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**The Florida Bar v. Gerald John D'Ambrosio**

**SC07-1369 | SC08-256**

>> THE LAST CASE ON THE COURT'S

AGENDA IS THE FLORIDA IS

FLORIDA BAR VERSUS GERALD

D'AMBROSIO.

>> THANK YOU, MADAM CHIEF

JUSTICE, MEMBERS OF THE COURT.

I'M HERE TODAY PRO SE, GERALD J.

D'AMBROSIO.

>> IF YOU COULD KEEP YOUR VOICE

UP WOULD APPRECIATE IT.

>> THANK YOU VERY MUCH.

THIS IS THE SECOND TIME, WANT

TO SAY I WAS REPRESENTED BY

KEVIN TYNAN WHO I HAVE GREAT

ADMIRATION FOR AND VERY

GRATEFUL FOR THE HELP HE HAS

GIVE ME THROUGHOUT THIS CASE

AND I ADOPT HIS BRIEF IN HIS

REPLY BRIEF THAT HE HAS FILED.

I'M HERE TODAY, THE SECOND TIME

BEFORE YOU WHICH I APOLOGIZE

FOR, BASED ON A RECOMMENDATION

OF THE SAME JUSTICE WHO HAD

PREVIOUSLY RECOMMENDED I BE

DISBARRED.

AND THAT RECOMMENDATION THAT HE  
MADE SEVERAL, TWO YEARS AGO WAS  
REJECTED BY THIS COURT, AND I'M  
GOING TO ASK THAT YOU REJECT  
THE RECOMMENDATION, THE SECOND  
RECOMMENDATION THAT I BE  
DISBARRED BASED ON THE FACT  
THERE IS DETERMINATION OF  
CUMULATIVE MISCONDUCT IS NOT  
SUPPORTED BY THE RECORD AND NOT  
SUPPORTED BY EVIDENCE THAT WAS  
PRESENTED.

>> LET'S ADDRESS THAT IF WE  
MAY.

>> YOUR HONOR, WHILE,  
I DON'T NECESSARILY  
AGREE WITH THE CHARACTERIZATION  
OF THIS COURT DID BEFORE WITH  
REGARD TO THE REFEREE'S  
DETERMINATION, AS TO WHAT COURT  
FOUND OR DID NOT FIND, BUT  
THERE DOES, AS A MATTER OF  
RECORD AND OF FACT, THERE WAS A  
ONE-YEAR SUSPENSION THAT WAS  
ORDERED.

>> THAT'S CORRECT, YOUR HONOR.

>> AND ALTHOUGH, ON ONE HAND

IT MAY SEEM AS THOUGH IT IS NOT  
SIGNIFICANT OR NOT A GREAT  
AMOUNT BUT THERE WAS A LETTER  
WRITTEN TO THE STATE OF  
CALIFORNIA.

>> THAT'S CORRECT.

>> AND THAT IS OF RECORD.

>> AND THAT IS MAY NOT BE --  
AND THAT IS MAY NOT BE LARGE  
RECORD OF LAW PRACTICING IN A  
COURTROOM BUT I FIND IT VERY  
DIFFICULT NOT TO CONSIDER THAT  
RESPONSE LETTER OF ONE AS AN  
ATTORNEY, SAYING I AM COUNSEL  
TO SUCH AND SUCH AND THAT BEING  
INTERPRETED AS THE PRACTICE OF  
LAW.

AGAIN, IT MAY NOT BE HUGE BUT  
TO SAY THAT THAT ACT IS NOT I  
HAVE A VERY DIFFICULT TIME WITH  
THAT.

>> DURING THE COURSE OF YOUR  
ARGUMENTS THAT YOU HAVE HEARD  
ON SEVERAL OTHER CASES, YOU  
HAVE OFTEN GONE BACK TO  
DIFFERENT SITUATIONS IN WHICH  
PEOPLE HAVE DONE SOMETHING  
AFTER A FACT.

AND IF MR. ^KURTZ PURELY

BELIEVED I WAS ACTING AS AN  
ATTORNEY IN THAT CASE, AS AN  
ATTORNEY WHAT HE SHOULD HAVE  
DONE TO PROTECT HIS CLIENT, HE  
SHOULD HAVE TAKEN THAT LETTER,  
NOT TO THE FLORIDA BAR, BUT TO  
THE CALIFORNIA SUPERIOR COURT.

>> WAIT A SECOND.

YOU KNOW, YOU'RE HERE, AND  
YOU'RE REALLY FIGHTING FOR YOUR  
LEGAL LIFE.

>> THAT'S CORRECT, YOUR HONOR.

I AM.

>> I WOULD FEEL FAR BETTER IF  
YOU ADMITTED THAT YOU, WHILE,  
UNDER A ONE-YEAR SUSPENSION,  
FROM THIS COURT, WROTE A LETTER  
TO A LAWYER IN CALIFORNIA WHERE  
YOU SAID, THAT YOU WERE COUNSEL  
OF RECORD.

NOW THIS IS WHAT JUSTICE LEWIS  
ASKED YOU ABOUT.

HOW DO YOU GET AROUND, AND  
WHETHER WE DECIDE PUNISHMENT IS  
SANCTION IS DISBARMENT OR  
SOMETHING ELSE, HOW DO YOU GET  
AROUND THAT YOU WROTE THAT  
LETTER WHILE YOU WERE UNDER A

SUSPENSION AND YOU WERE  
PROHIBITED FROM PRACTICING LAW?

>> I CAN'T GET AROUND IT, YOUR  
HONOR.

AND I ADMITTED THAT I WROTE THE  
LETTER AND --

>> I THOUGHT YOU WERE JUST  
TRYING TO SHIFT THE BLAME TO,  
SOMETHING SHOULD HAVE HAPPENED  
IN CALIFORNIA.

>> I'M NOT ATTEMPTING TO SHIFT  
THE BLAME, YOUR HONOR.  
NOT AT ALL.

I WROTE THE LETTER AND I  
DEEPLY APOLOGIZE FOR WRITING  
THE LETTER.

BUT THE LETTER WAS PART, WHAT  
THEY HAVE SAID IS THE LETTER IS  
PART OF A CONTINUING PRACTICE  
THAT I MAINTAINED OFFICE AND  
DONE A WHOLE BUNCH OF OTHER  
THINGS.

