

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Case No. SC02-1752
TFB No. 2003-10,102(6C)

Complainant,

vs.

GENEVA CAROL FORRESTER

Respondent.

_____ /

THE FLORIDA BAR'S REPLY BRIEF
AND ANSWER BRIEF ON
CROSS PETITION FOR REVIEW

William Lance Thompson
Assistant Staff Counsel
The Florida Bar
5521 W. Spruce Street, Suite C-49
Tampa, Florida 33607
(813)875-9821
Florida Bar No. 051349

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SYMBOLS AND REFERENCES

In this Brief, The Florida Bar, Petitioner, will be referred to as “The Florida Bar” or “The Bar.” The Respondent, Geneva Carol Forrester, will be referred to as “Respondent.”

“TR” will refer to the transcript of the final hearing before the Referee in Supreme Court Case No. SC02-1752 held on December 13, 2002.

The Report of Referee dated December 17, 2002, will be referred to as “RR.”

“TFB Exh.” will refer to exhibits presented by The Florida Bar and “R. Exh.” will refer to exhibits presented by the Respondent at the final hearing before the Referee in Supreme Court Case No. SC02-1752.

“DeGeorge Depo.” will refer to the transcript of the deposition of Carol DeGeorge, conducted on November 23, 2002.

“Rigby Depo.” will refer to the transcript of the deposition of Barry W. Rigby, conducted on December 10, 2002.

“Rule” or “Rules” will refer to the Rules Regulating The Florida Bar. “Standard” or “Standards” will refer to

Florida Standards for Imposing Lawyer Sanctions.

STATEMENT OF THE FACTS AND OF THE CASE

The “Statement of Case” and “Statement of Facts” in Respondent’s Brief contain numerous references to matters that are not part of the record on appeal in this case. Respondent quotes extensively from deposition transcripts which were not entered into evidence in these proceedings. Respondent uses her “Statement of Facts” to make improper arguments, including spurious attacks on The Florida Bar and Bar counsel. The Bar respectfully suggests that the “Statement of the Case” and “Statement of the Facts” contained in the Bar’s Initial Brief more accurately reflect the record in this case.

SUMMARY OF THE ARGUMENT

The Referee's finding that the Respondent intentionally and wilfully practiced law while under an order of suspension is supported by competent and substantial evidence in the record. The evidence shows that Respondent attempted to circumvent the Order of Suspension by actively supervising a young associate and office paralegal, contacting at least one existing client, and exercising total control over the financial side of her law practice. The Referee's recommendation that Respondent be found guilty of contempt should be upheld by this Court.

Respondent's allegations that the Bar solicited false statements from a witness and knowingly filed false

pleadings are completely without support in the record. Respondent's accusations of misconduct against the Bar are merely an attempt to deflect attention from her own misconduct.

The Order of Suspension was not too vague to support a finding of contempt. The Order was clear and definite in prohibiting Respondent from practicing law while suspended. The Rules Regulating The Florida Bar and the case law provide sufficient notice to attorneys in determining what constitutes the practice of law.

Given Respondent's intentional violation of an Order of this Court and her extensive disciplinary history, disbarment rather than a one-year suspension is the appropriate sanction in this case.

ARGUMENT

I. THE REFEREE'S FINDING OF CONTEMPT IS SUPPORTED BY COMPETENT AND SUBSTANTIAL EVIDENCE IN THE RECORD.

A. The evidence supports the Referee's finding that Respondent intentionally and wilfully practiced law while under an order of suspension.

The Referee concluded that the evidence presented at the final hearing established beyond a reasonable doubt that Respondent intentionally and wilfully, not negligently, practiced law while under an order of suspension.

(RR 9). Respondent argues that the Referee erred in finding her guilty of contempt for violating the Order of Suspension. She claims there is no competent evidence to support the Referee's finding of guilt.

In attorney disciplinary proceedings "a referee's findings of fact are presumed correct and this Court will not reweigh the evidence and substitute its judgement for that of the referee as long as the findings are not clearly erroneous or lacking in evidentiary support." Florida Bar v. Beach, 675 So. 2d 106, 108 (Fla. 1996). In order to successfully challenge the Referee's findings, Respondent must demonstrate "that there is no evidence in the record to support [the referee's] findings or that the record evidence clearly contradicts the conclusions." Florida Bar v. Spann, 682 So. 2d 1070, 1073 (Fla. 1996). The Respondent has not met her burden of demonstrating that the Referee's findings in this case lack evidentiary support or are clearly erroneous. The evidence in the record supports the Referee's finding that Respondent actively supervised an associate attorney and paralegal, and totally controlled the financial side of her law practice. (RR 8).

