

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

PAUL K. SILVERBERG,

Respondent.

Supreme Court Case  
No. SC-

The Florida Bar File Nos.  
2019-50,050(17C)  
2022-50,731(17C)

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**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, Paul K. Silverberg, and files this Conditional Guilty Plea for Consent Judgment pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, albeit suspended by order of this Court in Supreme Court Case No. SC18-1216 effective October 30, 2020, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of two bar disciplinary matters which have been assigned The Florida Bar File Nos. 2019-50,050(17C) and 2022-50,731(17C).

3. As to The Florida Bar File No. 2019-50,050(17C), there has been a finding of probable cause by the grievance committee.

4. As to The Florida Bar File No. 2022-50,731(17C), respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

5. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is represented in this matter.

6. The disciplinary measures to be imposed upon respondent are as follows:

A. 91-day suspension to commence upon the Court's order approving this consent judgment;

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

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. The Florida Bar File No. 2019-50,050(17C)

1. Pursuant to the purchase of a business for a law firm client in April of 2016, respondent was required to hold the sum of \$23,000.00 in escrow due to a dispute between the seller and the purchaser.

2. Respondent's law firm used two distinct trust accounts, one at SunTrust and another at Citibank. The

subject \$23,000.00 in escrowed funds were solely deposited in the trust account maintained at SunTrust Bank.

3. The dispute was resolved at mediation in April of 2018, and later that month, respondent wrote a check to his client in the amount of \$21,221.22 (which was the total escrow funds less fees owed by his client) from his Citibank operating account.

4. The bar reviewed respondent's SunTrust trust account records provided by respondent for the relevant period of time. In addition, the bar reviewed respondent's Citibank trust account statement(s) as provided by respondent.

5. The review revealed that for a period of time in 2017 (prior to the resolution of the aforementioned dispute in 2018) the SunTrust trust account did not have the full \$23,000.00 deposited therein.

6. It is respondent's contention that this error was occasioned by the mistaken belief that the escrowed funds were on deposit in the Citibank trust account, which

had significant trust account balances at all times material herein.

7. By reason of the foregoing, respondent admits to a violation of R. Regulating Fla. Bar 5-1.1.

B. The Florida Bar File No. 2022-50,731(17C)

1. Respondent was suspended from the practice of law by Supreme Court Order dated September 30, 2020, and has not been reinstated since that date.

2. As a suspended lawyer, respondent is prohibited from communicating with law firm clients.

3. One of respondent's former clients sought a refund of legal fees paid to the law firm and copied him on several e-mails to lawyers in said law firm where she sought such refund.

4. While respondent did not respond in any way to the initial e-mails, he eventually had an e-mail exchange with this former client wherein they discussed the refund request and a release for the law firm related thereto as well as another email exchange confirming a prior communication with this client.

5. By reason of the foregoing, respondent admits to a violation of R. Regulating Fla. Bar 3-6.1(d)(1).

8. Respondent offers that the following factors apply in mitigation [from the Florida Standards for Imposing Lawyer Sanctions, Standard 3.3(b)]:

(2) absence of a dishonest or selfish motive;

(5) full and free disclosure to the bar or cooperative attitude toward the proceedings;

(7) character or reputation;

(10) interim rehabilitation;

(12) remorse.

9. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

10. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

11. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$2,593.50. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of

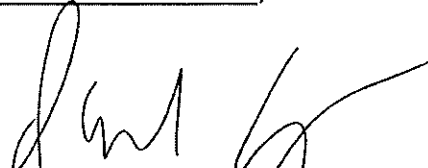
this Court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

12. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

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13. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

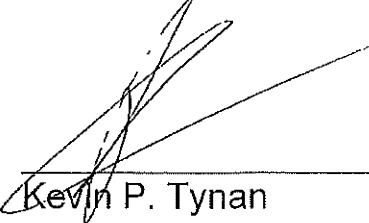
Dated this 7<sup>th</sup> day of November, 2023.



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Dated this 7<sup>th</sup> day of November, 2023.



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Dated this 1<sup>st</sup> day of December, 2023.



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