I CAN NOT GET AROUND THE  
LETTER, YOUR HONOR.

>> THE PROBLEM IS, WHETHER IT  
WAS PART OF A CONTINUING  
PRACTICE, EVEN IF IT ONE  
INCIDENT, YOU KNEW THAT YOU  
COULD NOT PRACTICE LAW WHEN YOU

WERE UNDER A SUSPENSION?

>> THAT'S CORRECT, YOUR HONOR.

>> AND SO, TO SAY THAT YOU WERE  
IN FACT COUNSEL FOR SOMEONE, DO  
YOU ADMIT THAT THAT IS THE  
PRACTICE OF LAW?

>> WELL, YOUR HONOR, I, IT'S,  
IT WOULD, A REASONABLE PERSON  
WOULD COME TO THAT CONCLUSION.

AND YOU'RE REASONABLE PEOPLE.

>> IN THIS CASE CAME TO  
THAT CONCLUSION, THEN DON'T WE HAVE  
TO ACCEPT THAT?

>> I WOULD SAY THAT, YOUR  
HONOR, YOU HAVE TO ACCEPT THAT  
RECOMMENDATION, THAT THAT'S  
WHAT THE REFEREE CAME TO.

>> WHY DON'T YOU, WOULDN'T THE  
BETTER TACK BE TO SAY, I  
SINCERELY APOLOGIZE?

IT WAS, I DID EVERYTHING ELSE  
THE COURT SAID.

I DON'T KNOW, YOU KNOW, AGAIN,  
YOU DIDN'T SAY WHY THIS HAPPENED,  
BUT IT'S NOT A CONTINUING  
COURSE.

IT IS A SINGLE ACT THAT WOULD  
BE, YOU DID EVERYTHING ELSE,

YOU TOOK YOUR, ANY INDEPENDENT  
SIGNSTHAT YOU WERE A LAWYER DOWN.

AND I -- INDICATION YOU WERE.

I ASSUME YOU WERE STILL NOT  
PRACTICING LAW BECAUSE THAT  
WOULD CERTAINLY BE IN VIOLATION  
OF THE COURT'S ORDER BECAUSE  
YOU HAVE NOT BEEN READMITTED TO  
PRACTICE.

>> THAT'S CORRECT, YOUR HONOR.

>> SO WHAT DO YOU THINK, GIVEN  
THAT, AND GIVEN THAT YOU WERE  
ALREADY UNDER A ONE-YEAR  
SUSPENSION FOR HAVING VIOLATED  
THE COURT'S ORDER BACK WHEN YOU  
WERE SUSPENDED FOR 90 DAYS,  
WHEN DO YOU SEE AS BEING,  
YOU'RE, YOU KNOW WE'RE TRYING  
TO TAKEN RESPECT FOR THE COURTS  
AND FOR COURT ORDERS, WOULD BE  
THE APPROPRIATE SANCTION FOR  
THIS VIOLATION OF A CLEAR ORDER  
OF THE COURT?

>> I HAVE BEEN UNDER SUSPENSION,  
YOUR HONOR, FOR NOW 2 1/2 YEARS.  
AND THE LETTER, OF COURSE HAS  
BEEN A MAJOR FACTOR.

AND TO SUGGEST THAT I AM NOT  
SORRY THAT I WROTE THE LETTER,

IS WRONG.

I THINK I EVEN TESTIFIED THAT I  
WAS SORRY THAT I WROTE THE  
LETTER.

AND THAT, IN MY MIND I WAS  
WRITING THE LETTER FOR A  
COMPANY THAT I, THAT I OWN, --

>> WHY DIDN'T YOU SAY THAT?

SAY I'M OWNER, STOCKHOLDER,  
DIRECTOR OR AS PRESIDENT OF?  
REALLY VERY DIRECT LAWYER TALK.

>> YOU'RE CORRECT, YOUR HONOR.

>> OKAY. SO NOW WHAT SHOULD HAPPEN?

I THINK THAT'S WHAT, JUSTICE  
PARIENTE IS GETTING TO  
THE BOTTOM LINE?

WHAT DOES ONE DO UNDER THESE  
CIRCUMSTANCES?

>> I DON'T BELIEVE I SHOULD  
BE DISBARRED, YOUR HONOR.

I BELIEVE THAT I HAVE DONE  
EVERYTHING THAT I HAVE BEEN ASKED  
TO DO IN THE SUSPENSION ORDER  
EXCEPT FOR THIS ONE LETTER.

I HAVE CLOSED MY PRACTICE DOWN.  
IT HAS BEEN AN ECONOMIC  
HARDSHIP FOR BOTH ME AND MY  
FAMILY.

IT IS A LETTER THAT I REGRET

WRITING AND I SAID THAT I

REGRET, REGRETTED WRITING THAT

PARTICULAR LETTER.

BUT, THE CUMULATIVE EFFECT THAT

LETTER HAS, YOU KNOW, ENDED MY

LAW PRACTICE.

>> TELL ME ABOUT A LITTLE

DOCTOR BOLERA.

>> DR.^BOLERA IS --

>> HE DIDN'T TESTIFY, DID HE?

>> NO, HE DIDN'T TESTIFY.

>> I'M TROUBLED WITHOUT

DR.^BOLERA TESTIFYING THAT YOU

WERE ACTUALLY CONDUCTING THIS

LITIGATION IN ILLINOIS BECAUSE

USING YOUR ADDRESS, YOUR, PHONE

NUMBER, ALL INFORMATION COMING

TO YOUR OFFICE AND DR.^BOLERA

NOWHERE TO BE FOUND, SOUNDS

LIKE YOU WERE DOING THIS IN HIS

NAME.

THAT'S WHAT IT LOOKS LIKE.

>> I TESTIFIED, YOUR HONOR, WHY

DR.^BOLERA USED --

>> HE IS NOT TO BE FOUND.

THEN WHY WERE YOU CONDUCTING

BEFORE HIM?

>> HE IS NOT NOWHERE TO BE

FOUND. HE IS IN FLORIDA.

HE IS A PRACTICING

PHYSICIAN IN FLORIDA.

I'M NOT CONDUCTING ANY

LITIGATION FOR DR.^BOLERA.

DR.^BOLERA HAD AN ACTION, WAS

SUED, THE SUIT IN ILLINOIS.