Respondent claims she went to great lengths to avoid the appearance of practicing law, and relied on the advice of her attorneys and The Florida Bar regarding what she was permitted to do during her suspension.

Respondent denies having any control over her law office or the documents that went out of the office during the period of her suspension. She claims she had no direct contact with clients during her suspension, and no active client files during this period. Respondent denies spending six hours a day in her law office during the suspension. She acknowledges that she reviewed documents going out of the office, but claims she did so only to ensure that her law firm letterhead was not used during the suspension. Respondent maintains that there is no evidence to support the Referee's finding that she made substantive (as opposed to grammatical or stylistic) changes to pleadings and letters drafted by her associate, Stephen Culbreath.

The testimony and documentary evidence presented at the final hearing establish the extent to which Respondent continued to exert control over her law practice, contrary to her claim that she merely functioned as a paralegal under the supervision of Mr. Culbreath, and as a "business consultant." Mr. Culbreath testified that Respondent spent six to eight hours a day in her office during her suspension. (TR 41:17-19). Ms. Klingensmith testified that, except for a couple of days, Respondent was in the office every day for a minimum of eight hours. (TR 127:12-19). Contrary to Respondent's assertion that very little activity took place in her office during the

suspension, apparently sufficient activity took place for Respondent to be present six to eight hours a day, as well as two full-time employees.

The evidence supports the Referee's factual findings concerning Respondent's supervision of Mr. Culbreath and Ms. Klingensmith. Mr. Culbreath received his license to practice law only six weeks before being hired by Respondent. (TR 35:19-25). Except for several part-time clerking positions, Mr. Culbreath had no prior legal experience. (TR 34:21 to 35:13). Ms. Klingensmith testified that Respondent dictated how client matters would be handled during the period of her suspension. (TR 127: 20-23). Mr. Culbreath testified that Respondent gave him direction on what pleadings ought to be filed and what correspondence ought to be sent to opposing counsel or clients. (TR 41:20-25). The standard operating procedure was for Respondent to review documents that came in from the court or opposing counsel, and direct Mr. Culbreath as to what was to be done in response. (TR 42:2-9). After Mr. Culbreath drafted a letter or pleading, Respondent reviewed it and made revisions to his draft. (TR 59:14-22). Mr. Culbreath testified that Respondent made suggestive changes to Mr. Culbreath's documents "all the time." (TR 93:13-15). Mr. Culbreath stated that he agreed to go along with Respondent's revisions to his

documents “because otherwise, they wouldn’t get mailed out.” (TR 104:2-4). Most of the time, Mr. Culbreath just “automatically” revised in accordance with Respondent’s instructions. (TR 89:1- 4).

Mr. Culbreath testified that, while most of the changes made by Respondent to his documents were grammatical or stylistic, some of the changes were substantive, inserting information unknown to him. (TR 88:5-16). At the final hearing, the Bar introduced into evidence a series of legal documents which Respondent had instructed Mr. Culbreath to draft during the time she was suspended from the practice of law. All of the documents contained Respondent’s handwritten revisions, some of which were extensive. (TFB Exhs. 1-15). Mr. Culbreath testified that the documents introduced into evidence were only a portion of the documents he drafted at Respondent’s direction during the period of her suspension. (TR 59:7-13). In addition to supervising Mr. Culbreath’s written work, Respondent directed him to make telephone calls to clients, telling him the purpose of the call, and what information to convey. (TR 60:20-23). Incoming phone messages were usually passed on to Respondent for her evaluation. (TR 60:24 to 61:8).

Ms. Klingensmith also testified that she drafted correspondence and pleadings at Respondent's direction during the suspension period. (TR 119:13-24). She stated that Respondent, and not Mr. Culbreath, reviewed and revised her work. (TR 119:4-9). Respondent told Ms. Klingensmith on more than one occasion during her suspension that nothing was to go out of the office without Respondent's final approval. (TR 120:10-15).

Respondent claims that, not only did she make substantial efforts to place existing clients with other attorneys, no testimony was presented that she had **any** active clients during the period of her suspension. Respondent states that she "referred" three clients to her newly hired associate, Steven Culbreath. Since Mr. Culbreath worked under Respondent's supervision, any "referral" to Mr. Culbreath was merely an attempt to continue practicing law by utilizing the services of her associate. The time sheets and billing records generated by Respondent, Mr. Culbreath, and Ms. Klingensmith during the suspension period clearly show that Respondent maintained active client files in her law office during her suspension. (TFB Exh. 16, Exh. 18A-18D).

