Judicial Circuit Grievance Committee "C" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

COUNT I
[TFB File No. 2016-30,574(9C)]

The Florida Bar realleges paragraphs one through three above and further states:

4. Respondent represented the defendant in State v. Jackson, Case No. 2015-CF-000413, in the Circuit Court of the Fourth Judicial Circuit, in and for Clay County, Florida.

5. Respondent failed to appear in court on behalf of his client on August 17, 2015, August 31, 2015, September 3, 2015, and January 5, 2016.

6. In each instance, respondent failed to timely provide the court with sufficient notice that he would be unable to appear.

7. Respondent also failed to adequately resolve his scheduling conflicts and failed to secure the necessary court coverage.

8. On August 17, 2015, respondent's office faxed a Notice of Conflict to the judge's office at 9:30 a.m., advising the court of respondent's inability to appear for the 9:00 a.m. pretrial conference due to respondent's conflicting court matters in Brevard County, Florida.

9. On August 31, 2015, respondent's office e-filed at or about 8:47 a.m. a Notice of Conflict in the Clay County matter, advising the court that respondent had conflicting court appearances in Brevard County, Florida, thus precluding his appearance at the 9:00 a.m. pretrial conference in Clay County, Florida.

10. On September 3, 2015, respondent was in a multiple day criminal trial in Brevard County, Florida, preventing him from appearing for the September 3, 2015, pretrial conference in Clay County, Florida.

11. On the January 5, 2016 sentencing date, respondent appeared late after handling court matters that were scheduled in Brevard County, Florida. At the time of respondent's arrival, court had already concluded for the day.

12. Respondent's client was sentenced and remanded to begin his prison sentence without the benefit of counsel at the sentencing hearing.

13. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

a. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

b. 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

COUNT II
[TFB File No. 2016-30,993(9C)]

The Florida Bar realleges paragraphs one through three above and further states:

14. Respondent represented the defendant in State v. Roop, Case No. 2016-MM-93, in the Circuit Court of the Fifth Judicial Circuit, in and for Sumter County, Florida.

15. Respondent failed to appear and failed to adequately resolve scheduling conflicts or secure court coverage for the Case Management Conference, held on April 25, 2016, and the Sounding Docket, held on May 10, 2016.

16. Respondent relied on others to assist him in resolving the conflicts and he incorrectly believed that the conflicts had been resolved.

17. On May 20, 2016, the court issued an Order Setting Case Management Conference for May 31, 2016, and Trial for June 6, 2016.

18. On June 15, 2016, The Honorable Paul L. Militello, Sumter County Court Judge, issued an Order to Show Cause which stated respondent failed to appear and failed to adequately resolve scheduling conflicts or secure court coverage for the Case Management Conference held on April 25, 2016 and the Sounding Docket held on May 10, 2016. The order also noted that respondent did not appear for the Case Management Conference on May 31, 2016 and Trial on

June 6, 2016. The Order to Show Cause directed respondent to personally appear on July 15, 2016, at 8:30 a.m., to show good cause why he should not be held in contempt for having willfully failed to comply with the court's orders.

19. Respondent denied that his firm received notice of the May 20, 2016 order setting the May 31, 2016 and June 6, 2016 court dates.

20. Therefore, respondent failed to appear for the Case Management Conference on May 31, 2016, as well as for the scheduled Trial on June 6, 2016.

21. Respondent appeared before Judge Militello on July 15, 2016, as ordered by the court, and the defendant pled to the charges on the same date.

22. On July 15, 2016, Judge Militello dismissed the Order to Show Cause after respondent appeared and offered an explanation that his actions were not willful.

23. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

a. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

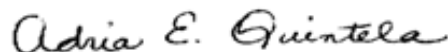
b. 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court

personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

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



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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. 7016 0750 0000 3623 7461, return receipt requested, to Paul Edward Bross, Respondent, 50 N. Grove Street, Merritt Island, Florida 32953-3440, and via email at pleadings@brosslawfirm.com; and to Karen Clark Bankowitz, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, via email at kbankowitz@floridabar.org, on this 19th day of January, 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.