

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

v.

FRANK T. NOSKA,  
Respondent.

Supreme Court Case No.  
SC2023-1585

The Florida Bar File No.  
2023-50,396 (15E)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On November 16, 2023, The Florida Bar filed its Complaint against respondent in Case No. 2023-1585. On November 17, 2023, the Chief Judge of the Seventeenth Judicial Circuit of Florida appointed the undersigned to serve as referee in these proceedings. Respondent failed to answer the bar's complaint as mandated by R. Regulating Fla. Bar 3-7.6(h)(2). On December 11, 2023, the bar filed The Florida Bar's Motion for Default. On December 11, 2023, the undersigned issued an order granting the bar's motion for default.

On January 17, 2024, a case management hearing was held via Zoom, bar counsel appeared, however, respondent did not appear.<sup>1</sup> Prior to the January 17, 2024 case management conference, a notice of hearing was sent by email to respondent's record bar email, by mail to respondent's record bar mail address and by mail to the attention of the respondent at three other mailing addresses.

On January 24, 2024, the undersigned referee's office sent a Notice of Sanctions Hearing and Order on Case Management Conference to respondent and bar counsel by email, thus giving notice to the parties that the sanctions hearing in the instant matter was set for March 4, 2024 at 10:00 a.m. via Zoom video conference. On January 25, 2024, bar counsel forwarded a copy of the Notice of Sanctions Hearing and Order on Case Management Conference to respondent by email and certified U.S. Mail. The sanctions hearing was held on March 4, 2024. At the initial call of the case, respondent was not present, but bar counsel was present, and the undersigned placed the case on recall. When the undersigned recalled this case, respondent was not present on Zoom. Thereafter, the sanctions hearing was held.

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<sup>1</sup> On November 28, 2023, the bar forwarded a copy of the Notice of Case Management Conference for the January 17, 2024 hearing to respondent by email and U.S. Mail.

Respondent failed to appear at the sanctions hearing on March 4, 2024. During the sanctions hearing, The Florida Bar's Exhibits 1 – 4 were admitted without objection.

All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

The Florida Bar was represented by Joi L. Pearsall.

## II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Respondent was admitted to The Florida Bar on June 18, 1982.

Narrative Summary Of Case. An order of default was entered in this case on December 11, 2023; thus, the following allegations of the bar's complaint are deemed admitted.

### COUNT I

1. Respondent was counsel for Chris Thompson, P.A., the plaintiff, in a civil case styled Chris Thompson P.A. v. GEICO, Case No. 2018-SC-011039, in the County Court in and for Palm Beach County, Florida.

2. Respondent brought another attorney, Cris Boyar, into the case to assist. Respondent advised Mr. Boyar that only respondent would handle all communications with the client.

3. After the defendant prevailed, the court awarded the defendant attorney's fees.<sup>2</sup>

4. Mr. Boyar attempted contact with respondent after the award of attorney's fees to the defendant but was unable to reach respondent.

5. Mr. Boyar then contacted Mr. Thompson who advised that not only had he not heard from respondent, but he did not recall giving respondent authorization to litigate the case and had no knowledge of the status of the case.

## **COUNT II**

6. In or about January 2023, a grievance was filed against respondent by respondent's co-counsel, Cris Boyar.

7. Respondent then failed to respond to The Florida Bar's investigative inquiries concerning the grievance filed by Mr. Boyar.

8. The Florida Bar made multiple attempts to locate respondent using a staff investigator with telephone calls and emails.

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<sup>2</sup> A copy of the December 15, 2022 Final Order Granting Defendant Attorneys Fee and Costs Based Upon Previously Entered Agreed Final Judgment Entered on August 2, 2021, entered in Palm Beach County Case No. 2018-SC-011039 Chris Thompson P.A. v. GEICO, admitted into evidence as The Florida Bar's Exhibit 2,

9. On April 26, 2023, the grievance committee found respondent did not show good cause for failing to respond to official bar inquiries. The grievance committee also found the non-compliance was willful after respondent failed to provide any response to the notice of hearing on non-compliance which was sent to respondent's record bar address as well as other addresses. All notices were returned as undeliverable.

10. Respondent has failed to provide any updated contact information to The Florida Bar pursuant to his obligation under Rule 1-3.3 of the Rules Regulating The Florida Bar.

11. On May 15, 2023, The Florida Bar filed its Petition for Contempt and Order to Show Cause with the Florida Supreme Court pursuant to the grievance committee's findings of non-compliance.

12. On May 15, 2023, the Florida Supreme Court issued an order to show cause requiring respondent to respond by May 30, 2023.

13. Respondent failed to respond to the Florida Supreme Court's order to show cause.

14. On July 31, 2023, the Florida Supreme Court found respondent in contempt and suspended him, and required him to remain suspended until he fully responded to the bar's official inquiry and until further order of the Court. (Attached hereto and incorporated herein as The Florida Bar's

Exhibit 1 is the Order of the Florida Supreme Court suspending respondent.)