Respondent had direct contact with at least one existing client while she was suspended. The Referee found that Respondent spoke with an existing client, Carol DeGeorge, several times by telephone, during the course of the

suspension. (RR 6). Respondent does not deny contacting Ms. DeGeorge, but claims that she only provided consulting services, and not legal services. Both Ms. DeGeorge and the Respondent testified that they discussed property involved in Ms. DeGeorge's pending litigation. (TR 156:11-15; DeGeorge Depo. 34:4-10). Respondent billed Ms. DeGeorge for these telephone conversations on letterhead labeled "Geneva Forrester, Business Consultant" at her normal hourly billing rate of \$350.00. (TFB Exh. 19A & 19B). Respondent testified that Ms. DeGeorge had never required her services as a business consultant prior to the suspension. (TR 157:20-23).

In addition to supervising Mr. Culbreath's and Ms. Klingensmith's work, Respondent also maintained total control over the financial side of her law practice. The Referee concluded that "[t]he absolute control which Respondent exercised over her law office billing, time records, and banking during the suspension support the conclusion that Respondent was continuing to engage in the practice of law." (RR 9). The evidence shows that, throughout the period of her suspension, Respondent reviewed Mr. Culbreath's and Ms. Klingensmith's time sheets and had the last word on the amount clients would be billed for their work. (TR 122:25 to 123:8). Respondent maintained signatory control over her office bank accounts. (TR 63:10-12; 126:23 to 127:1). Although Respondent

represented herself as Mr. Culbreath's "employee," Respondent paid Mr. Culbreath's salary and Ms. Klingensmith's salary by checks she wrote on her office operating account. (TR 41:1-11; 126:13-22).

Respondent's position appears to be that, because she did not have any direct contact with clients during her suspension, did not appear in court, and did not sign pleadings or correspondence, she should not be found guilty of engaging in the practice of law. As the record shows, Respondent **did** have direct contact with at least one client, Ms. Carol DeGeorge, during the suspension period. The record also shows, and the Referee found, that Respondent continued her law practice during the suspension by hiring and directing the work of an inexperienced, newly-licensed associate. The Referee's recommendation that Respondent be found guilty of contempt for practicing law in violation of the Order of Suspension is supported by the evidence and should be approved by this Court.

B. The Order of Suspension was sufficiently definite so as to put Respondent on notice as to what conduct was prohibited.

Respondent argues that she cannot be found in contempt of the Order of Suspension because it was not sufficiently explicit or precise in defining the "practice of law" so as to put her on notice of what conduct was

prohibited during the suspension period. The Order of Suspension in Supreme Court Case No. SC00-813, dated May 16, 2002, states in pertinent part:

Geneva Carol Forrester is hereby suspended from the practice of law for sixty days followed by probation for one year. The suspension will be effective thirty days from the filing of this opinion so that Forrester can close out her practice and protect the interest of existing clients. . . . Forrester shall accept no new business from the date this opinion is filed until the suspension is completed.

818 So. 2d 477, at 484.

This Court has rejected any attempt to set forth a broad definition of the practice of law. See State ex rel. The Florida Bar v. Sperry, 140 So. 2d 587, 591 (Fla. 1962). Rather, this Court has adopted the approach of addressing the question as it applies to the specific circumstances of each case. Florida Bar v. Brumbaugh, 355 So. 2d 1186, 1191 (Fla. 1978) (holding that a non-attorney engaged in the unauthorized practice of law by preparing legal forms for clients). This Court noted that “it is somewhat difficult to define exactly what constitutes the practice of law in all instances.” Id. The Court stated:

We agree that “any attempt to formulate a lasting, all encompassing definition of ‘practice of law’ is doomed to failure ‘for the reason that under our system of jurisprudence such practice must necessarily change with the ever changing business and social order.’”

Id. at 1191-92, *quoting* State Bar of Michigan v. Cramer, 399 Mich. 116, 249 N.W. 2d 1, 7 (1976).

In State v. Foster, 674 So. 2d 747 (Fla. 1st DCA 1996), the First District Court of Appeals held that the Florida statute prohibiting the unauthorized practice of law was not unconstitutionally vague for failing to define the phrase “shall practice law.” The court noted that the definition of the practice of law in Florida is not confined to the language of the statute, but rather, “is shaped by the decisional law and court rules, as well as common understanding and practice.” Id. at 750-51. The court in Foster concluded that the law regulating the practice of law is “set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with, without sacrifice to the public interest.” Id. at 752. In deciding that the appellees received fair and adequate warning of what activities constitute the practice of law, the court found the case law of this Court “instructive and enlightening.” Id. at 751.

