

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,	Supreme Court Case Nos.
	SC19-153
Complainant,	SC19-585
v.	The Florida Bar File Nos.
	2017-70,628(11P)
MICHAEL L. WOLOWITZ,	2019-70,171(11P)
	2019-70,288(11P)
Respondent,	2019-70,473(11P)

UNCONDITIONAL GUILTY PLEA AND CONSENT JUDGMENT FOR DISCIPLINE

COMES NOW, the undersigned respondent, Michael L. Wolowitz, and files this Unconditional Guilty Plea and Consent Judgment for Discipline, pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar, and states as follows:

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

2. Respondent is currently the subject of disciplinary proceedings which have been assigned *The Florida Bar File Nos. 2017-70,628(11P), 2019-70,171(11P), 2019-70,288(11P) and 2019-70,473(11P)*.

3. As to *The Florida Bar File No. 2019-70,473(11P)*, Respondent agrees for this matter in which probable cause has already been found, but no formal complaint has yet been filed, to be included in this consent judgment and to be considered by the Referee along with the other matters currently pending before him, as well as for this matter to be included in any resulting Report of Referee.

4. Supreme Court Case Nos. SC19-153 [*The Florida Bar File No. 2017-70,628(11P)*] and SC19-585 [*The Florida Bar File No. 2019-70,171(11P) and 2019-70,288(11P)*] are currently pending before a Referee.

5. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

6. As to Supreme Case No. 19-153, *The Florida Bar File No. 2017-70,628(11P)*, Respondent admits that the following facts are true and accurate and stipulates as follows:

A. In or about October 2016, Respondent was paid \$2,500.00 by Barry Barker to pursue a civil claim on Mr. Barker's behalf. Thereafter, Respondent failed to communicate with Mr. Barker, provided no significant services, and failed to respond to Mr. Barker's requests for a refund. Respondent also failed to respond to written inquiries by The Florida Bar regarding Mr. Barker's grievance.

B. Respondent admits that by virtue of the foregoing conduct, he has violated Rules 4-1.3(Diligence), 4-1.4(Communication), 4-1.5 (Fees), and 4-8.4 (g) (Failure to respond to Disciplinary Agency) of the Rule Regulating The Florida Bar.

7. As to Supreme Court Case No. 19-585, *The Florida Bar File Nos. 2019-70,171(11P) and 2019-70,288(11P)*, Respondent admits that the following facts are true and accurate and stipulates as follows:

A. In the fall of 2018, two direct debits to Respondent's trust account were returned for insufficient funds. Both debits were to Florida Power and Light and were in the amounts of \$250.05 and \$238.02, respectively. Respondent

maintains that these debits were result of bank error and that no client funds were compromised. Respondent admits that by virtue of the foregoing conduct, he has violated Rules 4-1.15 (Safekeeping Property) and 5-1.1 (Trust Accounts) of the Rules Regulating The Florida Bar.

B. In or about April 2018, Christopher Blanche paid Respondent \$580.00 to expunge an arrest record. Thereafter, Respondent had scant communication with the client and provided no significant services. Respondent admits that by virtue of the foregoing conduct, he has violated Rules 4-1.3 (Diligence), 4-1.4 (Communication) and 4-1.5 (Fees) of the Rules Regulating The Florida Bar.

C. With regard to subsections A and B of paragraph five (5) above, Respondent further admits that he failed to respond to The Florida Bar's written inquiries and therefore has also violated Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

8. As to *The Florida Bar File No. 2019-70,473(11P)*, Respondent admits that the following facts are true and accurate and stipulates as follows:

A. In July 2018, Respondent was paid \$2,000.00 by Lee Spengler for representation in a legal matter. Thereafter, Mr. Spengler was unable to communicate with Respondent and Respondent provided no significant services. Respondent also failed to respond to The Florida Bar's written inquiries regarding Mr. Spengler's grievance.

B. Respondent admits that by virtue of the foregoing conduct, he has violated Rules 4-1.3(Diligence), 4-1.4 (Communication), 4-1.5(Fees),

4-1.16(a) (Declining or Terminating Representation) and 4-8.4(g) (Failure to Respond to Disciplinary Agency) of the Rules Regulating The Florida Bar.

9. Pursuant to Rule 3-7.9(b) of the Rules Regulating The Florida Bar, Respondent hereby tenders a Consent Judgment for Discipline wherein Respondent agrees to the following discipline:

A. One (1) year suspension.

B. Respondent will participate actively in the program offered by Florida Lawyers Assistance, Inc., by signing a rehabilitation contract with that organization within **thirty (30) days** of the order of the Supreme Court of Florida approving this consent judgement. Respondent shall follow all recommendations by Florida Lawyers Assistance, Inc., and will be placed on probation for the length of his Florida Lawyers Assistance, Inc. contract not to exceed five (5) years.

Respondent will pay a Florida Lawyers Assistance, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 a month to The Florida Bar's headquarters office. All monthly monitoring fees must be remitted no later than the end of each respective month in which the monitoring fee is due. All fees must be paid to the Bar's headquarters office in Tallahassee. *Failure to pay shall be deemed cause to revoke probation.*

C. Respondent shall pay restitution to his former clients as follows:

- \$2,500.00 to Barry Barker
- \$2,000.00 to Lee Spengler

Respondent shall submit proof of payment of restitution to the Bar's headquarters office in Tallahassee within one (1) year of the entry of the order of the Supreme Court of Florida. Respondent shall provide verifiable proof of payment and receipt which shall consist of copies (front and back) of the negotiated checks or copies of the checks and certified return receipts. In the event the clients 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.

D. Respondent agrees to reimburse The Florida Bar for the cost incurred in this disciplinary case, to wit: \$1,250.00 in administrative costs.

10. Respondent offers the following factors in mitigation:

- 9.32(c) personal or emotional problems;

- 9.32(h) physical or mental disability or impairment;
- Respondent further admits to a substance abuse problem which while not excusing his misconduct helps to explain the cause for same. Respondent is now pursuing rehabilitative efforts to overcome these issues.

11. Respondent recognizes that the disciplinary sanction to be imposed will ultimately be determined by the Supreme Court of Florida which will not be bound to follow the recommendation of either The Florida Bar or the Referee in these proceedings.

12. Respondent agrees that this Unconditional Guilty Plea, and Consent Judgment for Discipline and every factual admission contained herein, specifically the admissions set forth in paragraphs five through seven, shall have full force and effect 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.

13. 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.

14. 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 not hold himself out as a licensed attorney during the period of his suspension.


15. 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 90 days of the court order. Respondent agrees that if the costs are not paid within 90 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 90 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

16. 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 will reflect adversely on any other bar disciplinary matter in which respondent is involved.

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

Dated this 3rd day of June, 2019.


Michael L. Wolowitz, Respondent

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Dated this 3rd day of June, 2019.


Richard Baron, Esq.

Counsel for Respondent

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Dated this 3rd day of June, 2019.



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