

Supreme Court of Florida

WEDNESDAY, OCTOBER 23, 2019

CASE NO.: SC19-1786

Lower Tribunal No(s):

2020-10,006 (13F) (HES);
2020-10,015 (13F); 2020-10,019 (13F); 2020-10,029 (13F);
2020-10,034 (13F); 2020-10,059 (13F); 2020-10,067 (13F);
2020-10,071 (13F); 2020-10,083 (13F); 2020-10,128 (13F);
2020-10,141 (13F); 2020-10,142 (13F); 2020-10,169 (13F);
2020-10,171 (13F); 2020-10,172 (13F); 2020-10,173 (13F);
2020-10,174 (13F); 2020-10,181 (13F); 2020-10,183 (13F);
2020-10,184 (13F); 2020-10,186 (13F); 2020-10,199 (13F);
2020-10,203 (13F); 2020-10,210 (13F); 2020-10,218 (13F);
2020-10,221 (13F); 2020-10,224 (13F); 2020-10,225 (13F);
2020-10,246 (13F); 2020-10,247 (13F); 2020-10,248 (13F)

THE FLORIDA BAR

vs. JOSE ANGEL TOLEDO

Petitioner(s)

Respondent(s)

The Petition for Emergency Suspension filed pursuant to Rule 3-5.2 of the Rules Regulating the Florida Bar is approved and it is hereby ordered that Respondent is suspended from the practice of law until further order of this Court, and Respondent is ordered:

a. to accept no new clients from the date of this Court's order and to cease representing any clients after thirty days from the date of this Court's order. Within the thirty days from the date of this Court's order, Respondent shall close out all pending matters and shall not initiate any litigation on behalf of clients. Respondent shall withdraw from all representation within thirty days from the date of this Court's order. In addition, Respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will seek to withdraw from said representation within thirty days from the date of this Court's order and will immediately turn over to any successor the complete financial records of any estate, guardianship or trust upon the successor's appointment;

b. to immediately furnish a copy of Respondent's suspension order to all clients, opposing counsel and courts before which Respondent is counsel of record and to furnish Staff Counsel of The Florida Bar with the requisite affidavit listing all clients, opposing counsel and courts so informed within thirty days of this Court's order;

c. to stop disbursing or withdrawing any monies from any trust account related to Respondent's law practice without approval of the Florida Supreme Court or a referee appointed by the Florida Supreme Court or by order of the circuit court in which an inventory attorney has been appointed. In addition, Respondent shall deposit any fees or other sums received in connection with the practice of law or in connection with the Respondent's employment as a personal representative, guardian or trustee, paid to the Respondent within thirty days of this Court's order from which withdrawal may only be made in accordance with restrictions imposed by this Court, and to advise Bar Counsel of the receipt and location of said funds within thirty days of this Court's order;

d. to stop withdrawing any monies from any trust account or other financial institution account related to Respondent's law practice or transfer any ownership of real or personal property purchased in whole or part with funds properly belonging to clients, probate estates for which Respondent served as personal representative, guardianship estates for which Respondent served as guardian, and trusts for which Respondent served as trustee without approval of this Court, a judicial referee appointed by this Court, or by order of the circuit court in which an inventory attorney has been appointed;

e. to immediately notify in writing all banks and financial institutions in which Respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or related to services rendered as a guardian, or related to services rendered as a trustee, or where Respondent maintains an account that contains funds that originated from a probate estate for which Respondent was personal representative, guardianship estate for which Respondent was guardian, or trust for which Respondent was trustee, of the provisions of this Court's order and to provide all the aforementioned banks and financial institutions with a copy of this Court's order. Further, respondent shall be required to provide Bar Counsel with an affidavit listing each bank or financial institution respondent provided with a copy of said order; and

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f. to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar.

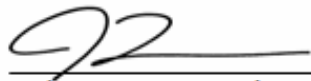
The Court hereby authorizes any Referee appointed in these proceedings to determine entitlement to funds in any trust account(s) frozen as a result of an Order entered in this matter.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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Served:

LINDSEY MARGARET GUINAND
JOSE ANGEL TOLEDO
PATRICIA ANN TORO SAVITZ