As an attorney, Respondent was on notice of the case law and The Rules Regulating the Florida Bar which provide guidance in determining what acts constitute the practice of law. In Florida Bar v. Thomson, 310 So. 2d 300 (Fla. 1975), this Court specifically addressed the issue of whether an attorney may continue to work in the capacity

of a law clerk while under an order of suspension. This Court held that such employment was permissible under certain conditions. One of those conditions was that the suspended attorney work under the **direct supervision** of his attorney-employers who were responsible for his work. *Id.* at 301. The services performed by Thomson were “limited to work of a preparatory nature such as research and investigation of details, assembly of data and similar work to enable an attorney-employer to carry a given matter to a conclusion through his own examination, approval, or additional effort.” *Id.* at 302.

The Rules Regulating The Florida Bar specifically allow for the employment of suspended or disbarred attorneys. Rule 3-6.1 states that persons subject to the Rule may be employed “to perform such services only as may ethically be performed by other lay persons employed by authorized business entities.” Direct client contact is specifically prohibited, however, an employee may participate “as an observer” in any meeting, hearing, or interaction between a supervising attorney and a client. Rule 3-6.1(d).

Respondent’s activities during her suspension clearly go beyond the conduct permitted by Florida Bar v. Thomson, supra, or Rule 3-6.1. Respondent hired a young associate and then represented that she was merely

working as Mr. Culbreath's "paralegal." Respondent's "employment" by Mr. Culbreath was a fiction intended to allow her to carry on her law practice during the 60-day suspension period. While Respondent remained largely in the background, and avoided overt activities such as appearing in court or signing pleadings, she continued to direct her law practice by supervising the work of her employees. It is incredulous to suggest that Respondent's services were limited to "work of a preparatory nature" or the "assembly of data" "under the direct supervision of an attorney-employer." Thomson, supra. The evidence shows just the opposite occurred. Mr. Culbreath and Ms. Klingensmith worked under Respondent's direct supervision. They prepared pleadings and correspondence for Respondent's review, and nothing went out of the office without her approval. Respondent reviewed all time sheets and billing statements, and signed all checks.

Respondent cites Keitel v. Keitel, 716 So. 2d 842 (4th DCA 1998), in support of her argument that the suspension order was too imprecise to serve as the basis for a finding of contempt. The issue in Keitel was whether the wife in a custody case could be held in civil contempt for relocating with the minor child, when a provision in a final order restricting relocation was deleted from the order upon rehearing. The court held that the wife could not be

held in contempt, stating “one may not be held in contempt of court for violation of an order . . . which is not clear and definite so as to make the party aware of its command and direction.” *Id.* at 844. Unlike the order in Keitel, the Order of Suspension in this case was clear and definite in prohibiting Respondent from practicing law during the 60-day suspension period. Respondent violated the Order’s explicit prohibition against engaging in the practice of law while suspended, and the Referee’s finding of contempt should be approved by this Court.

B. Respondent’s accusations against the Bar are an apparent attempt to deflect attention from her own misconduct and are completely without merit.

Much of Respondent’s Brief is devoted to attacking The Florida Bar for prosecuting her in this and past disciplinary cases. Respondent’s baseless allegations against the Bar and Bar counsel are irrelevant to the issues in this proceeding and refer to matters not part of the record in this case. This Court should disregard the portions of Respondent’s Brief which are not addressed to the issues on appeal.

1. The Referee correctly concluded that the evidence completely fails to support Respondent’s allegation that The Florida Bar coerced or threatened witnesses.

Respondent repeatedly alleges in her Brief that Bar counsel William Thompson coerced Steven Culbreath and Joyce Klingensmith into cooperating with the Bar's investigation. She also alleges that Mr. Culbreath was coerced into signing a false affidavit to support the Bar's Petition for Order to Show Cause. To support her allegations, Respondent cites extensively from the deposition testimony of Steven Culbreath. The transcript of Mr. Culbreath's deposition was not introduced into evidence during these proceedings, and is not part of the record on appeal in this case. This Court should disregard any portions of Respondent's Brief containing references to Mr. Culbreath's deposition testimony. See Respondent's Brief, pages 10-11, 13-14, 19-20, 24.