AND JUDGMENT WAS ENTERED

AGAINST DR.^BOLERA.

>> WE'RE NOT TALKING ABOUT THAT

THE ACT THAT IS THE DR.^BOLERA,

A MALPRACTICE CASE.

>> ATTORNEY IN ILLINOIS.

I WASN'T PROSECUTING THIS CASE

FOR HIM.

>> I'M HAVING A DIFFICULT TIME

UNDERSTANDING WHY ALL THE

TRAILS COME BACK TO YOU, IF

HE'S THE ONE THAT IS DOING

THIS?

>> BECAUSE I WAS HIS ATTORNEY

FROM 1990 THROUGH 2006 WHEN I

WAS SUSPENDED.

I KNEW ALL ABOUT THIS CASE.

I KNEW ALL ABOUT HIS JUDGMENT.

>> THAT'S WHAT IT SEEMS AGAIN.

COMING RIGHT BACK TO YOU AND

YOU'RE DOING THIS THROUGH HIS

NAME.

>> THE USE, THE USE OF MY  
ADDRESS WAS FOR ONLY PURPOSE  
THAT DR.^BOLERA TRAVELED AND HE  
WANTED AT A PARTICULAR POINT IN  
TIME --

>> WE NEVER HEARD THIS FROM  
DR.^BOLERA ANYWHERE IN THIS  
RECORD?

>> HE WASN'T CALLED TO TESTIFY  
BY ANYBODY.

>> ACTUALLY ON THIS ONE THOUGH,  
THIS MAYBE, THIS IS WHEN YOU  
WERE STILL.

>> I WAS ABLE TO PRACTICE LAW,  
CORRECT.

>> YOU WOULD SAY, BECAUSE I  
THINK, A LOT OF LAWYERS WOULD  
BE GUILTY OF THIS, THAT YOU  
CAN, AS A LAWYER HERE IN  
FLORIDA, CAN WRITE TO PEOPLE IN  
OTHER JURISDICTIONS AND SAY  
YOU'RE CONTEMPLATING AN ACTION  
WHERE YOU'RE GOING TO RETAIN  
COUNSEL AND THAT IS NOT  
PRACTICING LAW IN THAT OTHER  
STATE.

>> I AGREE WITH YOU I'M NOT  
TALKING ABOUT A LETTER.

THERE WAS A LAWSUIT THAT WAS  
FILED, WAS THERE NOT?

>> BUT --

>> WAS THERE A LAWSUIT FILED IN  
ILLINOIS WHILE YOU WERE  
SUSPENDED?

>> NO, YOUR HONOR.

>> WAS NOT?

>> NO, YOUR HONOR.

>> THEY USED YOUR ADDRESS?

YOU SENT LETTERS WHILE YOU WERE  
STILL ABLE TO PRACTICE.

>> THE COMPLAINT WAS FILED

WHILE I WAS ABLE TO PRACTICE.

>> OKAY.

>> AND SO NOTHING HAPPENED

AFTER THAT THEN?

>> NO, WHEN I WAS SUSPENDED I

TOLD DR. ^BOLERA, YOU CAN'T USE  
MY ADDRESS.

CAN'T DO THIS.

I CAN'T HELP YOU.

>> THE ADDRESS AND ALL THAT WAS

WHILE YOU WERE THOR RUSED TO  
PRACTICE?

>> THAT'S CORRECT, YOUR HONOR.

>> OKAY.

>> [INAUDIBLE].

>> NO, I DID NOT.

>> IN ANY WAY?

>> I KNEW ABOUT THE CASE.

I KNEW ABOUT THE MALPRACTICE  
ACTION THAT, THAT EXISTED WITH  
DR.^BOLERA AND HIS FORMER  
ATTORNEY, YES.

I KNEW ABOUT IT.

BUT IF YOU TOOK A CLOSE LOOK AT  
THE RECORD, IT WASN'T, WHEN I  
TESTIFIED ABOUT THE FIRST  
LETTER, THERE WAS A LETTER FROM  
AN ILLINOIS LAWYER TO  
DR.^BOLERA THAT SAID THAT,  
MR.^PCOLINSKI COMMITTED  
MALPRACTICE.

I DIDN'T INITIATE MALPRACTICE  
CLAIM AGAINST ANYBODY.

THAT WAS POSITION DR.^BOLERA  
WANTED TO DO.

MANY TIMES I TOLD HIM HE SHOULD  
GET ILLINOIS COUNSEL.

HE DIDN'T KNOW.

AT THAT TIME, YOUR QUESTION,  
JUSTICE PARIENTE.

SECTION 4.52-C ALLOWS FOR  
TEMPORARY PRACTICE OF LAW IN  
OTHER JURISDICTIONS, BECAUSE IT  
UNDERSTANDS THE MULTIURISDICTIONAL

NATURE OF THE PRACTICE OF LAW.

IT UNDERSTANDS THAT.

TO MERELY SAY, TO HOLD THAT IF

WRITE A LETTER YOU'RE

PRACTICING LAW IN A FOREIGN

JURISDICTION WOULD PREVENT ANY

LAWYER FROM WRITING A LETTER TO

ANYBODY IN THE STATE OF

FLORIDA.

THE ISSUE THAT MOST CONCERNS

ME ABOUT THE RULING AND, AND

YOU'RE CONCERNED ABOUT MY

ACTIONS AND I'M CONCERNED ABOUT

THE RULING ALSO.

I'M VERY CONCERNED THAT THE

RULING WENT FAR BEYOND LETTER,

WENT FAR BEYOND A WHOLE BUNCH

OF THINGS.

AND PARAGRAPH NUMBER SIX HE

USING TERMINOLOGY THAT, IN YOUR

FACE, I CONTINUED TO OCCUPY MY

FORMER CONTINUED TO OCCUPY MY

FORMER ADDRESS WHERE MY LAW

FIRM WAS.

I WAS NOT IN YOUR FACE, WITH

MAINTAINING MY LAW OFFICE.

HE ALSO SAYS THAT I DID NOT

CONDUCT ANY NON-LEGAL BUSINESS.

THERE IS EVIDENCE, WHATEVER I  
DID.

HE ALSO SAYS IN HIS REPORT,  
THAT MY WIFE, WHY INVOLVE MY  
WIFE?

