

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

Supreme Court Case No. SC2018-149

TIKD SERVICES LLC,
a Foreign Limited Liability
Company, and CHRISTOPHER
RILEY, individually and as
Founder of TIKD SERVICES LLC,

The Florida Bar File Nos.
20174035(11B) and 20174045(11B)

Respondents.

**MOTION FOR LEAVE
TO FILE AMICUS BRIEF**

Pursuant to Rule 9.370(a), Florida Rules of Appellate Procedure, and Rule 10-7.1(f) of the Rules Regulating the Florida Bar, Gold & Associates, P.A. d/b/a The Ticket Clinic (“The Ticket Clinic”), Joseph LoRusso, P.A., The Law Offices of Lou Arslanian, Steven Bell, Esq., and The Law Offices of H. A. Rodriguez (collectively, the “Florida Private Practice Lawyers”) move for leave to file an Amicus Curiae Brief in Support of The Florida Bar’s Opposition to the Report of Referee and Recommended Judgment in this matter, dated January 24, 2019 (the

RECEIVED, 02/12/2019 09:57:25 AM, Clerk, Supreme Court

“Referee’s Report”).¹ In support of this Motion, the Florida Private Practice

Lawyers state as follows:

1. The Ticket Clinic is comprised of Florida-licensed lawyers who are members in good standing of The Florida Bar. The Ticket Clinic has offices throughout the State of Florida. The Ticket Clinic’s primary practice is representing and defending clients who receive traffic tickets throughout the State of Florida. In the spring of 2017, one of The Ticket Clinic’s attorneys, Ted Hollander, Esq., filed with The Florida Bar an Unlicensed Practice of Law Complaint against Respondent TIKD Services, LLC (“TIKD”). Since 2017, The Ticket Clinic and its lawyers have been parties to several civil lawsuits, in both state and federal court, brought by or against TIKD and its owner. As members of The Florida Bar, The Ticket Clinic lawyers are required to comply with the Rules Regulating The Florida Bar.

2. Joseph LoRusso, P.A. is a sole practitioner law firm operated by Joseph LoRusso, Esq., who is a member in good standing of The Florida Bar. Joseph LoRusso, P.A. has its office in Fort Lauderdale, Florida. Joseph LoRusso, P.A. primarily represents clients in personal injury matters. As a member of The

¹ This Court has previously permitted the filing of amicus briefs in connection with review of a referee’s report regarding the unlicensed practice of law. *See, e.g., The Florida Bar v. Furman*, 451 So. 2d 808 (1984) (identifying Southern Legal Counsel, Inc. as amicus curiae).

Florida Bar, Mr. LoRusso is required to comply with the Rules Regulating The Florida Bar.

3. The Law Offices of Louis C. Arslanian is a sole practitioner law firm operated by Louis C. Arslanian, Esq., who is a member in good standing of The Florida Bar. The Law Offices of Louis C. Arslanian has its office in Hollywood, Florida. The Law Offices of Louis C. Arslanian primarily represents clients in foreclosure defense, civil litigation, and appellate matters, and has represented The Ticket Clinic in several matters. As a member of The Florida Bar, Mr. Arslanian is required to comply with the Rules Regulating The Florida Bar.

4. Steven Bell, Esq. is a partner in the law firm Melzer & Bell, P.A., which has its office in West Palm Beach, Florida. Mr. Bell is a member in good standing of The Florida Bar. Mr. Bell primarily represents clients in criminal defense matters. As a member of The Florida Bar, Mr. Bell is required to comply with the Rules Regulating The Florida Bar.

5. The Law Offices of H. A. Rodriguez, P.A., is a sole practitioner law firm operated by Hugo A. Rodriguez, Esq., who is a member in good standing of The Florida Bar. The Law Offices of H. A. Rodriguez, P.A. has its office in Fort Lauderdale, Florida. The Law Offices of H. A. Rodriguez, P.A. primarily represents clients in family law matters. As a member of The Florida Bar, Mr. Rodriguez is required to comply with the Rules Regulating The Florida Bar.

Interest of the Florida Private Practice Lawyers

6. As lawyers and law firms who are members of The Florida Bar and who actively practice law in Florida, the Florida Private Practice Lawyers have a direct and substantial interest in making certain that the Rules Regulating The Florida Bar, particularly the Rules as they relate to the Unlicensed Practice of Law (“UPL”), are applied correctly and fairly, and that non-lawyers are not permitted to practice law in Florida.

7. Companies, such as TIKD, that are not owned and operated by lawyers, but are permitted to engage (directly or indirectly) in the practice of law in Florida without complying with the Rules Regulating The Florida Bar, pose a risk to consumers of legal services in Florida. Because these companies will not be bound by the legal and ethical regulations governing the practice of law, consumers will lack protection from objectionable and misleading legal tactics, advertisements, and financing practices.

8. Moreover, such harm is not limited to consumers, because these companies’ unregulated business practices also harm rule-abiding lawyers and law firms with whom those companies compete or will compete. Such lawyers and law firms will be placed at a competitive disadvantage because they must comply with the Rules Regulating The Florida Bar, while such companies operate outside

the disclosure, ethical, advertising, and other regulations contained within the Rules Regulating The Florida Bar.

