

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

JOSE ANGEL TOLEDO,

Respondent.

Supreme Court Case

No. SC-

The Florida Bar File Nos.

2020-10,006 (13F) (HES)

2020-10,015 (13F); 2020-10,019 (13F);

2020-10,029 (13F); 2020-10,034 (13F);

2020-10,059 (13F); 2020-10,067 (13F);

2020-10,071 (13F); 2020-10,083 (13F);

2020-10,128 (13F); 2020-10,141 (13F);

2020-10,142 (13F); 2020-10,169 (13F);

2020-10,171 (13F); 2020-10,172 (13F);

2020-10,173 (13F); 2020-10,174 (13F);

2020-10,181 (13F); 2020-10,183 (13F);

2020-10,184 (13F); 2020-10,186 (13F);

2020-10,199 (13F); 2020-10,203 (13F);

2020-10,210 (13F); 2020-10,218 (13F);

2020-10,221 (13F); 2020-10,224 (13F);

2020-10,225 (13F); 2020-10,246 (13F);

2020-10,247 (13F); 2020-10,248 (13F).

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PETITION FOR EMERGENCY SUSPENSION

This petition of The Florida Bar seeks emergency relief and requires the immediate attention of the court pursuant to Rule 3-5.2 of the Rules Regulating The Florida Bar. The Florida Bar seeks the emergency suspension of Jose Angel Toledo, Attorney No. 188913, from the practice of law in Florida based on facts that establish clearly and convincingly that Jose Angel Toledo appears to be causing great public harm as will be shown by facts supported by the sworn complaints of thirty-one (31) members of the public, attached hereto as Composite Exhibit 1, and

the affidavits of James Monroe, and Jose De Jesus Aguilera, attached hereto as Exhibit 2, and Exhibit 3, respectively, and states as follows:

1. The filing of this Petition for Emergency Suspension has been authorized by the Executive Director of The Florida Bar.

2. Respondent, Jose Angel Toledo, is and at all times hereinafter mentioned, was a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

3. The enclosed affidavits and sworn client complaints, without attachments, are used in support of this Petition for Emergency Suspension.

4. Respondent is currently the subject of thirty-one (31) bar disciplinary matters, filed by clients and one medical provider, which have been assigned The Florida Bar file numbers: 2020-10,006 (13F), 2020-10,015 (13F), 2020-10,019 (13F), 2020-10,029 (13F), 2020-10,034 (13F), 2020-10,059 (13F), 2020-10,067 (13F), 2020-10,071 (13F), 2020-10,083 (13F), 2020-10,128 (13F), 2020-10,141 (13F), 2020-10,142 (13F), 2020-10,169 (13F), 2020-10,171 (13F), 2020-10,172 (13F), 2020-10,173 (13F), 2020-10,174 (13F), 2020-10,181 (13F), 2020-10,183 (13F), 2020-10,184 (13F), 2020-10,186 (13F), 2020-10,199 (13F), 2020-10,203 (13F), 2020-10,210 (13F), 2020-10,218 (13F), 2020-10,221 (13F), 2020-10,224 (13F), 2020-10,225 (13F), 2020-10,246 (13F), 2020-10,247 (13F), and 2020-10,248 (13F). *See Composite Exhibit 1.*

5. The Bar's investigation of these matters has indicated respondent has abandoned his law practice without notice to his clients and without taking reasonable steps to protect their interests.

6. The bar complaints in Composite Exhibit 1 allege that respondent has ceased all communicate with clients and has failed to distribute settlement funds to clients or third parties. *See Composite Exhibit 1.*

7. Respondent has failed to respond to all the client complaints and has failed to respond to at least eight official bar inquiries. On September 27, 2019, in The Florida Bar File No. 2020-10,195 (13F), the bar filed a Petition for Contempt and Order to Show Cause with this Court. On October 3, 2019, this Court issued an Order to Show Cause, Supreme Court case number SC19-1652. Respondent was ordered to respond to this Court by October 16, 2019.

8. The bar's investigator, James Monroe, investigated the client complaints and since August 5, 2019 has been unable to reach respondent. *See James Monroe's Affidavit, attached hereto as Exhibit 2.*

9. On at least four occasions, Mr. Monroe stopped by respondent's law office during business hours and each time, the law office was closed. *See Exhibit 2.*

10. Jose De Jesus Aguilera is an attorney licensed to practice law in Puerto Rico and is admitted to practice before the Executive Office of Immigration Review and authorized to practice immigration law under the Immigration and Nationalist

Act. Mr. Aguilera has been retained by several of respondent's clients. In connection with the representation of those clients, Mr. Aguilera has attempted to contact respondent and obtain copies of clients' files on numerous occasions. Those attempts have proved fruitless. Mr. Aguilera made several trips to respondent's law office since July 2019. Each visit to respondent's office was during normal business hours and each time the lights were off and the door was locked. *See Jose De Jesus Aguilera's Affidavit, attached hereto as Exhibit 3.*

11. On August 22, 2019, respondent's office landlord filed a complaint for eviction in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division under Docket Number 19-CA-8747.

