

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

JOSEPH WIMBERT GIBSON JR.,
Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2019-70,300 (11M)

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REQUESTS FOR ADMISSION

The Florida Bar requests respondent Joseph Wimbert Gibson Jr., make the following admissions for the purpose of this action only and subject to all pertinent objections to their admissibility, which may be interposed at the trial, pursuant to Fla. R. Civ. P. 1.370, within 45 days after service of this request.

1. You admit that Mr. Cyril Poitier retained you on March 27, 2018, in connection with two related real estate matters that required litigation.
2. You admit that Mr. Poitier paid you \$4,000.00 for his services.
3. You admit that you entered a Notice of Appearance on March 30, 2018, but did not file an Answer by the April 17, 2018, deadline.
4. You admit that the plaintiff in the underlying case filed a motion for default judgment against Mr. Poitier.

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5. You admit that instead of addressing the default, you filed a “Motion to Dismiss for Failure to State a Claim.”

6. You admit that Mr. Poitier went to your office on May 8, 2018, to discuss the matter and that is when another attorney informed him of the motion for default.

7. You admit that after several unsuccessful attempts to schedule an in-person meeting with you, Mr. Poitier contacted the office and informed an assistant he was terminating the representation.

8. You admit that while seeking a new attorney, Mr. Poitier filed an Answer Pro Se on June 12, 2018.

9. You admit that on or about June 14, 2018, Mr. Poitier retained attorney Robert Bisonnette to represent him in the matter.

10. You admit that Mr. Bisonnette wrote an email to you advising you of the new representation and requesting a refund of the unused portion of the retainer.

11. You admit that you did not reply to the email.

12. You admit that on June 21, 2018, Mr. Bisonnette sent follow up correspondence reiterating the demand for the return of the retainer by June 25, 2018.

13. You admit that On June 22, 2018, Mr. Bissonette received an email from your office acknowledging the correspondence and stating that a response would be provided by June 27, 2018.

14. You admit that you did not respond to Mr. Bissonette by that date.

15. You admit that on July 6, 2018, you filed a Notice to Strike the Pro Se Answer without consulting with Mr. Poitier or his new attorney before doing so.

16. You admit that you charged Mr. Poitier fees for the preparation and review of your Motion to Strike Pro Se Answer and Motion to Dismiss Nunc Pro Tunc or Stay with Prejudice.

17. You admit that on July 11, 2018, Mr. Bissonette's office sent you a Substitution of Counsel which you signed and returned several days later.

18. You admit that on July 26, 2018, your office sent Mr. Poitier a "Pre-Bill" with reference to the two pending cases against Poitier.

19. You admit that several charges were made by your office following your termination.

20. You admit that you billed 1.3 hours of "preparation and response to client and Robert Bissonette. Preparation and review of

Motion to Strike Pro Se Answer and Motion to Dismiss Nunc Pro Tunc, or Stay with Prejudice. O/Cs with staff.” For this entry, a total of \$520.00 was charged against the retainer.

21. You admit that additionally, you charged .4 hours for preparing a Notice of Hearing on July 13, 2018, for a total of \$160.00.

22. You admit that you billed “.1” entries for emails on nine occasions in July 2018.

23. You admit that by July 16, 2018, when the Substitution of Counsel was completed, an additional \$1,280.00 was charged against the retainer in the month of July, leaving a balance of \$166.00 due to Mr. Poitier.

24. By reason of the foregoing, you have violated the following Rules Regulating The Florida Bar: 4-1.3 (Diligence); 4-1.4 (Communication); and 4-1.5 (Fees and Costs for Legal Services).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Andrew Scott Berman, Attorney for Respondent, at aberman@ybkklaw.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 3380 0000 1082 8109, return receipt requested to Andrew Scott Berman, Attorney for Respondent, whose record bar address is Tower III, Suite 1748; 825 Brickell Bay Drive, Miami, FL 33131-2936 and via email to Rita Florez, Bar Counsel, rflorez@floridabar.org, on this 15th day of December, 2021



Patricia Ann Toro Savitz
Staff Counsel