

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

THE FLORIDA BAR,  
Complainant,

The Florida Bar File  
No. 2021-10,249 (13E)

v.

DINEEN PASHOUKOS WASYLIK,  
Respondent.

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**AMENDED REPORT OF MINOR MISCONDUCT**

I. COMMITTEE RECOMMENDATION: Pursuant to Rule 3-7.4 of The Rules Regulating The Florida Bar, the committee accepts respondent's tendered admission of minor misconduct and recommends that respondent receive an admonishment with the requirement that respondent will continue to participate actively in the program offered by Florida Lawyers Assistance, Inc., by complying with the rehabilitation contract that respondent entered into on August 16, 2021. Respondent shall follow all recommendations by Florida Lawyers Assistance, Inc. during the term of her FLA, Inc. rehabilitation contract.

Respondent will pay a FLA, Inc., registration fee of \$250.00 (if respondent has not already done so) and a monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's

compliance with her FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees

The admonishment should be administered by service of this Report of Minor Misconduct.

Respondent is board certified and has been advised that any disciplinary sanction imposed may adversely affect her board certification. The Board of Legal Specialization and Education has jurisdiction over the revocation of board certification.

## II. SUMMARY OF MISCONDUCT AND RULE VIOLATIONS FOUND:

In February 2020, respondent was retained by Mr. Paul Chandler to file an appeal from a February 4, 2020, order dismissing Mr. Chandler's Motion to Enforce Settlement Agreement and for Attorney's Fees and Costs in the Thirteenth Judicial Circuit. Respondent filed a Notice of Appeal in the matter on March 4, 2020. Thereafter, she filed several Stipulations for Extension of Time and unilateral motions for extensions to extend her deadline to file Initial Brief. On September 23, 2020, the Second District Court of Appeal entered an order directing respondent to file the initial brief within twenty days or the appeal would be dismissed. Due to personal problems respondent was experiencing at the time, respondent failed to file an initial brief by the due date, and ultimately, the Second District Court of Appeals dismissed Mr. Chandler's appeal on October 22, 2020. Throughout the representation, respondent failed to adequately communicate with Mr. Chandler as to the status of his appeal.

Based on the foregoing, respondent admitted to violating the following Rules Regulating The Florida Bar: **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication) and **Rule 4-3-2** (Expediting Litigation); **Rule 4-8.4(d)** (Misconduct – conduct that is prejudicial to the administration of justice).

### III. COMMENT ON MITIGATING, AGGRAVATING OR EVIDENTIARY

**MATTERS:** The committee believes that the following comment on mitigating, aggravating and evidentiary matters will be helpful in considering acceptance of the report:

Respondent was admitted to the practice of law in Florida on January 26, 2000, and has no prior discipline. Throughout the bar's investigation, respondent presented significant mitigation including personal or emotional problems, remorse, absence of prior disciplinary record, and absence of dishonest or selfish motive.

Respondent furthermore provided information regarding her efforts to protect the client's interest and mitigate the financial effect of the dismissal of the appeal *prior to the bar's involvement*. The primary reason that Mr. Chandler had retained respondent was to protect himself from the Association's claim for fees. While the appeal was pending, the court entered an order on July 13, 2020, that granted the Association's Motion for Entitlement and Motion for Sanctions Pursuant to 57.105 finding Mr. Chandler and his litigation counsel, not respondent, personally responsible for the association's attorneys' fees. According to the affidavit filed with that motion, the amount of attorney's fees sought by the Association was approximately \$10,000.00. On November 12, 2020, just after the appeal was dismissed, respondent filed a Motion to Reconsider Entitlement of Attorney's Fees and Sanction in the trial court and initiated settlement negotiations with the Association on behalf of Mr. Chandler. Per the settlement agreement, the court vacated the order regarding Attorney's Fees and respondent settled the Association's fee claim informally. The settlement was for \$12,000.00 and as restitution for her errors in the appeal, respondent personally paid \$10,000.00 of the settlement on behalf of Mr. Chandler. Respondent refunded Mr. Chandler's remaining retainer funds and waived all attorneys' fees in connection with the appeal and the

Motion to Reconsider. As a result of respondent's efforts, Mr. Chandler paid less than he would have had the brief been filed timely, whether or not the appeal was successful.

Thus, taking all this into consideration, the grievance committee determined that while the client was prejudiced when his appeal was dismissed, respondent took extraordinary steps to remedy the prejudice thereby creating unusual circumstances and warranting a finding of minor misconduct.

Respondent cooperated with the bar throughout the investigation. During the pendency of the appeal, respondent was suffering from significant personal and emotional problems. She was referred by the bar to FLA, Inc. for an evaluation and is now voluntarily participating with FLA Inc.'s recommended clinical contract.

IV. ADMONISHMENT: Dineen Pashoukos Wasylik, your actions have discredited the legal profession of the State of Florida. Such conduct cannot be tolerated by your fellow lawyers and should not be tolerated by you. Pride in your profession demands that you not violate the Rules of Professional Conduct again. If you do, your present misconduct will be considered in future disciplinary proceedings.

V. COSTS: The cost of these proceedings is assessed against respondent as follows:

Administrative Costs	\$1,250.00
TOTAL	\$1,250.00

Additional Costs Which May Be Required:

<b>FLA, Inc. Registration Fee (paid to FLA, Inc.)</b>	<b>\$250.00</b>
<b>FLA, Inc. Monitoring Fee (paid to FLA, Inc.)</b>	<b>\$100.00 per month</b>

Costs are due The Florida Bar within 30 days from acceptance of this minor misconduct recommendation.

Pursuant to Rule 1-3.6(c) of The Rules Regulating The Florida Bar, any person now or hereafter licensed to practice law in Florida shall be deemed a delinquent member if the member fails to pay the costs assessed in diversion or disciplinary cases within 30 days after the disciplinary decision or diversion recommendation becomes final, unless such time is extended by the board of governors for good cause shown. Delinquent members shall not engage in the practice of law in Florida nor be entitled to any privileges and benefits accorded to members of The Florida Bar in good standing.

Dated this 6<sup>th</sup> day of June, 2022.

Thirteenth Judicial Circuit Grievance  
Committee "E"

BY

  
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Christopher Michael Bentley, Chair