

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

MARK ELLIS SOLOMON,
Respondent.

Supreme Court Case
No. SC20-1816

The Florida Bar File Nos.
2018-30,598 (09C) and 2021-30,351
(09C)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Mark Ellis Solomon, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.

3. As to The Florida Bar File No. 2018-30,598(09C), there has been a finding of probable cause by the grievance committee.

4. As to The Florida Bar File No. 2021-30,351 (09C), respondent waives his right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause as to this matter.

5. The disciplinary measures to be imposed upon respondent are as follows:

A. A one-year suspension from the practice of law.

Respondent agrees to eliminate all indicia of respondent's status as an attorney on social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever. Respondent will no longer hold himself out as a licensed attorney.

B. Payment of the disciplinary costs.

6. Respondent acknowledges that, unless waived or modified by the court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

7. The following allegations provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

The Florida Bar File No. 2018-30,598 (09C)

A. Mr. and Mrs. Rashy hired respondent to represent them in a dispute with their condominium association. Respondent failed to provide them with competent and diligent representation. Respondent also failed to maintain adequate communication during the representation.

B. Respondent did very little work after filing suit on their behalf. The court dismissed the Rashys' case with prejudice and granted the opposing side's request for attorney's fees and costs. The Rashys learned of the judgment when they requested the assistance of a family friend to ascertain the status of the case when they were unsuccessful in reaching respondent.

C. The court order of dismissal found that "Plaintiffs and their counsel have engaged in repeated and systematic violations of the Rules of Civil Procedures by ignoring and failing to respond to Defendants' discovery requests" and that "Plaintiffs' actions have also unjustly delayed the trial, inconvenience[d] several witness[es], and obfuscated the discovery process" and "Plaintiffs' discovery violation[s] have unfairly prejudiced Defendant in its ability to prepare a defense without full and complete discovery."

D. In his response to the bar, respondent admitted that “[he] dropped the ball in speedily proceeding. When I finally did pick up the baton, I fumbled the ball in getting your completed paperwork filed. My biggest blunder was in not getting your case to trial. My errors caused the court to dismiss your claim and enter a judgment for the defendant against you for twenty seven (sic) thousand six hundred dollars (\$27,600)! Yikes! I really stepped into it.”

E. Respondent personally paid the judgment entered against the Rashys.

The Florida Bar File No. 2021-30,351 (09C)

F. Ms. Letizia sought respondent’s assistance to file a breach of contract action against her former legal counsel. Respondent drafted the complaint but forwarded the document to Ms. Letizia to file with the court. The complaint did not indicate that it was prepared with the assistance of counsel. Respondent filed a formal notice of appearance several days after the complaint was filed. Thereafter, respondent did not provide Ms. Letizia with competent and diligent representation. Ms. Letizia’s case was ultimately dismissed with prejudice after the trial court found that the complaint ultimately consisted of allegations of malpractice that were barred due to the statute of limitations.

G. Respondent filed an appeal on Ms. Letizia's behalf with the Second District Court of Appeal. Respondent appeared for oral argument before the appellate court but was unprepared to answer the questions posed by the appellate court judges. The appeal was denied without an opinion. On December 29, 2019, respondent filed a document titled Motion for Rehearing Motion for Written Opinion that cast aspersions on the appellate court panel. The appellate court issued an order directing respondent to show cause why sanctions should not be imposed for the allegations and rhetoric in his motion. Respondent was given the option of withdrawing his motion and filing a second motion that was in compliance with the Rules of Professional Conduct. Respondent filed a second motion for written opinion. The appellate court took no further action on the order to show cause and granted respondent's motion for written opinion but denied the motion for rehearing.

H. Respondent filed an appeal with the Florida Supreme Court, but they declined to accept jurisdiction. The appellee sought and was awarded attorney's fees against complainant pursuant to Rule 9.410 of the Florida Rules of Appellate Procedure and Florida Statute §57.105.

8. The following rules provide the basis for respondent's guilty plea and for the discipline to be imposed in The Florida Bar File No. 2018-

30,598 (09C): 4-1.1 (Competence); 4-1.2(a) (Lawyer to Abide by Client's Decisions); 4-1.3 (Diligence); 4-1.4 (Communication); 4-3.2 (Expediting Litigation); and, 4-8.4(d) (Misconduct).

9. The following rules provide the basis for respondent's guilty plea and for the discipline to be imposed in The Florida Bar File No. 2021-30,351 (09C): 4-1.1 (Competence); 4-1.2 (Objectives and Scope of Representation); 4-1.3 (Diligence); 4-1.4 (Communication); 4-8.2(a) (Impugning Qualifications or Integrity of Judges or Other Officers); 4-8.4(d) (Misconduct); and the Oath of Admission to The Florida Bar.

10. The following aggravation is applicable in this matter: prior disciplinary offenses [Fla. Stds. Imposing Law. Sanctions. 3.2(b)(1)]; a pattern of misconduct [Fla. Stds. Imposing Law. Sanctions. 3.2(b)(3)]; multiple offenses [Fla. Stds. Imposing Law. Sanctions. 3.2(b)(4)]; and, substantial experience in the practice of law, respondent was admitted to The Florida Bar in 1983 [Fla. Stds. Imposing Law. Sanctions. 3.2(b)(9)].

11. The following mitigation is applicable in this matter: absence of a dishonest or selfish motive [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(2)]; personal or emotional problems [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(3)]; timely good faith effort to make restitution or to rectify the consequences of the misconduct with regard to The Florida Bar File No.

2018-30,598 (09C) [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(4)]; full and free disclosure to the bar or cooperative attitude toward the proceedings [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(5)]; remorse [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(12)]; and, remoteness of prior offenses [Fla. Stds. Imposing Law. Sanctions. 3.3(b)(13)].

12. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

13. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

14. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,971.90. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of

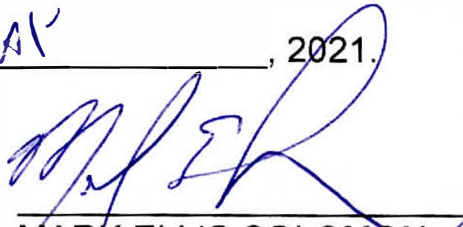
the final court order, unless deferred by the Board of Governors of The Florida Bar.

15. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

16. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

17. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 25th day of MAY, 2021.



MARK ELLIS SOLOMON
Respondent
4767 New Broad St
Orlando, FL 328146405
(407) 580-9953
Florida Bar ID No. 377392
marksolomonesq@outlook.com

Dated this 26th day of May, 2021.



KAREN CLARK BANKOWITZ
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar ID No. 706531
kbankowitz@floridabar.org
orlandooffice@floridabar.org