

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR :
Complainant, : The Florida Bar File No.
v. : 2021-10,249 (13E)
Dineen Pashoukos Wasylik :
Respondent. :
_____ :

RESPONDENT’S ADMISSION OF MINOR MISCONDUCT

Respondent, Dineen Pashoukos Wasylik (“Respondent”), in accordance with Rule 3-5.1 of The Rules Regulating The Florida Bar, hereby tenders the following admission of minor misconduct:

1. I am aware that Rule 3-5.1(b)(5) of The Rules Regulating The Florida Bar states, in part, as follows:

A respondent may tender a written admission of minor misconduct to bar counsel or to the grievance committee within 15 days after a finding of probable cause by a grievance committee. An admission of minor misconduct may be conditioned on acceptance by the grievance committee, but the respondent may not condition the admission of minor misconduct on the method of administration of the admonishment or on nonpayment of costs incurred in the proceedings. An admission may be tendered after a finding of probable cause (but before the filing of a complaint) only if an admission has not been previously tendered. If the admission is tendered after a finding of probable cause, the grievance committee may consider the admission without further evidentiary hearing and may either reject the admission, affirming its prior action, or accept the admission and issue its report of minor misconduct. If a respondent’s admission is accepted by the grievance committee, the respondent may not later reject a report of the committee recommending an admonishment for minor misconduct. If the admission of minor misconduct is rejected, the admission may not

be considered or used against the respondent in subsequent proceedings.

2. This admission of minor misconduct is conditioned on accepted by the grievance committee.

3. I am aware that Rule 3-5.1(b)(3) states, in part, as follows:

[I]f the respondent admits guilt of minor misconduct and the committee concurs, the grievance committee will file its report recommending an admonishment, the manner of administration, the taxing of costs, and an assessment or administrative fee in the amount of \$1,250 against the respondent. The report recommending an admonishment will be forwarded to staff counsel and the designated reviewer for review. If staff counsel does not return the report to the grievance committee to remedy a defect in the report, or if the report is not referred to the disciplinary review committee by the designated reviewer . . . , the report will be served on the respondent by bar counsel.

4. If this admission is accepted by the grievance committee and the grievance committee report is accepted by The Florida Bar, this admission shall be in full force and effect; this matter shall become final; and I shall pay any costs incurred in the proceeding, including a \$1,250.00 administrative cost.

5. As part of this admission, I agree to complete all my obligations under my existing contract with Florida Lawyers, Inc. dated August 16, 2021.

6. I am aware that the Board of Governors of The Florida Bar may order me to appear before it for administration of an admonishment.

7. If this admission is not accepted by the grievance committee or an admonishment is not approved, this tendered admission will be null and void, and no part of the plea may be used as evidence bearing upon the complaint.

8. The following facts and rules form the basis of my admission of minor misconduct:

(i) In February 2020, I was retained by a client ("Client") to file an appeal from an order dismissing the Client's Motion to Enforce

Settlement Agreement and for Attorney's Fees and Costs in the Thirteenth Judicial Circuit. I was not the Client's counsel of record in the trial court proceedings ("Litigation"). The Litigation was between my Client and a homeowner's association ("Association"). Due to some personal problems I was experiencing at the time, I failed to file the initial brief on time and, ultimately, the Second District Court of Appeal dismissed the Client's appeal on October 22, 2020.

- (ii) The Litigation in the trial court continued during the pendency of the appeal. By Order dated July 13, 2020, the trial court entered an order determining entitlement to attorneys' fees in favor of the Association ("Order on Fees"). According to an affidavit filed in the Litigation, the amount of attorneys' fees sought by the Association at that time was approximately \$10,000.00. The trial court reserved jurisdiction to determine the amount and reasonableness of the Association's attorneys' fees and costs pending resolution of the appeal. The primary reason the Client retained me to file the appeal was to protect himself against the Association's claim for fees. If the Client was successful in persuading the appellate court that the trial court's order dismissing his case should be reversed, the Association would then have no basis to recover attorneys' fees as a sanction from the Client.
- (iii) After the appeal was dismissed, I took immediate steps to protect the Client's interest and mitigate the financial effect of the dismissal of the appeal. Specifically, on November 12, 2020, I filed a Motion to Reconsider Entitlement to Attorney's Fees and Sanctions in the trial court ("Motion for Reconsideration"). I also initiated settlement negotiations with the Association to settle the matter. As a result of those negotiations, the Association's fee claim was settled. The parties' settlement included an agreement to submit a stipulated order to the trial court granting my Client's Motion for Reconsideration. Thereafter, on January 6, 2021, the trial court entered an order granting the Client's Motion for Reconsideration, and the previous Order on Fees was vacated.
- (iv) The Client paid much less to both me and the opposing party as a result of the settlement than he would have paid had I timely filed the brief, whether or not the appeal was successful.
- (v) Since I became board-certified in appellate law in 2013, I have been counsel of record in approximately 72 appeals, including 12 appeals after the bar complaint in this case was filed. This bar complaint represents the only instance in which a bar complaint has been filed against me relating to an appeal I have handled. Although I fully

accept responsibility for my failure to file the brief in this case, I respectfully believe that failure should be viewed as an isolated incident rather than a pattern of misconduct generally.

9. I admit that based on the foregoing, the following Rules Regulating The Florida Bar have been violated: **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); **Rule 4-3.2** (Expediting Litigation); and **Rule 4-8.4(d)** (Misconduct – conduct that is prejudicial to the administration of justice).



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DATED this 7th day March, 2022.