Mr. Culbreath testified at the final hearing before the Referee, at which time Respondent's counsel had ample opportunity to cross-examine Mr. Culbreath concerning the statements he made during his deposition. Mr. Culbreath was questioned extensively by Bar counsel, and by Respondent's counsel, concerning the matters contained in the affidavit he provided to the Bar. Mr. Culbreath was also questioned about the circumstances surrounding the execution of the affidavit, and he testified that he did not feel pressured to sign the affidavit. (TR 102:5-7). Mr. Culbreath testified that the statements he made in the affidavit were true, that he was given an opportunity to review

the affidavit and make corrections, and that no one threatened him with disciplinary action if he did not sign it. (TR 105:23 to 106:19).

Respondent also alleges in her Brief that Bar counsel misled this Court by attaching to the Petition for Order to Show Cause a copy of a letter dated July 25, 2002, which Respondent presented to Mr. Culbreath for his signature shortly before he resigned from her employ. The letter was addressed to The Florida Bar and stated that it was intended “as notice of Ms. Forrester’s employment in a paralegal status with attorney Steven A. Culbreath.” (TFB Exh. 17A). Mr. Culbreath testified that Respondent repeatedly asked him to sign the letter; however, he refused to sign it as written because he felt that it would be untrue to state that Respondent was his employee or that she worked for him as a paralegal. (TR 78:9-13, 79:13-17). Mr. Culbreath modified the letter to delete the words “as a paralegal,” and to delete any reference that Respondent was his employee. (TFB Exh. 17B, TR 79:20-21). He further modified the letter to state that it was being sent on the advice of Respondent’s attorney, and he delivered the modified letter to Respondent. (TFB Exh. 17C). The fact that Mr. Culbreath modified the letters, one of which was

provided to the Bar, does not change the fact that Respondent presented the original letter to Mr. Culbreath for his signature in an attempt to misrepresent her status as an employee during her suspension.

2. The Bar did not act in bad faith by falsely accusing Respondent of failing to remove her office signs.

Respondent also devotes a substantial portion of her Brief to arguing that The Bar misled this Court by falsely accusing her of failing to remove her office sign during the suspension period. The Petition for Order to Show Cause, filed with this Court on August 6, 2002, included the following:

16. From June 16, 2002 to July 26, 2002, the Respondent has not removed her office sign that clearly states, “Law Offices of GENEVA FORRESTER.”

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

See also Petition for Interim Suspension, paragraphs 18 and 19.

At the final hearing before the Referee, Bar counsel specifically stated that the Bar would not go forward on the “sign issue.”¹ (TR 11:2-9). The Report of Referee does not make any findings of fact or conclusions of guilt concerning Respondent’s office signs. This Court should disregard the portions of Respondent’s Brief addressing the sign issue. See Respondent’s Brief at 8-9, 15-16, 19-21, 37.

II. DISBARMENT IS THE APPROPRIATE SANCTION FOR THE WILFUL AND INTENTIONAL VIOLATION OF AN ORDER OF SUSPENSION

¹ Respondent’s office signs became an issue in this case because of a letter Respondent received from The Florida Bar, dated June 26, 2002, shortly after the effective date of her suspension. (R. Exh. 1). It is standard practice for the Bar headquarters to send out a letter to suspended attorneys notifying them, among other things, that they must modify all indicia of attorney status, including office signs. (Rigby Depo. 29:10-19). Due to an inadvertent omission, the June 26, 2002, letter mailed to Respondent’s attorney did not contain the standard language concerning indicia of attorney status. (Rigby Depo. 28:3-8). In an attempt to clarify the matter, Respondent’s counsel called Bar headquarters. Respondent alleges she was given conflicting information regarding the removal of her office signs. (Rigby Depo 32:9 to 33:7). Based on her understanding of the information received from Bar headquarters, Respondent, who had earlier removed her office signs, put the signs back up. (TR 142:3-11). Although the law is clear that suspended attorneys must remove any office signs indicating their attorney status while under an order of suspension, *see, e.g., Florida Bar v. Breed*, 368 So. 2d 356 (Fla. 1979), the Bar elected not to go forward on paragraphs 16 and 17 of the Petition for Order to Show Cause (or paragraphs 18 and 19 of the Petition for Interim Suspension).

Respondent argues that the cases cited by the Bar in support of disbarment do not apply to her conduct since she did not engage in the practice of law during the suspension period. Respondent takes the position that this Court should not impose **any** sanction because she is not guilty of violating the Order of Suspension. As discussed above, the Referee's finding of contempt is supported by competent and substantial evidence in the record. The Referee's recommended sanction of a one-year suspension, however, is insufficient, in light of Respondent's wilful and intentional violation of the Order, and the aggravating factors.

