

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

LESLIE ANN FERDERIGOS,
Respondent.

Supreme Court Case
No. SC21-549

The Florida Bar File
Nos. 2021-30,122 (9C) and 2021-
30,730 (9C)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On April 13, 2021, The Florida Bar filed its Complaint against respondent in SC21-549 [The Florida Bar File No. 2021-30,122 (9C)]. As to the Florida Bar File No. 2021-30,730 (9C), respondent waived a finding of probable cause by the grievance committee. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. **FINDINGS OF FACT**

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case.

THE FLORIDA BAR FILE NO. 2021-30,122 (9C)

Respondent made unprofessional remarks and disparaging statements about opposing counsel and the trial judge in letters, emails, and court pleadings. Respondent represented the plaintiff in case number 06-2019-CA-025569-A, in the Circuit Court of the Seventeenth Judicial Circuit of Florida before Circuit Court Judge Carlos Rodriguez. On August 4, 2020, a hearing was held on the defendant's motion to dismiss and motion for sanctions pursuant to Florida Statute §57.105. On August 5, 2020, opposing counsel, Daniel Rose, emailed respondent a proposed order. On August 6, 2020, the Order Granting Motion to Dismiss was entered.

On August 6, 2020, and August 7, 2020, respondent filed multiple motions and sent emails to opposing counsel and the court that accusing opposing counsel of submitting a fraudulent order. On August 9, 2020,

respondent filed an Amended Motion for Rehearing (also dated July 6, 2020) where she removed the accusatory statements from her August 7, 2020, Motion for Rehearing.

In her response to the bar, respondent stated that she initially believed opposing counsel fraudulently submitted an order that differed from the one he originally presented to her. However, respondent later realized that Judge Rodriguez had drafted the order that was entered.

On September 10, 2020, a rehearing (by videoconference) was held regarding the August 6, 2020, Order Granting Motion to Dismiss. Prior to the hearing, respondent called and apologized to opposing counsel for accusing him of submitting a fraudulent order. The judge had realized that there was a mistake in the August 6, 2020, order as drafted and, in light of respondent's apology, declined to impose sanctions against respondent and vacated the August 6, 2020, order.

THE FLORIDA BAR FILE NO. 2021-30,730 (9C)

On or about March 29, 2021, respondent posted a video to her YouTube channel titled "In Re Guardianship of John Doe". In the video clip, respondent discussed a guardianship matter that she described as "another heavily litigated case of mine" and detailed facts related to the

parties and legal issues. Complainant, an attorney who represented a temporary guardian in a case similar to the one described by respondent, filed a bar grievance alleging that respondent was discussing the confidential guardianship proceeding where he represented the temporary guardian in the video. In the video, respondent represented that she had spoken to the guardian in the case and described the purported conversation. Complainant alleged that, if this were true, it would constitute a violation of Rule 4-4.2 as the guardian was represented by him and he had not given consent for respondent to speak with his client.

In addition, complainant alleged that some of the details provided in the video were false or exaggerations of the truth and disparaged the professional guardian and the court system. In response to the complaint, respondent denied that she was discussing the case in which complainant represented the guardian and stated that she was using a fictional account to educate the public about the issues and dangers of professional guardians. While respondent utilized stock video footage and stock photos, respondent did not provide any written or verbal disclaimers that this was a dramatization and not an actual event.

III. RECOMMENDATIONS AS TO GUILT

I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar in The Florida Bar File No. 2021-30,122 (9C): 3-4.3 [Misconduct and Minor Misconduct]; 4-8.2(a) [Impugning Qualifications and Integrity of Judges or Other Officers]; 4-8.4(d) [Misconduct]; and Oath of Admission to The Florida Bar.

I also recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar in The Florida Bar File No. 2021-30,730 (9C): 4-7.13 [Deceptive and Inherently Misleading Advertisements] and 4-8.4(d) [Misconduct].

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

6.1 False Statements, Fraud, and Misrepresentation

(c) Public reprimand is appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld.