12. On September 25, 2019, the Circuit Court issued a Writ of Possession, granting the landlord possession of the law office. *See Exhibit A attached to Exhibit 2.*

13. On October 3, 2019, bar investigator, Mr. Monroe, was present when the Writ of Possession was served by the Hillsborough County Sheriff and respondent's law office was returned to the landlord's possession. *See Exhibit 2.*

14. On the same date, Mr. Monroe gained access to the inside of the law office and observed nine filing cabinets and six credenzas containing client files. *See Exhibit 2.*

15. Respondent has abandoned his practice and his clients and has failed to take reasonable steps to communicate with his clients in order to ensure the clients' interests are protected.

16. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); **Rule 4-1.16** (Declining or Terminating Representation); **Rule 4-8.4(a)** (Misconduct- a lawyer shall not violate the Rules of Professional Conduct); and **Rule 4-8.4(d)** (Misconduct- a lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice); **Rule 4-8.4(g)** (Misconduct - a lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or disciplinary agency); and **Rule 5-1.1(e)** (Trust Accounts- notice of receipt of trust funds; delivery; accounting).

WHEREFORE, based on the aforementioned facts, the bar asserts respondent has caused, or is likely to cause, immediate and serious harm to clients and/or the public and that immediate action must be taken for the protection of respondent's clients and the public. Therefore, pursuant to Rule 3-5.2, The Florida Bar respectfully requests this court to:

A. Suspend respondent from the practice of law until further order of this court.

B. Order respondent to accept no new clients from the date of this Court's order and to cease representing any clients after 30 days from the date of this Court's order. Within the 30 days from the date of this Court's order, respondent shall wind down all pending matters and shall not initiate any litigation on behalf of clients. Respondent shall withdraw from all representation within 30 days from the date of this Court's order. In addition, respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will withdraw from said representation within thirty days from the date of this court's order and will immediately turn over to any successor the complete financial records of any estate, guardianship or trust upon the successor's appointment.

C. Order respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which Jose Angel Toledo is counsel of record as required by Rule 3-5.1(h) and to furnish Staff Counsel with the requisite affidavit listing all clients, opposing counsel and courts so informed within 30 days after receipt of the court's order.

D. Order respondent to refrain from withdrawing or disbursing any money from any trust account related to respondent's law practice until further order of this court, a judicial referee appointed by this court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8, and to deposit any fees, or other sums received in connection with the practice of law or in connection with

respondent's employment as a personal representative, guardian or trustee, paid to respondent after issuance of this Court's order of emergency suspension, into a specified trust account from which withdrawal may only be made in accordance with restrictions imposed by this Court. Further, respondent shall be required to notify bar counsel of The Florida Bar of the receipt and location of said funds within 30 days of the order of emergency suspension.

E. Order respondent to not withdraw any money from any trust account or other financial institution account related to respondent's law practice or transfer any ownership of any real or personal property purchased in whole or in part with funds properly belonging to clients, probate estates for which respondent served as personal representative, guardianship estates for which respondent served as guardian, and trusts for which respondent served as trustee without approval of this court, a judicial referee appointed by this court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8.

F. Order respondent to notify, in writing, all banks and financial institutions where the respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or related to services rendered as a guardian, or related to services rendered as a trustee, or where respondent maintains an account that contains funds that originated from a probate estate for which respondent was personal representative,

guardianship estate for which respondent was guardian, or trust for which respondent was trustee, of the provisions of this Court's order and to provide all the aforementioned banks and financial institutions with a copy of this Court's order. Further, respondent shall be required to provide Bar Counsel with an affidavit listing each bank or financial institution respondent provided with a copy of said order.

G. Order respondent to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar.

H. Authorize any Referee appointed in these proceedings to determine entitlement to funds in any trust account(s) frozen as a result of an Order entered in this matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Jose Angel Toledo, respondent, at suabogadohispano@gmail.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1070 0000 4774 4061, return receipt requested to respondent, whose record bar address is Toledo Legal LLC, 4303 W Roland St, Tampa, FL 33609-3870 and via email to Lindsey Margaret Guinand, Bar Counsel, lguinand@floridabar.org, on this 18th day of October, 2019.



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NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that bar counsel in this matter is Lindsey Margaret Guinand, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300, Tampa, Florida 33607-2386, (813) 875-9821, and lguinand@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than bar counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-5.2(a), OF THE RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.