15. To date, respondent has not responded to the Florida Supreme Court or to The Florida Bar.

### III. RECOMMENDATIONS AS TO GUILT.

The undersigned finds that respondent was properly noticed to be at the sanctions hearing. Both the undersigned referee's office and the bar, emailed respondent a copy of the notice for the sanctions hearing. The bar also sent a copy of the notice for the sanctions hearing to respondent at his record bar mailing address and by mail to the attention of respondent at three other mailing addresses.<sup>3</sup> Additionally, it is the responsibility of the attorney to update their contact information with The Florida Bar. If his contact information changed, it was respondent's responsibility to update his information. Respondent was noticed to be at the sanctions hearing, but he failed to appear. Respondent was suspended by court order on July 31, 2023 and he still has not responded to the Florida Supreme Court or to The Florida Bar. The respondent's prior bar matter, namely the April 15, 2010 amended order of the Supreme Court of Florida, clearly demonstrates that

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<sup>3</sup> The Florida Bar's Exhibit 4 is a copy of the membership profile of Frank T. Noska from the website Floridabar.org. Also, see the Notice of Sanctions Hearing and Order on Case Management Conference entered by the referee on January 19, 2024, for the other addresses where notice was sent to respondent.

respondent is familiar with the bar grievance process and how to properly respond to bar complaints.<sup>4</sup> Furthermore, the undersigned noted that respondent failed to participate in any of the proceedings. It appears that Mr. Noska has abandoned his practice. As the referee, I find that Frank Noska has abandoned his practice.

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

As to Count I of the complaint, I recommend that respondent be found guilty of R. Regulating Fla. Bar 4-1.2(a) [A lawyer must abide by a client's decisions concerning the objectives of representation, and, as required by rule 4-1.4, must reasonably consult with the client as to the means by which they are to be pursued]; 4-1.3 [Diligence. A lawyer shall act with reasonable diligence and promptness in representing a client.]; 4-1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter...]; 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...]; 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, as defined

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<sup>4</sup> The Florida Bar Exhibit 3, the April 15, 2010, Amended Order in Case Nos. SC10-158 & SC10-507.

elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct.].

As to Count II of the complaint, I recommend that respondent be found guilty of R. Regulating Fla Bar 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.] 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, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct.].

#### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

##### 4.4 Lack of Diligence

4.4(a) Disbarment is appropriate when a lawyer causes serious or potentially serious injury to 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.

#### V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Davis, 149 So. 3d 1121 (Fla. 2014). The Court approved the referee's recommendation of disbarment after the referee found the lawyer guilty of violating Rules 4-1.3, 4-1.4(a)(3), and 4-1.4(a)(4) of the R. Regulating Fla. Bar. The bar filed a formal complaint against the lawyer; however, the lawyer did not file an answer to the bar's complaint and thereafter the referee granted the bar's motion for default judgment. The lawyer also failed to appear for the final hearing. The Court found that after the referee entered an order granting the bar's motion for default judgment, the allegations in the bar's complaint were deemed admitted and the lawyer's lack of participation in the proceedings before the referee presented serious questions about the lawyer's fitness to practice law.

The Florida Bar v. Rosenberg, 169 So. 2d 1155, 1162 (Fla. 2015). The Court has moved toward imposing increased sanctions when an attorney exhibits unethical and unprofessional conduct.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

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

- A. Disbarment;

B. Payment of bar's discipline costs; and

C. Respondent will eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(2)(D), I considered the following:

Personal History of Respondent:

Age: 75

Date admitted to the Bar: June 18, 1982

Prior Discipline: On July 31, 2023, in Case No. 2023-0679, the Supreme Court of Florida held respondent in contempt and suspended respondent from the practice of law until he responds to the bar's official inquiries and further order of the court.

On April 15, 2010, Case Nos. SC10-158 & SC10-507, the

respondent received a public reprimand and was ordered to pay restitution.<sup>5</sup>

3.2(b) Aggravating Factors(s):

3.2(b)(1) prior disciplinary offenses;

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

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

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 Costs	\$1,250.00
Investigative Costs	\$207.75
Court Reporter Fees	\$604.35
	TOTAL \$2,062.10

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or

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5 Copies of the July 31, 2023 Order in Case No. SC2023-0679 and the April 15, 2010 Amended Order in Case Nos. SC10-158 & SC10-507 were admitted in evidence respectively, as The Florida Bar's Exhibit 1 and Exhibit 3.

otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 15 day of April, 2024.

  
Honorable Kristin Raybon Kanner, Referee  
Broward County Judicial Complex  
201 SE 6th St  
Fort Lauderdale, FL 33301

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

Frank T. Noska, [Frank T. Noska III, Atty.] Respondent, P.O. Box 254, Palm Beach, FL 33480-0254; Frank T. Noska, 221 Onondaga Ave., Palm Beach, FL 33480; Frank T. Noska, 660 North Olive Avenue, West Palm Beach, FL 33401; Frank T. Noska, 100 Edgelawn Road, Ashville, NC 28804; and via email to Frank T. Noska, at [pleadingsftnlaw@aol.com](mailto:pleadingsftnlaw@aol.com)

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