

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

GEORGE EDWARD OLLINGER, III,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2021-30,711(18C)(OSC)

_____ /

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

The Florida Bar, petitioner, pursuant to Rule 3-7.7(g), petitions the Supreme Court of Florida to enter an order to show cause as to why respondent should not be held in contempt of this Court's order entered in Supreme Court Case Number SC21-28 and why respondent should not be immediately disbarred. In support of its Petition, The Florida Bar states:

1. Respondent was admitted to The Florida Bar on November 18, 1977 and is subject to the jurisdiction of the Supreme Court of Florida.

2. By order dated January 19, 2021, respondent was emergency suspended from the practice of law until further order of the Court (Case No. SC21-28). Further, the Court's order provided, "Respondent is ordered: a. to accept no new clients from the date of this Court's order and to cease representing any clients after thirty days of this Court's order." A

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copy of the Court's order dated January 19, 2021 is attached hereto as Exhibit "A."

3. The effective date of respondent's emergency suspension was February 18, 2021.

4. At the time of this Court's emergency suspension order, respondent represented the former husband in Boyles v. Boyles, case number 1994-DR-008498, in the Seventeenth Judicial Circuit in and for Broward County, Florida. Katherine Ondra Birnbaum represented the former wife.

5. On January 25, 2021, at 12:24:50 PM, respondent filed Respondent Former Husband's Motion for Stay in which respondent moved for an order staying the proceedings, on behalf of his client, due to respondent being "...temporarily suspended by the Florida Bar grievance counsel in his petition for temporary emergency suspension." Respondent did not indicate whether opposing counsel in the post-dissolution matter had an objection to the extension of time. A copy respondent's motion is attached hereto as Exhibit "B."

6. Thereafter, on January 25, 2021, at 12:45:55 PM, respondent filed a revised Respondent Former Husband's Motion for Stay wherein

respondent noted that opposing counsel, Ms. Birnbaum, had an objection to respondent's motion. A copy is attached hereto as Exhibit "C."

7. A hearing on respondent's motion was held on January 27, 2021.

8. On February 1, 2021, the court granted respondent's motion to stay the proceedings until March 13, 2021.

9. On February 14, 2021, respondent filed Former Husband's Motion to Extend Stay, in Boyles v. Boyles, case number 1994-DR-008498, wherein respondent sought an order extending the existing stay in the proceedings to March 30, 2021. A copy is attached hereto as Exhibit "D."

10. In respondent's February 14, 2021 motion, respondent advised the court that a hearing had been set in respondent's emergency suspension case for March 30, 2021 to consider respondent's motion to vacate or modify the emergency suspension order.

11. On February 15, 2021, the court entered an agreed order granting respondent's motion to extend the stay in the matter until April 9, 2021. A copy is attached hereto as Exhibit "E."

12. On April 5, 2021, after the effective date of respondent's suspension from the practice of law, respondent engaged in email communications, "as counsel for the opposing party," former husband in

Boyles v. Boyles, case number 1994-DR-008498, with Ms. Birnbaum, opposing counsel, and requested a continuance of the hearing date until April 17, 2021, after respondent's final hearing in Supreme Court Case Number SC21-28, set for April 16, 2021. A copy of Ms. Birnbaum's affidavit is attached hereto as Exhibit "F."

13. The above conduct describes respondent's failure to abide by the orders of this Court. Clear violation of any order or disciplinary status that denies an attorney the license to practice law generally is punishable by disbarment, absent strong extenuating circumstances. See The Florida Bar v. Norkin, 183 So. 3d 1018 (Fla. 2015) [Norkin failed to notify clients and judges of his suspension pursuant to Rule 3-5.1(h) and continued to represent clients after his suspension]; The Florida Bar v. Bitterman, 33 So. 3d 686 (Fla. 2010) [Bitterman misrepresented her status as an attorney by using her Florida bar card to identify herself as an attorney after the effective date of her suspension. The Court found that those to whom she presented her bar card were "harmed by attorney's deceit."]; and The Florida Bar v. Walkden, 950 So. 2d 407 (Fla. 2007) [While suspended, Walkden failed to notify judges, opposing counsel, and his remaining clients of his suspension, he attended and participated in an evidentiary hearing, and he used law firm letterhead referring to himself as "Esq."].

14. The other members of The Florida Bar should not have to pay for respondent's noncompliance with this Court's order and the instant proceeding. Therefore, the Bar is requesting the imposition of administrative costs of \$1,250.00 against respondent.

WHEREFORE, The Florida Bar, respectfully requests this Court enter an order compelling George Edward Ollinger, III to show cause why George Edward Ollinger, III should not be held in contempt of this Court's order and disbarred, effective immediately, due to his existing emergency suspension.

Respectfully submitted,



Kenneth H. P. Bryk, Bar Counsel
The Florida Bar
Orlando Branch Office
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
407-425-5424
Florida Bar No. 164186
kbryk@floridabar.org
orlandooffice@floridabar.org

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 copies provided via email to Patrick John McGinley, respondent's counsel, at patrick@mcginleylaw.com, lisa@mcginleylaw.com; by U.S. mail, Certified Mail No. 9414 7266 9904 2965 0418 02, Return Receipt Requested, to Patrick John McGinley, 2265 Lee Road, Suite 100, Winter Park, Florida 32789-1858; and, to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, via email at psavitz@floridabar.org, on this 25th day of June 2021.

A handwritten signature in black ink, appearing to read "Kenneth H. P. Bryk". The signature is written in a cursive style with a large initial "K".

Kenneth H. P. Bryk, Bar Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Kenneth H. P. Bryk, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and kbryk@floridabar.org, orlandooffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@flabar.org.