

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ANDREW MICHAEL KASSIER,

Respondent.

Supreme Court Case  
No. SC-

The Florida Bar File  
No. 2018-70,067 (11A)

\_\_\_\_\_/

**THE FLORIDA BAR'S PETITION FOR APPROVAL OF CONDITIONAL  
GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, The Florida Bar, by and through undersigned counsel, and respectfully requests this Court approve the Conditional Guilty Plea for Consent Judgment filed and attached as Exhibit A and says:

1. Respondent is, and at all times mentioned in the above-referenced disciplinary matter was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. Respondent tendered a Conditional Guilty Plea for Consent Judgment in this case prior to the filing of a formal complaint with the Supreme Court of Florida.

3. Pursuant to Rule 3-7.9 of the Rules of Discipline of The Florida Bar, Respondent's Consent Judgment has been approved by The Florida Bar.

4. The Florida Bar's Statement of Costs is being filed with this petition.

RECEIVED, 02/01/2018 01:13:29 PM, Clerk, Supreme Court

WHEREFORE, The Florida Bar respectfully requests that Respondent's Conditional Guilty Plea for Consent Judgment be accepted, the proposed discipline be imposed, and the Bar be awarded costs.

Respectfully submitted,



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Patrick Russell, Bar Counsel  
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**CERTIFICATE OF SERVICE**

I certify that this Petition For Approval Of Conditional Guilty Plea For Consent Judgment document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-filing Portal with a copy provided via email to Andrew M. Kassier, Respondent, [kassiera@aol.com](mailto:kassiera@aol.com); and Adria E. Quintela, Staff Counsel, via email at [aquintel@flabar.org](mailto:aquintel@flabar.org), on this 1<sup>st</sup> day of February, 2018.



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Patrick Russell, Bar Counsel

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case No.

Complainant,

The Florida Bar File No.  
2018-70,067(11A)

v.

ANDREW MICHAEL KASSIER,

Respondent.

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**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned Respondent, Andrew Michael Kassier, and files this Conditional Guilty Plea 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, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned the following The Florida Bar File Number: 2018-70,067(11A).
3. As to The Florida Bar File Number 2018-70,067(11A), Respondent waives his right to a probable cause hearing before a Grievance Committee and stipulates to probable cause in this matter.

**Exhibit A**

4. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.

5. The disciplinary measure to be imposed upon Respondent is as follows:

Ten (10) day suspension

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

The Florida Bar File Number 2018-70,067(11A) is a complaint involving an adoption. The allegations of the complaint are that Respondent undertook the representation for an adoption in 2012 but as of 2014 had still not completed the same. As a result of failing to complete the adoption, Respondent agreed in 2014 to refund the fees paid by the client and to complete the remainder of the work on a pro bono basis. At the time of the filing of the instant complaint in 2017, the Respondent had still not completed the adoption nor had Respondent refunded the legal fees to the client. Since the filing of the grievance, Respondent has refunded all legal fees to the client and renewed his commitment to assist the client on a pro bono basis. The client; however, has retained new counsel. The client insists that

Respondent not only failed to be diligent in his work, but also was negligent thereby further delaying the adoption proceedings unnecessarily. Respondent has candidly admitted the allegations of the complaint are accurate. Respondent states that after initially processing the adoptions papers, he failed to process a termination of parental rights petition immediately. Instead, Respondent states he placed the clients file back in his active case file cabinet and lost track of the case. By virtue of the foregoing, Respondent stipulates that he has violated Rule 4-1.3 (diligence) and Rule 4-1.4 (communication) of the Rules Regulating The Florida Bar.

7. The Respondent offers the following factors in mitigation:

- a. absence of a dishonest or selfish motive;
- b. full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- c. remorse;
- d. remoteness of prior offenses.

8. 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 \$1,250.00. These costs are due within thirty (30) days of the entry of the Supreme Court's becoming final in this cause. 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 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.

9. Respondent agrees that the costs indicated below have been incurred.

Administrative fee

Rule 3-7.6(o)(1)(I): \$1,250.00

**TOTAL: \$1,250.00**

10. Respondent acknowledges the obligation to pay the costs of this proceeding (and any agreed restitution) 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 or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

11. Respondent acknowledges that unless waived or modified by the Court on motion of Respondent, the Court's disposition order will contain a provision that prohibits Respondent from accepting new business from the date of

the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that Respondent may close out the practice of law and protect the interest of existing clients.

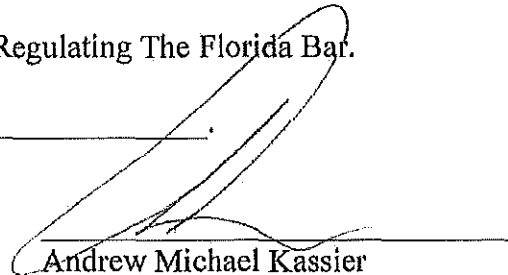
12. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

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

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

Dated: \_\_\_\_\_

01/02/18



Andrew Michael Kassier  
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Florida Bar ID No.: 316547  
[kassiera@aol.com](mailto:kassiera@aol.com)

Dated: January 3, 2018.



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