MY WIFE ANSWERS THAT MY  
TELEPHONE IN THE SAME MANNER AS  
WE DID WHEN I PRACTICED  
LAW.

THERE IS ABSOLUTELY NO EVIDENCE  
REGARDING THAT.

AS FAR AS, SO I'M CONCERNED  
ABOUT, I'M CONCERNED ABOUT SOME  
OF THE ASPECTS OF IT.

YOU KNOW, I'M NOT, I'M NOT HERE  
TO WEIGH I DID SOMETHING BAD  
AND HE DID SOMETHING BAD  
BECAUSE I AGREE WHOLEHEARTEDLY  
WITH IT.

THE LETTER WAS A DUMB LETTER.

>> IS THAT YOUR COMPANY?

>> I'M A ONE-FOURTH OWNER OF  
A HALF INTEREST.

THAT IS WHAT I HAVE.

>> ONE-FOURTH OWNER OF A HALF  
INTEREST.

>> THAT IS 1/8.

I OWN 1/8 OF THE COMPANY.

>> VERY LITTLE INTEREST IN THE

COMPANY.

>> NO, 1/8. THAT IS GOOD.

YOU'RE INSIDER IF YOU'RE MORE

THAN 5%, SO.

SO THAT, --

>> YOU ARE WELL INTO YOUR

REBUTTAL, IF YOU WANT TO SAVE

SOME TIME.

>> I DO WANT TO SAVE SOME TIME.

THANK YOU VERY MUCH FOR YOUR

HEARING.

>> MAY IT PLEASE THE COURT.

I'M LORRAINE HOFFMAN.

BAR COUNSEL IN THIS MATTER.

>> BEFORE WE GET INTO THE

SANCTION OR DISBARMENT ISSUE,

COULD YOU, THIS CASE IS NOT

MUCH TO DO ABOUT NOTHING, SO

PLEASE DON'T THINK QUESTION IS

AIMED TO SAY THAT THE ORIGINAL

SANCTION BACK IN 2002 WAS 90

DAYS.

>> YES, MA'AM.

>> AND THAT WAS THE SANCTION.

DOES THE RECORD REFLECT WHAT

THE 90 DAYS SANCTION WAS FOR?

>> YES.

THERE WAS A AFFIDAVIT OF PRIOR

DISCIPLINE THAT WAS FILED, AND  
IT WAS FOR, IT INVOLVED AMONG  
OTHER THINGS,  
MISREPRESENTATION.

>> ALL RIGHT.

SO HE WAS, WAS HE SUSPENDED BY  
A REFEREE AND REFEREE'S ORDER  
AND THE COURT APPROVED THAT.

>> YES.

SO IT WASN'T AN AGREED ON  
SANCTION.

>> YES, THAT'S CORRECT.

>> SO IT HAPPENS IN 90 DAYS.

NON-REHABILITATIVE SUSPENSION.

HE THEN BEGINS IN 2002

PRACTICING LAW.

>> RESUMES PRACTICING LAW,  
CORRECT.

>> SOMETHING OCCURS WHERE THE  
BAR LATER ON FINDS OUT THAT  
DURING THAT 90 DAYS THAT HE HAD  
NOT ACTUALLY STOPPED PRACTICING  
LAW?

>> THAT'S CORRECT.

>> AND WHEN THAT COMES, SO THEY  
CHARGE HIM AND THEN IN 2005,  
THE REFEREE RECOMMENDS FOR  
THAT, CONDUCT, BACK IN 2002, IN  
THE 90-DAY PERIOD HE SHOULD BE

DISBARRED?

>> THAT'S CORRECT.

>> AND THIS COURT REVIEWS IT  
AND DECIDES THAT'S, THAT IS NOT  
THE PROPER SANCTION, WE'RE  
GOING TO GIVE HIM A ONE-YEAR?

>> THAT'S CORRECT.

BASED ON THE EVIDENCE BEFORE  
THE COURT.

>> NOW WE HAVE, WE GO TO THE  
CURRENT SITUATION WHERE THERE'S  
A LETTER WRITTEN, 2007, CLEARLY  
AT THE TIME THAT THERE IS A  
ORDER OF SUSPENSION WHERE THERE  
IS, THAT LETTER TO  
CALIFORNIA.

IF WE DON'T, AND THE ILLINOIS  
LETTER, WHATEVER IT IS, WAS NOT  
WRITTEN WHILE HE WAS UNDER  
SUSPENSION, CORRECT?

>> THAT'S CORRECT.

>> CAN I ASK ONE QUESTION AT  
THAT POINT?

THE LAWSUIT FILED THERE, IN  
READING THE REFEREE'S REPORT,  
IT INDICATES AS SOON AS THIS  
POOLINSKI.

>> MR. POOLE LINES SKI.

>> HOWEVER THAT NAME IS  
PRONOUNCED HE NOTIFIED YOU  
JANUARY 2007 WHICH WAS DURING  
THE SUSPENSION AS SOON AS HE  
SAW THEY WERE THE SAME.  
TO ME THAT IS INDICATING THAT  
IS HAPPENING DURING THE  
SUSPENSION.  
HE WAS SUSPENDED IN NOVEMBER OF  
'06.

I'LL STAND CORRECTED BUT IS IT  
CORRECT THAT THIS LAWSUIT  
WAS ACTUALLY FILED, ALL THIS  
STUFF WAS DONE WHILE HE WAS  
STILL --

>> YOU'RE CORRECT.

>> MR.^D'AMBROSIO'S ONE YEAR  
SUSPENSION IS ENTERED IN 2006.  
THE EFFECTIVE DATE OF YOUR  
SUSPENSION, NOVEMBER 18th OF  
2006.

THE BAR INVESTIGATION.

HIS COMPLAINT, ENDED IN 2007?

>> WHEN DID CONDUCT OCCUR IN  
ILLINOIS, NOT THE LETTERS.

WHEN WAS THE LAWSUIT FILED?

>> THE LAWSUIT WAS FILED IN  
ILLINOIS.

I BELIEVE IT WAS BEFORE,

NOVEMBER OF --

>> BEFORE HE WAS SUSPENDED?

>> YES I DO.

