

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC18-600

v.

The Florida Bar File
No. 2017-70,525 (11E)

TIMOTHY JOHN CHULLI,

Respondent.

FILED
JOHN A. TOMASINO
OCT 15 2018
CLERK, SUPREME COURT

REPORT OF REFEREE

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 April 18, 2018, The Florida Bar filed its Complaint and Request for Admissions in this matter.¹ The Bar's allegations were deemed admitted pursuant to the July 2, 2018 Order granting The Florida Bar's Motion for Order Deeming Matters Admitted. Furthermore, Respondent was found guilty of violating specific Rules Regulating The Florida Bar referenced in this Report of Referee by virtue of my July 2, 2018 Order granting The Florida Bar's Motion for Default Judgment, as

¹ In the Bar's Complaint, I do note a scrivener's error with regard to Rule 4-1.3. This rule should read as follows: Rule 4-1.3 (Diligence).

well as the aforementioned order granting The Florida Bar's Motion for Order Deeming Matters admitted.

On August 31, 2018, a final hearing was held in this matter. Bar Counsel appeared at the final hearing; however, Respondent did not appear. Neither did Respondent appear telephonically at the properly noticed case management conference which took place on June 8, 2018. This Referee, personally, contacted Respondent at his record bar phone number for the scheduled hearing. However, I was unable to make contact with him.

It should also be noted that Respondent was served with all pleadings and notices of hearing at both his record Bar mailing address and his record Bar email address as well as Respondent's other known mailing address. Consequently, all notice requirements have been satisfied.

The following attorneys appeared as counsel for the parties:

On behalf of The Florida Bar: Tonya L. Avery

On behalf of the Respondent: No appearance by Respondent. It is specifically noted that Respondent was properly noticed.

II. FINDINGS OF FACT:

A. Jurisdictional Statement:

The Respondent is and was, at all times material herein, a member of The Florida Bar, albeit suspended as a result of contempt findings pursuant to Florida

Supreme Court Order dated May 21, 2018. Respondent is subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary of Case:

The following matters which have been deemed admitted form the narrative summary of this case:

Cora Richardson retained Respondent to represent her in a pending civil matter, in *Cora Richardson v. Miguel Carrasco*, Case No. 10-5844 CA (05) in the Eleventh Judicial Circuit Court in and for Miami Dade County, Florida.

On or about September 8, 2016, Respondent filed his Notice of Appearance as well as a Motion to Amend the Complaint and Notice of Hearing in this matter.

A few months later, on or about November 30, 2016 Respondent became delinquent in his Continuing Legal Education Requirements and he became ineligible to practice law in the State of Florida. Respondent also became delinquent in his Bar fees on or about November 1, 2017 and to this day, Respondent remains ineligible to practice law in the State of Florida.

While delinquent, Respondent continued to represent Mr. Richardson. At some point the communication between Ms. Richardson and Respondent ceased. Eventually, Ms. Richardson was able to communicate with Respondent, who advised her that he wanted to continue to represent her in this matter. Ms. Richardson agreed. Shortly thereafter, Ms. Richardson again made several

attempts to communicate with Respondent; however, Respondent again failed to respond.

On or about March 7, 2017, Ms. Richardson filed a motion to request a trial date and to advise the court that unbeknownst to her Respondent had become ineligible to practice law and that she had been left to represent herself in this matter.

Respondent did not file a Motion to Withdraw and to this day Respondent remains counsel of record in this case.

On March 15, 2017, the court entered an order setting the case for a jury trial for June 5, 2017.

Ms. Richardson then made several attempts to contact Respondent requesting that he return her exhibits to her because she needed them for trial. Respondent did not respond to Ms. Richardson's attempts to contact him nor did he return Ms. Richardson's documents to her.

On or about March 31, 2017, Ms. Richardson filed a grievance with The Florida Bar. Pursuant to its investigation, counsel for The Florida Bar wrote Respondent on April 18, 2017, May 25, 2017, June 23, 2017, and August 4, 2017, requesting Respondent's position regarding Ms. Richardson's grievance. Respondent failed to respond in writing to any of the letters from The Florida Bar as is required by the Rules Regulating The Florida Bar.

III. RECOMMENDATION AS TO GUILT:

Based on the foregoing, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Rule 4-1.3 (Diligence); Rule 4-1.4 (Communication); Rule 4-3.2 (Expediting Litigation); Rule 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, including to knowingly or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic); and Rule 4-8.4(g) (A lawyer shall not fail to respond, in writing to any official inquiry by bar counsel or a disciplinary agency) of The Rules Regulating The Florida Bar.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS:

I considered the following Standards for Imposing Sanctions, case law, and aggravating factors:

4.4 Lack of Diligence

4.41 Disbarment is appropriate when: (a) lawyer abandons the practice and causes serious or potentially serious injury to a client, or (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

7.0 Violations of Other Duties Owed as a Professional

7.1 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.

V. CASE LAW:

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Davis, 149 So.3d 1121 (Fla. 2014), The Florida Supreme Court held that a lawyer's willful refusal to participate in the disciplinary process when he is accused of misconduct calls into serious question the lawyer's fitness to practice law. Accordingly, the court concluded that the referee's recommendation of disbarment was well supported.

In The Florida Bar v. Montgomery, 412 So.2d 346 (Fla. 1982), the respondent was disbarred for neglecting client matters and abandoning his law practice. He also failed to file an Answer to the Bar's complaint, request for Admissions, and failed to appear at the final hearing.

VI. AGGRAVATION AND MITIGATION:

A. Aggravation:

- 9.22(a) prior disciplinary offenses;
- 9.22(c) a pattern of misconduct;
- 9.22(i) substantial experience in the practice of law
- I further find Respondent's failure to participate in the instant

disciplinary proceedings as an additional aggravating factor.

B. Mitigation:

None.

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

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

A. Disbarment; and

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

VIII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD:

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 55

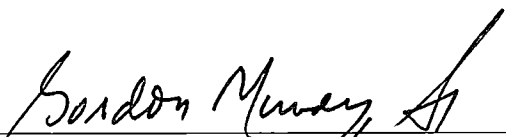
Date admitted to the Bar: May 2, 1992

Prior Discipline: In Supreme Court Case No. SC18-565, Respondent was suspended as a result of contempt findings set forth in the Florida Supreme Court Order dated May 21, 2018.

IX. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

The Florida Bar, having been successful in this matter, shall be awarded their necessary taxable costs in this proceeding and shall submit their statement of costs, as well as a motion to access costs against Respondent.

Dated this 4th day of October, 2018.



Honorable Gordon C. Murray, Sr.
Referee

Original To:

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

Conformed Copies to:

Timothy John Chuilli, Respondent, via Regular U.S. Mail and via Certified Mail Return Receipt Requested (tracking #7014 2120 0003 5157 0336) to Respondent, Timothy John Chuilli at his record bar address of 3015 Coconut Grove Dr, Coral Gables, FL 33134-6804; and via Regular U.S. Mail and via Certified Mail Return Receipt Requested (tracking #7014 2120 0003 5157 0343) to Respondent, Timothy John Chuilli at last known address of 10736 Locust Street, Palm Beach Gardens, Florida 33418; and via email to tcfllaw@gmail.com

Tonya L. Avery, Bar Counsel, via email to tavery@floridabar.org

Adria E. Quintela, Staff Counsel, via email to aquintel@floridabar.org