9. The Ticket Clinic in particular competes directly with TIKD, because TIKD sells traffic ticket defense services to Florida drivers, the same drivers who might retain The Ticket Clinic to represent them. At present, TIKD contends that it is not required to, and in fact it does not, comply with the Rules Regulating The Florida Bar. This Court's decision as to whether TIKD is engaged in UPL will have a direct and immediate impact on The Ticket Clinic's law practice, its revenue, its costs, and its clients or potential clients.²

Issue to be Addressed

10. This case requires the Court to interpret the Rules Regulating The Florida Bar, particularly Chapter 10, the Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law. The proposed amicus brief will address the reasons why the Referee's Report should not be adopted and why the Court should conclude that TIKD is engaged in UPL and should enjoin TIKD.

² Because of the direct impact of TIKD's business on The Ticket Clinic in particular, and on all of the Florida Private Practice Lawyers more generally, the Florida Private Practice Lawyers are "part[ies] aggrieved" by the Report within the meaning of Rule 10-7.1(f)(1), and therefore are entitled to file an objection to the Report. However, out of respect for this Court, and in an abundance of caution, the Florida Private Practice Lawyers are seeking formal leave of this Court to file an amicus brief in this proceeding.

**The Florida Private Practice Lawyers
Can Assist in the Disposition of this Case**

11. The Florida Private Practice Lawyers can assist in the disposition of this case because they have direct, real-world experience conducting their law practices pursuant to the Rules Regulating The Florida Bar, including rules on advertising and disclosures, ethics, and fee-splitting, among other things. The Rules are intended to benefit the public and consumers of legal services, but because they are not applied to TIKD, they do not benefit consumers who purchase services from TIKD. The Rules also, of necessity, impose constraints on the business practices and opportunities otherwise available to Florida lawyers, including the Florida Private Practice Lawyers. The Florida Private Practice Lawyers will address the impact on themselves and on consumers of permitting TIKD and similar companies to operate in Florida outside the constraints of the Rules. If TIKD's business model is found not to be UPL, then presumably any company will be able to advertise and sell legal services in Florida without complying with the Rules Regulating The Florida Bar, and such a decision will have a significant impact on the practice of all Florida lawyers.

12. The Ticket Clinic in particular can address the ways in which TIKD's business, which has operated outside the constraints of the Rules, has directly impacted The Ticket Clinic, and why TIKD's business constitutes UPL. As noted above, The Ticket Clinic attorney Ted Hollander actually filed with The Florida

Bar a UPL complaint against TIKD, and it would be beneficial to the Court to hear and consider the concerns he and the The Ticket Clinic have regarding the application of the UPL rules to TIKD's business.

Request for Consent

13. The Florida Private Practice Lawyers certify that (1) Petitioner, The Florida Bar, takes no position as to the filing of an amicus curiae brief by the Florida Private Practice Lawyers; and (2) Respondents, TIKD Services LLC and Christopher Riley, oppose the filing of an amicus curiae brief by the Florida Private Practice Lawyers.

WHEREFORE, the Florida Private Practice Lawyers respectfully ask this court to grant their Motion and allow the filing of an amicus brief.

Dated: February 12, 2019.

Respectfully submitted,

THOMAS & LOCICERO PL

s/ James J. McGuire

Gregg D. Thomas

Florida Bar No. 223913

James J. McGuire

Florida Bar No. 0187798

601 South Boulevard

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

gthomas@tlolawfirm.com

jm McGuire@tlolawfirm.com

dlake@tlolawfirm.com

tgilley@tlolawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Leave to File Amicus Brief has been filed on this 12th day of February, 2019, via the statewide e-portal and true and correct copies were furnished via email using the statewide e-portal to

Joshua E. Doyle, Executive Director
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
jdoyle@floridabar.org

Algeisa Maria Vazquez, Bar Counsel
The Florida Bar
1300 Concord Terrace, Suite 130
Sunrise, FL 33323
avazquez@floridabar.org

William A. Spillias UPL Counsel
The Florida Bar
651 E. Jefferson St.
Tallahassee, Florida 32399-2300
wspillias@floridabar.org

Kellie C. Scott, Chair
Standing Committee on UPL
651 E. Jefferson St.
Tallahassee, FL 32399-2300
upl@floridabar.org

Christopher M. Kise
Joshua M. Hawkes
Foley & Lardner LLP
106 East College Avenue, Suite 900
Tallahassee, FL 32301-7732
ckise@foley.com
jhawkes@foley.com

Ramón A. Abadin
Ramón A. Abadin, P.A.
2333 Ponce de Leon Boulevard
BAC Colonnade Office Tower, Ste. 314
Coral Gables, FL 33134
rabadin@abadinlaw.com
kolivera@abadinlaw.com

Teresa Pooler
Circuit Judge/Referee
Richard E Gerstein Justice Building
1351 NW 12th Street
Miami, FL 33125-1644
tpooler@jud11.flcourts.org

s/ James J. McGuire

Attorney