

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

LES SCHNEIDERMAN,

Respondent.

Supreme Court Case
No. SC2025-0658

The Florida Bar File
No. 2019-50,212(15C)

REPORT OF REFEREE

I. **SUMMARY OF PROCEEDINGS**

The undersigned was appointed as referee under R. Regulating Fla. Bar 3-7.6 to preside over the proceedings in this case.

On May 12, 2025, The Florida Bar filed its complaint against respondent. The Supreme Court of Florida entered an order on May 12, 2025, designating the Chief Judge of the Seventeenth Judicial Circuit of Florida to appoint a referee in this case. On May 14, 2025, the Honorable Carol-Lisa Phillips appointed the undersigned to serve as the referee.

Throughout these proceedings, The Florida Bar was represented by Bar Counsel William Mulligan. The Respondent was pro se.

Respondent failed to file an answer to the complaint and on June 3, 2025, The Florida Bar filed a Motion for Default, which was granted by

Order dated June 6, 2025. On October 10, 2025, a final hearing was held in this matter. The default resulted in an admission of allegations contained within The Florida Bar's complaint and the final hearing was limited to the issue of what sanction(s) should be imposed. The Florida Bar was represented by William Mulligan; Respondent failed to appear at the hearing after being duly noticed.

All items properly filed including pleadings, notices, motions and orders, recorded testimony (if transcribed), and the report of referee constitute the record in this case and are filed with the Supreme Court of Florida.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during these proceedings was, a member of The Florida Bar¹, subject to the jurisdiction and Rules Regulating The Florida Bar adopted by the Supreme Court of Florida.

Narrative Summary Of Case.

COUNT I

¹ Respondent has remained under continuous suspension since December 13, 2019, based on a November 13, 2019, Order of the Court in Supreme Court Case No. SC2019-1349.

1. Jason Burd ("Burd") hired Respondent in October 2017 to represent him in a child custody matter styled *Burd v. Tubbs-Kanger*, Case No. 2013-DR-1951 in the Fifth Judicial Circuit, in and for Lake County, Florida.

2. Burd paid Respondent approximately \$5,800.00 for the representation.

3. Respondent entered his appearance in the case in December 2017, filed a notice of social security number in January 2018, and thereafter filed two motions and a petition in the child custody matter in February 2018.

4. The aforementioned motions were never set for hearing, and Respondent took no further action in Burd's case.

5. Burd attempted to communicate with Respondent on numerous occasions, but Respondent failed to promptly comply with Burd's reasonable requests for information and failed to keep him reasonably informed about the status of the matter.

6. Respondent failed to abide by Burd's decisions concerning the objectives of the representation and did not reasonably consult with Burd as to the means by which they were to be pursued.

COUNT II

7. In or around September 2018, Burd filed a grievance against Respondent.

8. Respondent failed to respond to multiple official Bar inquiries concerning Burd's grievance.

9. The Florida Bar sent Respondent multiple letters via regular mail to his record Bar mailing address requesting his written response to Burd's grievance, but Respondent failed to provide a response. Also, the Bar sent notice to Respondent via certified mail and by email that the grievance committee would consider whether his failure to respond was a matter of contempt.

10. On or about November 16, 2018, Respondent contacted the bar to request an extension of time to respond and an extension of time was granted by telephone conversation until November 20, 2018, but Respondent failed to file a response by said date.

11. On or about November 27, 2018, a former Bar counsel attempted to contact Respondent via telephone on his cell phone and left a message. An additional call on that date was made to Respondent at his then record bar office phone number at (561) 245-1625, and a message indicated it was not a working number.

12. On or about December 19, 2018, the grievance committee found that respondent failed to show good cause for failing to respond to official Bar inquiries and that the non-compliance was willful.

13. The grievance committee found Respondent to be in contempt and requested the Bar to file a Petition for Contempt and Order to Show Cause.

14. On August 9, 2019, the Bar filed its Petition for Contempt and Order to Show Cause with the Florida Supreme Court pursuant to the grievance committee's findings.

15. On August 12, 2019, the Florida Supreme Court issued an Order to Show Cause requiring Respondent to respond by August 27, 2019.

16. Respondent failed to respond to the Florida Supreme Court's Order to Show Cause.

17. On November 13, 2019, the Florida Supreme Court found Respondent in contempt and suspended him, as well as requiring him to remain suspended until he fully responded to the Bar's official inquiry.

18. On or about December 12, 2024, Bar counsel and Respondent had a telephone conversation, and Respondent was advised that the underlying grievance would be considered by the grievance committee.

19. On December 13, 2024, Bar counsel had multiple telephone conversations with Respondent, and Respondent confirmed his receipt of Burd's grievance and advised that he would provide his response to the grievance by December 23, 2024. On same date, Bar counsel sent Respondent confirming emails of telephone conversations on December 12, 2024, and December 13, 2024, to Respondent's record bar email address.