>> BUT JUSTICE PARIENTE, I WANT TO

BE VERY CLEAR THAT

MR. ^D'AMBROSIO APPEARS BEFORE

YOU HAVING DISCIPLINED FOUR

TIMES.

>> I'M UNDERSTANDING.

I'M UNDERSTANDING THERE IS

HISTORY HERE.

IF THIS ESSENCE OF OCCURRED,

AND IT MAY BE THAT HE IS NOT

GOING TO GET INTO THE BAR

BECAUSE HE CAN'T SHOW

REHABILITATION, EVEN IF HE IS

GIVEN A TWO-YEAR SUSPENSION FOR

CUMULATIVE THING.

BUT IT JUST STRIKES ME

THAT IN THIS CASE TO SAY THAT

DISBARMENT IS WARRANTED AT THIS

POINT, SEEMS THAT WE ARE

REALLY, NOT ACCOMPLISHING THE

PURPOSES FOR WHICH WE IMPOSE

LAWYER DISCIPLINE.

I JUST WANT TO BE CAREFUL

BECAUSE, SOMETIMES IT IS JUST

TEMPTING TO SAY, YEAH HE

VIOLATED OUR ORDER AND WE'RE  
PUTTING HIM AWAY FOR 10 YEARS.

THIS IS --

>> UNDERSTOOD.

>> SO OTHER THAN, IF WE TAKE  
AWAY THIS ILLINOIS SITUATION,  
WHICH IS, IF WE DON'T AGREE  
WITH YOU THAT HE WAS PRACTICING  
LAW IN ILLINOIS WHEN HE WROTE  
THE LETTER, TO THE LAWYER,  
THEN, AND THE ISSUE WHERE THIS  
FORMER DISGRUNTLED CLIENT CALLS  
AND, IT SOUNDS LIKE HE MIGHT BE  
PRACTICING LAW, THE REFEREE  
DIDN'T AGREE THAT WAS AN  
INCIDENT, THEN DON'T WE HAVE,  
I'M NOT SAYING IT IS  
INSIGNIFICANT. WE HAVE THIS ONE  
LETTER THAT WAS WRITTEN AND,  
IT WAS NOT WHETHER IT MAKES,  
IMPORTANT OR NOT THAT HE WAS  
PART OF THIS COMPANY AND HE  
WROTE THIS LETTER AND IT'S, IT  
WAS WRONG AND HE HAS ADMITTED  
IS WRONG, JUST NOT SURE THAT  
GOES ALONG WITH OUR OTHER CASES  
WE THEN DISBAR SOMEBODY AS A  
RESULT OF THESE CIRCUMSTANCES.

>> YES. I UNDERSTAND YOUR POINT.

WHEN YOU ENTERED THE ONE-YEAR  
SUSPENSION IN 2006, THIS COURT  
DETERMINED THAT RESPONDENT  
DEMONSTRATED, QUOTE, COMPLETE  
DISRESPECT FOR THE DISCIPLINARY  
PROCESS.

THAT WAS IN YOUR DETERMINATION  
IN 2006.

THE REFEREE IN THIS CASE FOUND  
THAT BASED ON THE EVIDENCE  
PRESENTED, BOTH THE CALIFORNIA  
LAWYER TESTIFIED, AND THE  
ILLINOIS LAWYER TESTIFIED,  
RESPONDENT CALLED NO WITNESSES,  
AND THE REFEREE FOUND, BASED ON  
EVIDENCE AND Demeanor OF THE  
WITNESSES THAT RESPONDENT  
DEMONSTRATED AN INTRACTABLE  
DISREGARD AND DISREGARD AND  
DISRESPECT FOR THE DISCIPLINARY  
ORDER OF THIS COURT.

THE COURT HAS FOUND IN YOUR  
CASE LAW THERE IS EVIDENCE OF  
INTENTIONAL MISCONDUCT AND HARM  
OF CONTINUED PRACTICE  
DISBARMENT IS WARRANTED.  
IN THIS CASE THERE IS CLEAR  
EVIDENCE IN THE RECORD THAT

MR. ^D'AMBROSIO'S CONDUCT WAS  
INTENTIONAL.

HIS LETTER MAY HAVE BEEN, TO USE  
HIS TERM, STUPID, BUT IT WAS  
ALSO PLANNED, INTENTIONAL, AND  
THE CONDUCT WAS REPEATED.  
HE ADVANCED THAT LETTER IN  
ORDER TO TRY TO -- CASE.

>> WHAT DO YOU MEAN THE CONDUCT  
WAS REPEATED? WAS THERE  
ANOTHER FOLLOW-UP LETTER IN  
CALIFORNIA?

>> NO. THE REPEATED MISCONDUCT IS  
DISREGARDING ORDERS OF THIS  
COURT.

THE KURTZ MATTER, THE MATTER  
REGARDING THE CALIFORNIA  
LAWYER, WAS A CONTEMPT ACTION.  
THE BAR FILED THAT ACTION ON  
PETITION ORDER TO SHOWCASE ON  
CONTEMPT.

THE PETITION ON THE ILLINOIS  
LAWYER WAS A REGULAR COMPLAINT  
FILED THROUGH THE GRIEVANCE  
COMMITTEE PROCESS.

THE BAR FILED THE NEWER, THE  
CONTEMPT CASE, FIRST BECAUSE,  
WE FILED IT SHORTLY AFTER WE  
RECEIVED THE NOTICE FROM THE

MR.^KURTZ IN CALIFORNIA.

THE BAR IS CHARGED, BY THIS  
COURT CORRECTLY WITH, WITH THE  
PUBLIC.

WE HAD RECEIVED AT THAT POINT,  
TWO COMPLAINTS, FROM TWO  
LAWYERS IN OTHER JURISDICTIONS  
REGARDING THIS LAWYER'S  
CONDUCT.

AND BOTH LAWYERS TESTIFIED, THE  
RECORD IS REplete WITH  
REFERENCES THAT MR.^D'AMBROSIO  
DID NOT SIMPLY WRITE A SINGLE  
COMMUNICATION BUT THAT HE  
POSTURED A DEFENSE.

HE ADVANCED HIS CASE.

HE INSTRUCTED MR.^PCOLINSKI  
TO INFORM HIS MALPRACTICE  
CARRIER OF THE ANGLO BIO TRAN  
LITIGATION TO COME.