This Court has held that “[c]lear violation of any order or disciplinary status that denies an attorney the license to practice law generally is punishable by disbarment, absent strong extenuating factors.” Florida Bar v. Brown, 635 So. 2d 13 (Fla. 1994). No “strong extenuating factors” are present in this case to justify a sanction less than disbarment. Respondent cannot excuse her violation of the Order by claiming that The Florida Bar did not provide her with detailed guidance concerning what she could and could not do while suspended from the practice of law. In this case, Respondent attempts to blame her violation of the Order on its vagueness and the Bar's failure to sufficiently define the practice of law; however, Respondent was on notice of the case law of this Court and the

Rules Regulating The Florida Bar. As this Court has recognized, it is impracticable to formulate a fixed definition of the practice of law, or enumerate every act that constitutes the practice of law. Moreover, having been suspended previously, Respondent was fully aware of the restrictions placed on attorneys under an order of suspension.

Respondent's actions were intended to circumvent those restrictions, in contempt of this Court's Order.

The type of misconduct which occurred in this case was foreseen by Justice Overton in his dissenting opinion in Florida Bar v. Thomson, *supra*, when he stated, "The practical effect of allowing unrestricted law office employment of suspended or disbarred lawyers clearly reduces the effect of any order of suspension or disbarment and is another step to effectively dilute the punishment." *Id.* at 303. Justice Overton pointed out the detriment to the public interest and to the Bar in allowing a suspended lawyer to work in a law firm where the unsuspecting public would not be able to tell the difference between a lawyer who is being disciplined and one who is not. Justice Overton also recognized the potential for abuse by the attorney: "I am also concerned that the attorney who is

suspended or disbarred for unethical conduct, upon returning to a law office, will encounter difficulty in confining himself to strictly preparatory functions.” *Id.*²

Respondent embarked on a deliberate course of action designed to enable her to continue to practice law under the guise of working as a “paralegal” under the supervision of an inexperienced associate, who had been hired just days before the effective date of her suspension. Respondent’s conduct has seriously undermined the meaning of the Order of Suspension, the authority of this Court, and further undermines the public’s view of the “self-regulation” of the legal profession. Respondent’s wilful attempt to circumvent this Court’s Order, especially when considered in light of her disciplinary history, warrants disbarment.

Respondent has been disciplined on four prior occasions, and a fifth case is pending before the Court. *See* Supreme Court Case No. SC01-1819. It is evident that Respondent has not responded to lesser forms of discipline

² Justice Overton concluded by stating: “Under our present rules, I would hold that where an attorney is suspended or disbarred for unethical conduct, he should not be employed as a clerk for an attorney or law firm in this state during the period of this suspension or disbarment.” 310 So. 2d at 303.

and continues to flaunt the authority of this Court. The Respondent's unauthorized practice of law, coupled with her extensive record of prior discipline, justifies disbarment.

CONCLUSION

Competent and substantial evidence in the record supports the Referee's finding that Respondent wilfully and intentionally violated the Court's Order of Suspension by engaging in the practice of law while suspended. This Court should approve the Referee's recommendation that Respondent be found guilty of contempt. The Respondent's wilful violation of an Order of this Court, however, coupled with her history of repeated disciplinary violations, warrants the sanction of disbarment.

Dated this _____ day of _____, 2003.

Respectfully submitted,

William Lance Thompson
Assistant Staff Counsel
The Florida Bar
5521 W. Spruce Street, Suite C-49
Tampa, Florida 33607
(813) 875-9821
Florida Bar No. 0051349

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and seven (7) copies of this brief have been provided by Airborne Express, Airbill Number 5061985670 to **The Honorable Thomas D. Hall**, Clerk, The Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927; a true and correct copy by regular U.S. Mail to **Geneva Carol Forrester**, P. O. Box 40010, St. Petersburg, FL 33743-0010; by regular U.S. mail to **John Anthony Boggs**, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, all this _____ day of _____, 2003.

William Lance Thompson
Assistant Staff Counsel

CERTIFICATION OF FONT SIZE AND STYLE
CERTIFICATION OF VIRUS SCAN

Undersigned counsel does hereby certify that this brief is submitted in 14 point proportionally spaced Times New Roman font, and the computer disk filed with this brief has been scanned and found to be free of viruses, by Norton Antivirus for Windows.

William Lance Thompson