

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MARK ELLIS SOLOMON,

Respondent.

Supreme Court Case
No. SC

The Florida Bar File No. 2018-
30,598(09C)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Mark Ellis Solomon, 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 October 31, 1983 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. On or about August 1, 2013, Mr. and Mrs. Rashy hired respondent to represent them in a dispute with their condominium association. Respondent failed to provide them with competent and diligent representation.

5. Respondent failed to maintain adequate communication during the representation. The Rashys repeatedly attempted to contact respondent without success.

6. On September 16, 2013, respondent filed suit on behalf of the Rashys in Orange County, Case No. 48-2013-CC-012238. Respondent, thereafter, did very little work.

7. Respondent failed to respond to the defendant's discovery requests despite motions to compel and hearings where the judge ordered discovery to be filed within a time frame.

8. Respondent failed to appear for a Pre-Trial Conference on September 14, 2017. Due to respondent's failure to notify the Rashys of the Pre-Trial Conference, they also failed to appear. The court granted the defendant's motion to dismiss the case with prejudice and granted the defendant's request for attorneys' fees and costs.

9. In the September 25, 2017 Dismissal with Prejudice and Award of Attorneys Fees order, the court found:

3. In this case, Plaintiffs are sophisticated landlords who own and rent multiple properties and are

represented by counsel. Despite these facts, Plaintiffs and their counsel have engaged in repeated and systematic violations of the Rules of Civil Procedures by ignoring and failing to respond to Defendants' discovery requests. As a result, Defendants have been forced to file numerous motions to compel and motions for sanctions.

4. The Court has order[ed] Plaintiffs to comply with their discovery obligations several times to no avail. Moreover, the Court has previously imposed sanctions in the form of attorney's fees for Plaintiffs' discovery violations.
5. At this time, Plaintiffs' continued acts of disobedience can only be interpreted as willful and deliberate. Plaintiffs have been given multiple extensions and opportunities to respond to the requested discovery. However, despite these many indulgences, Plaintiffs have not complied nor offered a reasonable justification or explanation for their failure to comply.
6. Plaintiffs' actions have also unjustly delayed the trial, inconvenience[d] several witness[es], and obfuscated the discovery process.
7. In addition, Plaintiffs' discovery violation[s] have unfairly prejudiced Defendant in its ability to prepare a defense without full and complete discovery.

10. The Rashys learned of the judgment when they requested the assistance of a family friend to ascertain the status of the case after their attempts to reach respondent were unsuccessful.

11. In a September 25, 2017 e-mail to Ms. Rashy, respondent stated:

I have some bad and troubling news for you, but even moreso (sic) for me.

The court dismissed your case on the 14th because we did not attend a scheduled hearing. I've filed a Motion to Set Aside that dismissal. So there will be no trial on 9/29. If the court does not grant my motion, fear not. I will execute an agreement with you and Morris to cover your financial losses. It is the least that I can do. I can't do it lump sum so I will have to pay you over time, but you will be paid.

12. On or about February 18, 2018, the Rashys filed an inquiry/complaint against respondent with the bar. In his March 18, 2018 response to the bar, respondent stated:

... Honestly, I thought that this case would quickly settle.

When instead the tenant did contest your claim in its entirety, I admit that I dropped the ball in speedily proceeding. When I finally did pick up the baton, I fumbled the ball in getting your completed paperwork filed. My biggest blunder was in not getting your case to trial. My errors caused the court to dismiss your claim and enter a judgment for the defendant against you for twenty seven (sic) thousand six hundred dollars (\$27,600)! Yikes! I really stepped into it.

It was not your fault for this catastrophe, and I could not let you suffer any judgment against you. Within days of the entry of the judgment, I utilized money that I had set aside for my wife's college education and fully satisfied the judgment. The case is closed.

13. Respondent then reiterated "My errors alone caused your case not to proceed to trial. I feel badly about your lost opportunity."

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

A. 4-1.1 A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

B. 4-1.2(a) Subject to subdivisions (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by rule 4-1.4, shall reasonably consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify.

C. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

D. 4-1.4(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in terminology, is required by these rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly

comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

E. 4-1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

F. 4-3.2 A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

G. 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.

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



KAREN CLARK BANKOWITZ
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 706531
kbankowitz@floridabar.org
orlandooffice@floridabar.org



PATRICIA ANN TORO SAVITZ
Staff Counsel
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5839
Florida Bar No. 559547
psavitz@floridabar.org

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 copies provided to Mark Ellis Solomon, Respondent by United States Mail via certified mail No. 7017 3380 0000 1082 7683, return receipt requested, at 4767 New Broad St, Orlando, FL 32814-6405, and by email at marksolomonesq@outlook.com; and by email to Karen Clark Bankowitz, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, at kbankowitz@floridabar.org and orlandooffice@floridabar.org; on this 15th day of December, 2020.



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 address are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 515-3248 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.