

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

SUSAN RACHEL TORRES,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2021-70,190 (11F)

**UNCONDITIONAL GUILTY PLEA AND CONSENT JUDGMENT FOR
DISCIPLINE**

COMES NOW, the undersigned respondent, Susan Rachel Torres, and files this Unconditional Guilty Plea and Consent Judgment for Discipline pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is and was, at all times mentioned herein, a member of The Florida Bar, admitted on September 21, 2011, and subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2021-70,190 (11F). There has been a finding of probable cause by the Grievance Committee.

3. 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.

4. Respondent admits that the following facts are true and accurate and stipulates as follows.

A. This matter referenced herein came to the attention of The Florida Bar as a result of a grievance filed by respondent's longtime client, Raul Molina Gregorio whom respondent had represented over the years in various immigration matters.

B. With respect to the instant grievance, respondent had filed an Application for Cancellation of Removal of Non-Lawful Resident on behalf of Mr. Gregorio.

C. While the application for cancellation of the removal order was still pending, respondent successfully obtained Mr. Gregorio's release from the detention center.

D. Subsequently, Mr. Gregorio's application for relief was denied. He then retained respondent again to file an appeal with the Board of Immigration Appeals (BIA) on his behalf. Mr. Gregorio paid respondent \$3,500.00 in installment payments for this service.

E. One day prior to its due date, respondent filed Mr. Gregorio's appeal with BIA. However, the appeal was later returned and rejected due to inclusion of an incorrect alien registration number.

F. According to respondent, after the paperwork containing the error was returned to her office, respondent's former assistant retrieved the mail, corrected the alien registration number, and then returned same to BIA all without respondent's approval or knowledge. Although the appeal was re-filed, it was untimely and the order of deportation became final.

G. Respondent failed to apprise Mr. Gregorio about these events. Sometime thereafter, Mr. Gregorio retained new counsel to reopen this matter and he remains in the United States while his case is pending.

H. Respondent maintains that had she been made aware of the problem she would have notified her client, preserved the original filing date for the appeal, and cured any deficiencies.

I. Respondent has refunded the fees paid to her by Mr. Gregorio in full.

J. Respondent admits that by reason of the foregoing, she has violated Rules 4-1.2 (Objectives and Scope of Representation), 4-1.3 (Diligence), 4-1.4 (Communication), 4-5.3(b) (Supervisory Responsibility),

and 4-5.3(c) (Ultimate responsibility of a Lawyer) of the Rules Regulating The Florida Bar.

5. Respondent offers the following in mitigation:

3.3(b)(4) timely good faith effort to make restitution (as evidenced by respondent's refunding of the fee to the client);

3.3(b)(5) full and free disclosure to the bar or cooperative attitude toward the proceedings; and

3.3(b)(12) Respondent has acknowledged her mistake and is remorseful.

In addition, respondent has terminated her legal assistant.

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

A. A Public Reprimand by publication;

B. Attendance at Ethics School within 6 months of the Court's final order and payment of the \$750.00 workshop fee; and

C. Payment of the bar's disciplinary costs.

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

8. Respondent agrees that this Unconditional Guilty Plea and Consent Judgement for Discipline and every factual admission contained

herein, and specifically the admissions set forth in paragraph four (4) shall have full force and regardless of any subsequent recommendation or action taken with respect to the terms of discipline offered by respondent pursuant to this Consent Judgment for Discipline.

9. Respondent agrees that in the event that the terms of discipline offered herein are not approved by the Board of Governors of The Florida Bar (or their designee), the Referee, or the Supreme Court, this matter will proceed solely on the question of discipline.

10. 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 \$1,250.00. 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.

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

Dated this 6th day of DECEMBER, 2022



Susan Rachel Torres, Respondent
7750 SW 117th Avenue, Suite 202B
Miami, FL 33183-3844
305/632-2282
Florida Bar ID No.: 91236
storr010@gmail.com

Dated this 7th day of **December**, 2022.



Tonya L. Avery, Bar Counsel
The Florida Bar
Miami Branch Office
444 Brickell Avenue
Rivergate Plaza, Suite M-100
Miami, Florida 33131-2404
(305) 377-4445
Florida Bar ID No. 190292
tavery@floridabar.org