

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

LESLIE ANN FERDERIGOS,

Respondent.

Supreme Court Case
No. SC

The Florida Bar File No.
2021-30,122(09C)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Leslie Ann Ferderigos, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on April 22, 2017 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Orange County, Florida, at all times material.
3. The Ninth Judicial Circuit Grievance Committee C found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

4. Respondent made unprofessional remarks and disparaging statements about opposing counsel and the trial judge in letters, e-mails, and court pleadings.

5. 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.

6. 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 filed.

7. On August 6, 2020, respondent e-mailed opposing counsel, Daniel Rose, and others, in response to the August 6, 2020 Motion to Take Judicial Notice of Judge Carlos A. Rodriguez's order in the related family law case. The email stated, "This is a FRAUDULENT Order and I will be taking this up with the Court. This order was not approved and Mr. Rose has altered it. I will be immediately contacting the Judge who [sic] signature appears on this Order."

8. On August 6, 2020, respondent e-filed the Motion to Vacate Order Signed on 8-7-2020, which alleged, "On August 5, 2020, the

Defendant's Counsel submitted the Unapproved Order to this Court and this Court signed off on it" and "On August 6, 2020, the Defendant altered the Order and submitted it for Judicial Notice in Family Court [Exhibit B]." In the motion, respondent sought to have the order vacated and opposing counsel sanctioned for fraud upon the court.

9. On August 6, 2020, respondent e-filed a Motion for Rehearing dated July 6, 2020 stating, "The Defendant inserted these alleged facts without Plaintiff's knowledge or approval" and sought to have him sanctioned for submitting the order to the court.

10. Thereafter, on August 7, 2020, respondent e-filed another Motion for Rehearing also dated July 6, 2020. In the second motion, respondent alleged:

2. THE ORDER BROUGHT UP ALLEGED FACTS NEVER SPOKEN ABOUT IN THE HEARING!! BRINGING UP NAMES OF PEOPLE NEVER SPOKEN ABOUT!!

3. This Court needs to reconsider their position as we have the transcripts from the hearing and this is an ABUSE OF DISCRETION!!!

4. This ORDER STATES ISSUES AND ALLEGED FACTS NEVER PLED DURING THE HEARING. IS THIS JUSTICE? Is there something going on in this Court that they have handled this as such.

5. READ THE ORDER THIS COURT ENTERED AND READ THE TRANSCRIPTS!! HOW IS THIS JUSTICE?

11. On August 7, 2020, the court entered an order denying respondent's Motion for Rehearing and Motion to Vacate.

12. On August 7, 2020, respondent e-mailed Judge Rodriguez's Judicial Assistant, Lizette Marciniak, a letter. In the body of the e-mail, respondent wrote "HERE IS A COURTSEY (sic) COPY OF A FILED LETTER TO THE HONORABLE JUDGE." The subject line of the e-mail read "Please give to Judge IT HAS BEEN FILED." The online court file does not reflect this letter being filed in the case.

13. In the attached undated letter to Judge Rodriguez, respondent stated:

You have entered an order that stated people names and issues never pled during a hearing. How is this fair and just? I respect the law, but do not respect lack of ethics. This is unethical. I ordered the transcripts and your order completely is far stretched. I know many Judges and I respect their fairness, including appellate Court Judges. You are abusing your discretion. Its easily proven by reading the transcripts and reading your order.

14. On August 7, 2020, respondent filed a second Motion for Rehearing.

15. On August 7, 2020, respondent's legal assistant forwarded to Judge Rodriguez and Judge Fahnstock's judicial assistants an email from respondent dated August 6, 2020. The email was a reply to opposing counsel and stated in part:

Per Ms. Ferderigos, Opposing Counsel Daniel Rose filed a fraudulent order on the Civil Case and has attempted to connect it to our Client's Family Law Case (FMCE12-014203). Ms. Ferderigos has since filed a Motion for re-hearing on that order. Since the most recent Civil Order filed by Opposing Counsel is fraudulent (as will be evidenced via transcript), it should have no bearing on Monday's Family Law Hearing (on August 10, 2020 at 1:30 - 4:30pm) for Individual Therapy for the minor children and Intensive Reunification Therapy for the minor children and our Client Sarada Rose. (Emphasis in original.)

16. On August 9, 2020, respondent filed an Amended Motion for Rehearing (also dated July 6, 2020) where she took out the accusatory statements from her August 7, 2020 Motion for Rehearing.

17. On August 13, 2020, the court issued its Order Denying Motion to Vacate Dismissal. In the order, the court granted respondent's Amended Motion for Rehearing.

18. Respondent stated, in her response to the bar, 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.

19. On September 10, 2020, a rehearing (by videoconference) was held regarding the order. Judge Rodriguez acknowledged that respondent was correct. However, Judge Rodriguez took issue with respondent's Notice of Gross Misstatement of Facts and the fact that the notice states

“gross misstatement of facts.” The court went on to state, “I mean some of the things you're filing, counsel, are kind of insulting -- I mean insulting to the Court and insulting to opposing counsel. You're making some very serious allegations of fraud against opposing counsel.”

20. Based in part on respondent's apology to opposing counsel for accusing him of submitting a fraudulent order, the judge vacated the order and dismissed the case without prejudice to raise the issues in the family court. The court also stated he would “forget about the sanctions. I mean you've apologized, and there was mistake in there by me, and I'll forget about it.” Opposing counsel acknowledged that respondent apologized to him. “Yes, she actually called me and apologized, which, honestly, no lawyer has really done. So it did take a lot for opposing counsel to do that.”

21. In a letter to the bar dated September 10, 2020, respondent wrote, “It was not until I provided him [Judge Rodriguez] with my response to this inquiry and let him know that I would be turning this response and exhibits over during this inquiry from the Florida Bar, that he vacated the order and stated it was a mistake.” Respondent repeatedly reiterated that Judge Rodriguez did not act until the court knew that respondent was turning the information over to the bar during the inquiry.

22. In a document titled Response to Inquiry By The Florida Bar dated September 10, 2020, respondent wrote, "I apologize for questioning the judiciary and having an emotional response in my 2nd Motion for Rehearing, I recognize I could have handled that in a less accusatory manner. That was why within two days of filing the 2nd Motion for Rehearing, I amended it to read, strictly on legal arguments."

23. In the October 28, 2020 e-mail correspondence to the bar, respondent stated, "Unfortunately, the Judge had no intention of changing his order until the Florida Bar was brought in."

24. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

(a) 3-4.3 Misconduct and Minor Misconduct. The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within

or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

(b) 4-8.2(a) Impugning Qualifications and Integrity of Judges or Other Officers. A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

(c) 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

(d) Oath of Admission I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceedings which shall

appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Leslie Ann Ferderigos, at leslie@leslieannlaw.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 3380 0000 1082 7959, return receipt requested to Leslie Ann Ferderigos, whose record bar address is 10454 Birch Tree Lane, Windermere, FL 34786-8013 and via email to Karen Clark Bankowitz, Bar Counsel, kbankowitz@floridabar.org and orlandooffice@floridabar.org, on this 13th day of April, 2021.



Patricia Ann Toro Savitz
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Karen Clark Bankowitz, Bar Counsel, whose address, telephone number and primary email addresses are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and kbankowitz@floridabar.org and orlandooffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.