MR.^PCOLINSKI TESTIFIED

THAT AS RESULT OF THIS HE AND  
HIS LAW FIRM SUFFERED HARM.

HE HAD A MALPRACTICE ACTION HE  
HAD TO PURSUE.

HE HAD \$7,000 IN COSTS HE HAD  
TO ADVANCE.

HIS PREMIUMS HAVE GONE UP.

>> THE ILLINOIS CASE, LET'S  
ASSUME IT WAS ONLY ISSUE BEFORE  
US.

HELP ME UNDERSTAND WERE A  
LAWYER IN GOOD STANDING IN THIS  
STATE CAN NOT RESEARCH THE LAW,  
I MAY BE WRONG, RESEARCH THE  
LAW IN ANOTHER STATE, AND WRITE  
A LETTER ON BEHALF OF A CLIENT  
SAYING THAT, I THINK, THAT MY  
RESEARCH REVEALS THAT YOU HAVE  
COMMITTED AN ACT OF LEGAL  
MALPRACTICE, IF YOU  
DON'T RESOLVE THIS, I'M GOING  
TO HAVE TO HIRE COUNSEL IN THAT  
STATE TO PURSUE THE CASE?  
IS THAT, IS THE BAR SAYING THAT  
IS THE UNAUTHORIZED PRACTICE OF  
LAW?

>> NO, YOUR HONOR.

WHAT THE BAR IS SAYING THAT  
MR.^D'AMBROSIO DID IN THIS CASE  
IS IN EXCESS OF THE MINIMAL  
THAT YOU'RE DESCRIBING.  
HE PORTRAYED HIMSELF IN A WAY  
THAT THE REFEREE CONCLUDED THAT  
MR.^PCOLINSKI IS  
GENERAL COUNSEL FOR, HOUSE  
COUNCIL, THERE WAS A FLORIDA

CONNECTION AND HE BELIEVED HE  
WAS COUNSEL.

THAT HE EXPECTED THAT HE WAS  
GOING TO BE LOCAL COUNSEL FOR  
LITIGATION PURPOSES.

THERE WAS NO DISCUSSION IN THE  
LETTER, I AM NOT A LAWYER IN  
YOUR STATE.

I AM ADVANCING THIS POSITION.

IT WAS AN INTENTIONAL  
MISREPRESENTATION.

>> IS THERE ANY EVIDENCE

ANYWHERE THAT USE OF THAT LAWYER  
LAWYER'S ADDRESS, FAX, PHONE,  
EVERYTHING THAT WOULD DO WITH  
THIS LEGAL ACTION BACK TO HIS  
OFFICE?

>> YES, YOUR HONOR, THERE IS.

>> THAT THIS WAS A SHAM?

THAT THIS WAS REALLY NOT A PRO  
SE PIECE OF LITIGATION?

THAT, THIS LAWYER WAS  
CONDUCTING THE LITIGATION IN  
THE NAME OF A LAYPERSON?

>> YES, THERE IS SUCH EVIDENCE.

FIRST, THERE WAS TESTIMONY THAT  
MR.^D'AMBROSIO PERMITTED  
DR.^BOLERA TO USE

MR.^D'AMBROSIO'S BUSINESS  
ADDRESS, NOT AS A MAILING  
ADDRESS, BUT AS A RESIDENTIAL  
ADDRESS FOR PURPOSES OF FILING.  
AND WE KNOW THAT MR.^D'AMBROSIO  
KNEW THAT DR.^BOLERA WAS DOING  
THAT BECAUSE, MR.^D'AMBROSIO  
NOTARIZED THE DOCUMENT.  
SO HE PERMITTED A FRAUD.  
THE REFEREE FOUND THAT  
MR.^D'AMBROSIO PERMITTED A  
FRAUDULENT PLEADING IN THAT  
CASE.

>> THAT IS A DIFFERENT KIND.

>> YES.

>> MAY BE A VIOLATION.

I'M TALKING ABOUT WHETHER --

>> THE OFFICE.

>> WHETHER THIS LAWYER IS

ACTUALLY DOING THIS CASE?

THAT'S WHAT I'M ASKING ABOUT?

>> YES, JUDGE, THERE IS.

JUSTICE LEWIS,

IN THE REPORT OF REFEREE ON

PAGE 4, IN PARAGRAPH 7, THE

REFEREE FOUND THAT, ALTHOUGH

RESPONDENT HAD TESTIFIED THAT

HE ENGAGED IN A NON-LEGAL

BUSINESS AT THAT ADDRESS, WITH

THE SAME ADDRESS, THE SAME  
TELEPHONE NUMBER, THE SAME FAX  
NUMBER, THE SAME SUITE NUMBER  
THAT WHEN HE WROTE THOSE  
LETTERS, HE DID NOT HAVE THAT  
OTHER BUSINESS ENTITY ON HIS  
LETTERHEAD.

>> THAT'S STILL NOT ADDRESSING  
THIS FILING OF THE LAWSUIT IN  
ILLINOIS.

THAT'S WHAT I'M ASKING ABOUT.

I MUST TELL, I FIND IT

DIFFICULT TO THINK THAT OUR  
RULES, IF SOMEBODY IS SUSPENDED  
ALL OF SUDDEN THEY HAVE TO  
CLOSE THE OFFICE.

SOMEHOW CLOSE DOWN ALL THEIR  
TELEPHONES, AND DO ALL THOSE  
THINGS.

I MEAN THE SIGN WAS DOWN.

SO I'M NOT SURE I'M WITH YOU ON  
ALL THOSE.

I'M TRYING TO SEE IF THERE'S  
EVIDENCE THAT THIS LAWSUIT IN  
ILLINOIS, WAS THERE NOT A  
LAWSUIT FILED AGAINST SOMEONE  
IN ILLINOIS?

>> THERE WAS.

>> THAT'S WHAT I'M ASKING

ABOUT.

>> AND THE ORIGINAL COMPLAINT

THAT WAS FILED, WHICH THE

EVIDENCE DEMONSTRATES THAT

MR.^D'AMBROSIO ASSISTED WITH,

WE DON'T MAKE THE CONNECTION,

YET, JUSTICE LEWIS, YOU'RE

GETTING TO, WAS FILED,

MR.^D'AMBROSIO NOTARIZED IT AND

IT WAS DISMISSED THERE WERE

RESIDENCY PROBLEMS.

