IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

MARC JEREMY SOSS,

Respondent.

_____/

Supreme Court Case
No. SC21-694

The Florida Bar File
No. 2016-10,503 (12C)

Received, Clerk, Supreme Court
NOV 16 2021

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Marc Jeremy Soss, 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 acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented by Brett Alan Geer, Esq. in this matter.

3. As to TFB case No. 2016-10,503 (12C), there has been a finding of probable cause by the 12th Circuit Grievance Committee.

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

A. Respondent shall be suspended for a period of thirty (30) days;

B. Respondent agrees to attend The Florida Bar's Ethics School within six (6) months of this Court's order accepting this Plea. Respondent shall be responsible for the fees associated with that program;

C. Respondent agrees to complete a mental health evaluation by Florida Lawyer's Assistance, Inc. and any recommended treatment or contract. Respondent agrees to contact Florida Lawyers Assistance, Inc. (FLA, Inc.) at 800-282-8981 for an evaluation within thirty (30) days of Supreme Court order entered approving this consent judgment. At the end of sixty (60) days, respondent will provide the bar's headquarters office with proof that respondent has scheduled an evaluation. Respondent will abide by all recommendations made by FLA, Inc., including, but not limited to, entering into a dual diagnosis rehabilitation contract for a term of three (3) years with FLA, Inc. Respondent agrees to be placed on probation for the length of the rehabilitation contract not to exceed

five (5) years. If a contract is recommended, respondent will pay a FLA, Inc., registration fee of $250.00 and a probation monitoring fee of $100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with her FLA, Inc. rehabilitation contract, including nonpayment on the monthly monitoring fee. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including initiating contempt proceedings for failure to pay the monthly monitoring fees. All of the above shall be at respondent's expense; and,

D. Respondent agrees to payment of the bar's costs in this disciplinary proceeding.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court 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.

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

Respondent represented Mrs. Dorothy Bloom in a guardianship matter pertaining to her husband, Leon Bloom, and as the surviving spouse of the decedent in the probate of Leon Bloom's estate. Respondent represented Mrs. Bloom in seeking reimbursement from Mr. Bloom's trust for funds she expended for the care of Mr. Bloom.

In February 2015, the court ratified a global settlement agreement which made the Leon Bloom Revocable Trust a party to the guardianship proceedings and appointed Caldwell Trust Company as Successor Trustee for the Leon Bloom Revocable Trust. In July 2015, Caldwell Trust Company sought approval from the court to resign. On July 22, 2015, the court approved the petition for resignation and granted respondent's client, Mrs. Bloom, the authority to select the successor trustee for the Leon Bloom Revocable Trust. Regarding notice of the selection, the court's order stated by handwritten notation, "a successor trustee shall be presented for appointment by the end of the business day of 7/23/15 – Robert M. Johnson is an interested party for the purpose of notice and objection to successor trustee."

On July 23, 2015, Mrs. Bloom identified respondent and Raymond James Trust, Inc. as the successor trustees for the Leon Bloom Revocable Trust, but Raymond James declined to serve. Respondent served the

notice of the appointment as successor trustee on the interested parties and beneficiaries, but not on the court for approval or confirmation. Respondent did not interpret the Court's ruling to require such approval.

At the time respondent was identified as successor trustee, respondent's client, Dorothy Bloom, had a claim against the Leon Bloom Revocable Trust for reimbursement of expenses she paid for Mr. Bloom's care. From July 23, 2015 until January 13, 2016, respondent simultaneously served as counsel for Dorothy Bloom and as trustee of the Leon Bloom Revocable Trust. In April 2016, the court removed respondent as successor trustee stating that the dual roles created a conflict of interest.

During the bar's investigation into this matter, the bar examined respondent's roles and whether the client, Mrs. Bloom, had waived any conflict of interest concerning those roles. The bar requested documentation from respondent regarding Mrs. Bloom's waiver of a conflict of interest and in response respondent provided a PDF copy of an Acknowledgment and Waiver of Informed Consent ("Acknowledgment and Waiver"). The document contained a signature by Mrs. Bloom and was dated July 2015. After receipt of the Acknowledgment and Waiver, the bar discovered the PDF document had been altered by respondent at or around the time the bar requested a copy of the document. Respondent

later explained he converted the client's signature on the document due to its illegibility. Respondent stated no substantive changes were made to document. There is not a copy of the document, unaltered, and unfortunately, Mrs. Bloom is deceased and was not able to be interviewed by the bar.

While acting as successor trustee from July 23, 2015 until April 6, 2016, respondent disbursed $127,860.00 out of the trust. With these funds, respondent paid an attorney to represent him as the trustee regarding a motion to disqualify him as trustee, held funds in his trust account and paid himself trustee fees for performing acts consistent with those of a trustee. The court later determined that respondent was not legally entitled to utilize trustee funds as he was not legally the successor trustee, and ordered the fees disgorged. Respondent was ordered to pay back the funds held in trust, the funds paid to himself as trustee fees and any funds paid to the attorney that had not previously been returned. Respondent timely complied and paid back all the funds.

7. Respondent admits that as a result of the conduct described above, he is guilty of violating the following Rules Regulating The Florida Bar: Rule 3-4.3 (Misconduct and Minor Misconduct) 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).

8. Mitigating Factors: Pursuant to Florida Standard for Imposing Lawyer Discipline 3.3(a), "[m]itigation is any factor that justifies reduction in the degree of discipline to be imposed." In evaluating an appropriate resolution, The Florida Bar has considered the following information provided by respondent:

3.3(b)(1) absence of a prior disciplinary record: Respondent was admitted to The Florida Bar on May 8, 1992, and has no prior discipline.

3.3(b)(8) physical or mental disability or impairment or substance related disorder: During the proceedings, respondent suffered from health issues that affected his conduct as a result of his prior military service, for which he recognizes the need to be evaluated by Florida Lawyers Assistance, Inc. Respondent was given a medical disability for which he has received ongoing treatment through the Veteran's Administration. In November 2019, during the time period that respondent was required to respond to a request for additional information and provide a copy of the sign waiver of conflict, respondent also sustained a concussion.

3.3(b)(10) interim rehabilitation: Respondent voluntarily and on his own sought services through the Veteran's Administration to address his military-service disabilities.

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 referee 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. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever. Respondent will no longer hold himself out as a licensed attorney in any media within his control for the duration of his term of suspension. Respondent will provide The Florida Bar with an affidavit specifically identifying any media within his control for which he has eliminated such indicia, which is a separate and distinct affidavit from the requirements of Rule 3-5.1(h).

12. 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 $34,264.30. These costs are itemized below and 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.

Investigative Costs	$29,571.61
Audit Costs	$425.00
Bar Counsel Costs	$127.89
Subpoena Service Cost	$10.00
Court Reporters' Fees	$2,879.80
Administrative Fee	$1,250.00

13. 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 may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

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

Dated 10/21/2021

Marc Jeremy Soss
Respondent
Florida Bar ID No.: 937045
mjs@fl-estateplanning.com

Dated 10/21/2021

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Dated 10/22/21

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