20. Between December 16, 2024 – January 2, 2025, Bar counsel had multiple telephone conversations with respondent and exchanged emails with Respondent, ultimately extending Respondent's response date to January 3, 2025.

21. Respondent failed to provide a written response to Burd's grievance.

22. On February 10, 2025, a Notice of Grievance Committee Review was sent to Respondent's record bar mailing address and email address advising him that this matter would be considered by the grievance committee on February 26, 2025, and that he could provide a written statement no later than February 24, 2025.

23. Respondent did not provide a written statement to the grievance committee.

24. To the present date, Respondent has failed to provide a written response to the Bar's official inquiries concerning Burd's grievance.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar:

As to Count I: 4-1.2 (Objectives and Scope of Representation); 4-1.3 (Diligence); 4-1.4 (Communication); 4-3.2 (Expediting Litigation); and 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct. . .).

As to Count II: 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct. . .) and 4-8.4(g) (A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency. . .).

IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Before recommending discipline under R. Regulating Fla. Bar 3-7.6(m)(2)(D), I considered the following:

Personal History of Respondent:

Age: 70

Date admitted to the Bar: October 3, 1991

Prior Discipline: In Supreme Court Case No. SC2019-1349, by order dated November 13, 2019, respondent was held in contempt and suspended from the practice of law for failure to respond in writing to an official Bar inquiry.

V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards for Imposing Lawyer Sanctions before recommending discipline:

4.4 Lack of Diligence

(a) Disbarment. Disbarment is appropriate when a lawyer causes serious or potentially serious injury to a client and:

- (1) abandons the lawyer's practice;
- (2) knowingly fails to perform services for a client; or
- (3) engages in a pattern of neglect with respect to client matters.

4.5 Lack of Competence

(a) Disbarment. Disbarment is appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures and causes injury or potential injury to a client.

7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees

(a) Disbarment. Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

8.1 Violation of Court Order or Engaging in Subsequent Same or Similar Misconduct

(a) Disbarment. Disbarment is appropriate when a lawyer:

(2) has been suspended for the same or similar misconduct and intentionally engages in further similar acts of misconduct.

Aggravation and Mitigation

In recommending discipline, I also considered the following aggravating and mitigating factors as reflected in sections 3.2 and 3.3, respectively, of the Standards:

3.2 Aggravation

(b)(1) prior disciplinary offenses;

(b)(3) a pattern of misconduct;

(b)(4) multiple offenses;

(b)(5) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;

(b)(9) substantial experience in the practice of law.

3.3 Mitigation

(b)(11) imposition of other penalties or sanctions.

VI. CASE LAW

I considered the following case law before recommending discipline:

In *The Florida Bar v. Davis*, 149 So. 3d 1121 (Fla. 2014), the Court found disbarment was appropriate when an attorney knowingly failed to perform services for client, after charging client a \$5,000.00 retainer fee, and the attorney failed to answer the bar complaint or participate in the disciplinary proceedings.

In *The Florida Bar v. Bartlett*, 509 So. 2d 287 (Fla. 1987), the Court found disbarment the appropriate sanction for an attorney's neglect of a client's case where the attorney had previously been suspended for similar misconduct and failed to participate in the disciplinary proceedings. The Court stated that "a lawyer's willful refusal to participate at all in the disciplinary process when he is accused of misconduct calls into serious question the lawyer's fitness for the practice of law." *Id.* at 289.

In *The Florida Bar v. Chuilli*, No. SC18-600, 2019 WL 479243 (Fla. Feb. 7, 2019), an attorney was disbarred for failure to provide competent representation, failure to communicate, and failure to expedite litigation in a

civil matter and for failure to appear at a final disciplinary hearing after receiving notice from The Florida Bar and for not participating throughout the proceedings. The attorney's prior discipline included a finding of contempt and suspension for his failure to respond to an official bar inquiry in the underlying matter.

In *The Florida Bar v. Parrish*, 241 So. 3d 66, 80 (Fla. 2018), the Court noted that "in more recent years the Court has imposed even more severe discipline for unethical and unprofessional conduct than in the past."

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE IMPOSED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures and he be disciplined by:

A. Disbarment.

B. Payment of The Florida Bar's costs in these proceedings.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	\$1,250.00
Bar Counsel Cost	\$ 55.14
Court Reporters' Fees	\$ 125.00
Investigative Costs	\$ 211.27
TOTAL	\$1,641.41

I recommend that the above costs be charged to Respondent and that interest accrue at the statutory rate. Respondent will be delinquent 30 days after the judgment in this case becomes final unless Respondent pays the costs in full, or the Board of Governors of The Florida Bar defers payment under R. Regulating Fla. Bar 1-3.6.

Dated this 29th day of October, 2025.



Giuseppina Miranda, Referee
County Court Judge
201 SE 6th Street, Suite 13137
Fort Lauderdale, FL 33301

Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

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