AND THEN --

>> THAT WAS DONE WHILE

HE WAS --

>> CORRECT.

>> -- PRACTICING LAW?

>> CORRECT.

>> SO WE WOULD BE SAYING THAT

WHAT AN ATTORNEY CAN'T DO IS

BOTH THREATEN TO SUE IN ANOTHER

JURISDICTION WHERE HE IS NOT

ADMITTED BUT THEN, AT THE SAME

TIME, DO NOT ASSIST AT PRO SE

LITIGANT IN FILING A

LAWSUIT IN ANOTHER

JURISDICTION?

>> NO, THAT IS NOT THE BAR

ASSOCIATION'S POSITION.

WE'RE IN AGREEMENT --

>> THERE IS ONE HAND THIS COULD  
BE ONE OF THE MOST CORRUPT  
LAWYERS WE HAVE HAD IN A LONG  
TIME AND I'M JUST NOT, YOU  
KNOW, I'M NOT JUST NOT SEEING  
IT.

SO GOING BACK --

>> THERE IS ADDITIONAL EVIDENCE  
IN THE RECORD THAT AFTER  
PLAINTIFF AMBROSIO WAS  
SUSPENDED IN -- MR.^D'AMBROSIO  
WAS SUSPENDED IN NOVEMBER OF  
2006. THEN HE DID NOT ACTIVELY  
PARTICIPATE IN ANYMORE BUT  
THERE WAS A PARALEGAL WHO  
ASSISTED.

THE PARALEGAL WAS REFERRED TO  
DR.^BOLERA, THROUGH  
MR.^D'AMBROSIO.

THE PARALEGAL HAD WORKED FOR  
MR.^D'AMBROSIO IN THE PAST AND  
MR.^D'AMBROSIO TESTIFIED IN A  
SWORN STATEMENT BEFORE THE  
GRIEVANCE COMMITTEE THAT THE  
MATERIALS THAT THE PARALEGAL  
WOULD PREPARE TO GO TO  
DR.^BOLERA, AND BACK THROUGH

MR.^D'AMBROSIO.

AND THERE IS --

>> BUT FINDINGS OF THE REFEREE  
DON'T SEEM TO TALK ABOUT THAT.  
THAT'S WHAT, THEY SEEM TO, THE  
FINDINGS SEEM TO FOCUS ON THAT  
THIS MR.^D'AMBROSIO WAS NOT  
ADMITTED TO PRACTICE IN  
ILLINOIS, NOT THAT HE WAS, YOU  
KNOW, PERPETRATING A FRAUD ON  
THE COURTS IN ILLINOIS BY  
FOSTERING, THIS, IMPROPER  
LITIGATION BY A PRO SE  
LITIGANT.

I GUESS IF I, MAYBE IF FINDINGS  
WERE MORE CLEAR WHAT YOU'RE  
SAYING I WOULD FEEL MORE  
COMFORTABLE THAT THERE WAS SOME  
TYPE OF VIOLATION.

DO YOU AGREE THAT THOSE  
FINDINGS, WHAT YOU'RE JUST  
SAYING ARE NOT FINDINGS THE  
REFEREE MADE?

>> I AGREE.

THERE ARE NO FINDINGS IN THE  
REPORT OF REFEREE THAT  
DEMONSTRATE THAT CONCLUSIVELY.

>> WOULD YOU FINISH WITH YOUR  
LINK WITH THE PARALEGAL?

HAVE YOU FINISHED WITH THAT?

DID THE PARALEGAL WORK OUT OF

THIS SAME OFFICE?

WHERE IS THE PARALEGAL?

WHAT IS THE EVIDENCE?

>> THE PARALEGAL WORKED IN A

SEPARATE LOCATION.

MR.^D'AMBROSIO TESTIFIED IN THE

SWORN STATEMENT THAT HE GAVE TO

THE GRIEVANCE COMMITTEE THAT

THE, THERE WAS E-MAIL

COMMUNICATION BACK AND FORTH

AND THAT HE ALSO TESTIFIED IN

THE HEARING BEFORE THE REFEREE

THAT HE ASSISTED DR.^BOLERA IN

GIVING HIM FORM BOOKS.

HELPING HIM SELECT FORMS

ALLOWING HIM TO GO FORWARD WITH

THE LITIGATION.

THE LITIGATION WAS ULTIMATELY

DISMISSED AND MR.^PCOLINSKI.

SUFFERED SIGNIFICANT HARM IN

THE LITIGATION THAT WAS

ADVANCES IN THIS WAY.

IN THE LIMITED TIME I HAVE LEFT

I WANT TO DRAW THE COURT'S

ATTENTION TO TWO CASES I

BELIEVE ARE INSTRUCTIVE IN THIS

MATTER.

ALSO THE REFEREE REFERENCED THE STANDARDS FOR OPPOSING LAWYER SANCTIONS IN HIS REPORT WHEN DISBARMENT IS APPROPRIATE UNDER STANDARD 8.1.

BUT THE TWO CASES I WANT TO BRING TO THE COURT SPECIFIC ATTENTION THE FLORIDA BAR VERSUS BYRNE, WHICH SAYS, AS THE COURT WELL KNOWS, THAT DISCIPLINE SHOULD INCREASE AS IT IS REPEATED AND IMPOSED.

THIS BE THE FIFTH DISCIPLINE IF THE COURT SO IMPOSES ONE AGAINST MR. ^D'AMBROSIO.

FURTHER, THE COURT VERSUS BAUMAN, IT COURT STATED IT CAN THINK OF QUOTE, NO PERSON LESS LIKELY REHABILITATED THAN SOMEONE LIKE THAT RESPONDENT WHO WILL FULLY, DELIBERATELY AND CONTINUOUSLY REFUSES TO ABIDE BY AN ORDER OF THIS COURT.

AND THE LAST CASE IS THE FLORIDA BAR VERSUS GREEN.

AND IN THAT CASE, YOUR HONOR, YOU REJECTED THE REFEREE'S

RECOMMENDATION OF A FINE FOR  
CONTINUED PRACTICE AFTER  
SUSPENSION AND DISBARRED THE  
RESPONDENT STATING A FURTHER  
SUSPENSION IN THAT CASE WOULD  
BE FRUITLESS.