7.0 Violations of Other Duties Owed as a Professional

(c) Public reprimand is appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

3.2(b) Aggravating Factors

- (4) multiple offenses.

3.3(b) Mitigating Factors

- (1) absence of a prior disciplinary record;
- (3) personal or emotional problems;
- (5) full and free disclosure to the bar or cooperative attitude toward the proceedings;
- (6) inexperience in the practice of law, respondent was admitted in 2017;
- (8) physical or mental disability or impairment or substance-related disorder; and
- (12) remorse.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. McCallum, 2019 WL 6873032 (Fla. 2019)

(Unpublished Disposition), the Court suspended McCallum for 15 days and required her to attend The Florida Bar's Ethics School after approving the referee's findings of fact and recommendations of guilt and disapproving the referee's recommended discipline of a public reprimand. In a series of letters, McCallum wrote to the Chief Judge and General Counsel of the

Fifth Judicial Circuit accusing two sitting Circuit Court Judges of misconduct. McCallum implied that the first judge may be involved in illegal activity and that his conduct should be investigated. McCallum's statements also impugned others in the court system. McCallum accused the second judge of being biased against her. Video recordings of court proceedings referenced by McCallum did not support her accusations against the judges.

In The Florida Bar v. Udowychenko, 148 So. 3d 774 (Unpublished Disposition) (Fla. 2014), the Court approved the uncontested referee's report and publicly reprimanded Udowychenko. On three separate occasions in court, Udowychenko's behavior was inappropriate and disrespectful. In one instance he filed motions alleging fraud on the court. He also filed a recusal motion in court alleging potential collusion between a judge and co-counsel. McCallum's misconduct is distinguishable from the conduct of respondent. McCallum's misconduct was more egregious, occurring over a longer period of time. McCallum had substantial experience in the practice of law and demonstrated little evidence of remorse.

In The Florida Bar v. Stopa, 147 So. 3d 530 (Unpublished Disposition) (Fla. 2014), the Court approved the uncontested referee's

report and publicly reprimanded Stopa and required his attendance at The Florida Bar's Ethics School. Stopa drafted a motion by oral dictation and did not revise or review it once it was typed. As a result, he failed to remove inappropriate language before it was filed with the court. In the motion, Stopa impugned the integrity of the judge.

In The Florida Bar v. Ray, 797 So. 2d 556 (Fla. 2001), Ray was publicly reprimanded for three letters written to the Chief Immigration Judge in Virginia questioning a judge's veracity, integrity, and fairness at a hearing involving Ray's client with reckless disregard as to truth or falsity of such statements.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. Public reprimand to be administered by publication.

B. Respondent shall attend The Florida Bar's Advertising

Workshop within six months of the Court's order in this matter. Respondent will pay the \$750.00 fee for her attendance at Advertising Workshop prior to attendance.

C. A one-year period of probation with the following conditions:

i. Respondent will participate actively in the program offered by Florida Lawyers Assistance, Inc. (FLA, Inc.), by signing a rehabilitation contract with that organization within thirty (30) days of the order of the Supreme Court of Florida. Respondent's probation period will not begin until respondent has signed and returned her rehabilitation contract to FLA, Inc. If respondent is already under contract with FLA, Inc., then the one year of probation will run from the date of the Court's order. Respondent shall follow all recommendations by Florida Lawyers Assistance, Inc., during the entire probation period.

ii. Respondent will pay a FLA, Inc. registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. during the period of probation.

iii. The Florida Bar will monitor respondent's compliance with her FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to the bar and the bar will follow up with regard to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees.

D. Payment of the bar's disciplinary costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of respondent, to wit:

Age: 44 years old

Date admitted to the Bar: April 22, 2017

Prior Discipline: None.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Court Reporters' Fees	\$190.00
Investigative Costs	\$270.00
Administrative Fee	\$1,250.00
TOTAL	\$1,710.00

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 31st day of August, 2021.

/s/ Ellen S. Masters
Ellen S. Masters, Referee
P.O. Box 9000, Drawer J-145
Bartow, FL 33831-9000

Original To:

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