SO IT IS WITH MR.^D'AMBROSIO.  
YOU HAVE IMPOSED DISCIPLINE  
AGAINST HIM FOUR TIMES OVER THE  
PAST 15 YEARS.

HE HAS NOT BEEN EITHER  
CONVINCED OR INSPIRED TO FOLLOW  
THE DIRECTION THAT YOU HAVE  
GIVEN HIM IN THESE DISCIPLINES.

HE CAN NOT BE REFORMED.

HE WILL NOT BE REHABILITATED  
AND THE BAR ASKS YOU DISBAR  
HIM.

>> THANK YOU VERY MUCH.

REBUTTAL?

>> WHEN SHE WAS TALKING ABOUT  
THE LETTER TO PCOLINSKI, MADE A  
BIT OF AN ERROR.

SHE WAS TALKING ABOUT THE  
LETTER TO MR.^KURTZ.

CORRECT THAT FOR HER.

THE ISSUE OF NOTARIZING A  
DOCUMENT OR NOTARIZING A

ADDRESS BEING A FRAUDULENT ACT,  
THAT IS TOTALLY UNTRUE.

WHAT THE CASE, WHAT THE CASE  
WAS DONE WAS, THAT IN ILLINOIS  
APPARENTLY YOU JUST CAN'T SAY  
THAT DAMAGES ARE IN EXCESS OF  
50,000 OR 100,000 OR WHATEVER.

APPARENTLY IN ILLINOIS YOU HAVE  
TO HAVE AROUND AFFIDAVIT OF  
DAMAGES.

AND WHAT DR. ^BOLERA DID NOT DO  
WHEN HE FILED, WHEN I GAVE HIM  
THE FORMS HE DIDN'T FILE SUCH  
AN AFFIDAVIT.

THAT IS THE ONLY AFFIDAVIT THAT  
WAS, THAT WAS NOTARIZED.

>> YOU ADMIT, YOU ADMIT THAT  
YOU ASSISTED DR. ^BOLERA TO FILE  
THE CASE IN ILLINOIS?

>> ORIGINALLY? HE CAME TO ME.  
SAID I TOLD HIM THAT YOU SHOULD  
GET A LAWYER IN ILLINOIS.  
BUT IF YOU WANT TO DO IT  
YOURSELF, THIS IS WHAT WE WOULD  
DO IN FLORIDA.

I KNOW ABOUT THE ILLINOIS RULE  
REGARDING THE AFFIDAVIT,  
REGARDING DAMAGES.

I DIDN'T RESEARCH IT.

I DID, YOUR HONOR.

I'M NOT GOING TO LIE TO ANYBODY  
AND SAY THAT I WOULD NOT HELP A  
CLIENT OF 15 YEARS WHO HAS BEEN  
VERY GOOD CLIENT TO LITIGATE A  
CASE.

>> IS THERE EVIDENCE THAT A  
PARALEGAL WAS INVOLVED IN  
DRAFTING OR WHATEVER AND THAT  
FLOWED THROUGH YOU TO THIS  
DR.^BOLERA?

IS THAT A FALSE STATEMENT BY  
THIS LAWYER?

>> IF HE DID SEND IT TO ME IT  
WAS PROBABLY A COURTESY. AT  
THAT TIME, YOUR HONOR, I WAS  
SUSPENDED AND I WANTED NOTHING  
MORE TO DO WITH ANYBODY AND I  
GOT OUT OF EVERY CASE.

>> SO IT DID, THESE THINGS  
DID FLOW THROUGH A PARALEGAL  
FROM A OFFICE TO THIS GOOD  
CLIENT?

>> I DON'T BELIEVE SO.

>> HE IS NOT A CLIENT?

>> HE IS NOT RETAINED BY ME.

NOT RETAINED BY ME.

I DON'T PAY ANYTHING.

>> DID HE WORK FOR YOU PRIOR TO  
YOUR SUSPENSION?

>> I USE SOME PEOPLE TO DO  
TITLE WORK FOR ME IN THE PAST.  
HE DID TITLE WORK FOR ME IN THE  
PAST.

>> SO WHAT SAYING TO US THIS  
MORNING THIS LAWYER FROM THE  
BAR, HAS BEEN BEFORE THE COURT  
AND STOOD UP AND RESPONDED TO  
QUESTIONS UNTRUTHFULLY?  
IS THAT WHAT YOU'RE SAYING THIS  
MORNING?

>> I DON'T KNOW IF IT IS  
UNTRUTHFUL.

I DIDN'T NOTARIZE --

>> WE'RE TALKING ABOUT THE FLOW  
OF PAPERS, PAPERWORK FROM THE A  
PARALEGAL, WHO STATED BEFORE  
US, I UNDERSTOOD THE STATEMENT  
TO BE THAT THIS PARALEGAL WAS  
CONNECTED WITH YOU AND THEN  
DOCUMENTS FLOWED BACK THROUGH  
YOU TO YOUR GOOD CLIENT FROM  
THIS PARALEGAL FOR THIS  
ILLINOIS LITIGATION.

>> MY UNDERSTANDING, MY  
RECOLLECTION OF THE FACTS WERE  
THAT IT WENT FROM THE PARALEGAL

TO BOLERA WHO SENT THEM TO ME.

IT WAS NOT, FROM THE PARALEGAL

TO ME TO SEND TO BOLERA.

THAT IS MY RECOLLECTION OF WHAT

OCCURRED.

>> BUT YOU GOT THE DOCUMENTS?

>> I GOT THE DOCUMENTS.

>> YOU --

[INAUDIBLE]

>> I DIDN'T REVIEW THEM.

I DIDN'T CORRECT THEM.

I DID NOTHING WITH THEM.

THAT IS MY TESTIMONY.

>> WHEN YOU GO TO ISSUE --

>> DID THE PARALEGAL TESTIFY.

>> NO, HE DIDN'T, YOUR HONOR.

NOBODY TESTIFIED.

>> WELL YOU HAVE USED YOUR

TIME FOR REBUTTAL.

THANK YOU.

>> THANK YOU VERY MUCH.

>> BOTH FOR YOUR ARGUMENTS.

THE COURT WILL NOW BE IN RECESS

UNTIL TOMORROW MORNING.

>> PLEASE RISE.

SUPREME COURT IS NOW ADJOURNED.