

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MICHAEL I ROSE,

Respondent.

Supreme Court Case  
No. SC-

The Florida Bar File  
No. 2021-70,274 (11H)

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**UNCONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, Michael I Rose, and files this Unconditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on November 19, 1971, and is subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent acknowledges that probable cause was found by grievance committee 11H in The Florida Bar File No. 2021-70,274.

3. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is represented in this matter.

4. Respondent admits that the following facts are true and accurate and stipulates as follows:

A. In 2003, respondent and his then wife divorced following extremely contentious litigation. As part of the post-divorce settlement, respondent created a trust to the benefit of their minor child and gave title to a condominium to the wife, as trustee, to be used as a residence by her and the child.

B. Later, the former wife remarried and sold the condo. The proceeds were used to purchase a new home which was not placed in the trust, but in the names of the wife and her new husband. Respondent viewed this as an invasion of the trust corpus.

C. In 2009, the new home went into foreclosure. Respondent represented his former wife in those foreclosure proceedings. Ultimately, a foreclosure judgment was entered for \$1.5 million.

D. At her request, respondent agreed to help his former wife find a "friendly buyer" for the foreclosure judgment as this would allow her time to find a buyer for the property. With the former wife's knowledge, their child's godfather, Mr. Torres, agreed to purchase the judgment which respondent then successfully negotiated to a discounted amount with the bank. Funds obtained from respondent financed the purchase.

E. Thereafter, a buyer was found for the property. While the former wife has claimed in pleadings that respondent represented her in that sale, respondent disputes that and the evidence reflects that she had her own representation in the sale of the property. In response to inquiries by the former wife's counsel as to the payoff amount of the foreclosure judgment, respondent provided a figure of \$1.5 million. Deposition testimony by the wife reflects that at least a month prior to the closing, she was aware that the judgment had been purchased for a lesser discounted amount. Email communications between the former wife and Mr. Torres immediately following the closing reflect her awareness that the payoff figure was off by \$88,145.42.

F. In 2014, a lawsuit was brought by the former wife against Mr. Torres with respect to the alleged overpayment and she recovered the \$88,135.42. Respondent represented Mr. Torres in that action until such time as he was disqualified by the court. The issue of disqualification was never referred to the bar.

G. A later lawsuit brought by the former wife against respondent was settled and dismissed. The instant grievance was referred to The Florida Bar by the presiding judge in those proceedings. There was no adjudication or judicial findings against respondent in that matter. The

referring judge has indicated that it was referred based solely on the allegations contained in the pleadings.

5. Respondent admits by reason by the foregoing, he has violated Rules 4-1.7 (Conflict of Interest; Current Clients), and 4-1.9 (Conflict of Interest; Former Client) of the Rules Regulating The Florida Bar.

6. The Respondent offers the following factors apply in mitigation.  
Florida Standards for Imposing Lawyer Sanctions mitigating Factors:

3.3(b)(5) Full and free disclosure to the bar or cooperative attitude toward the proceedings.

3.3(b)(11) Imposition of other penalties or Sanctions.

Respondent was disqualified by the court in the proceedings brought by the former wife against Mr. Torres. No referral was made to the bar with respect to that disqualification, nor did the former wife file a grievance with the bar. In addition, the civil lawsuit against respondent was settled between the parties resulting in a dismissal of all claims against respondent with prejudice.

3.3(b)(13) Remoteness of prior offenses.

Respondent has been a member of The Florida Bar for over 50 years having been admitted in 1971, with one prior disciplinary sanction which occurred more than twenty-nine (29) years ago.

7. Pursuant to Rule 3-7.9(a) of the Rules Regulating The Florida Bar, respondent hereby tenders a Consent Judgment for Discipline wherein respondent agrees to the following discipline:

A. A Public Reprimand to be administered by publication in the Southern Reporter; and

B. Payment of the Bar's disciplinary costs.

8. Respondent agrees that this Unconditional Guilty Plea and Consent Judgement for Discipline and every factual admission contained herein and specifically the admissions set forth in paragraphs four (4) and five (5) shall have full force and effect regardless of any subsequent recommendation or action taken with respect to the terms of discipline offered by the respondent pursuant to this Consent Judgment for Discipline.

9. Respondent agrees that in the event the discipline offered herein is not approved by the Board of Governors of The Florida Bar (or the designee), or The Florida Supreme Court, this matter will proceed solely on the question of discipline.

10. 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 in administrative costs and \$116.00 in Investigative costs. These costs 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.

11. 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 proceedings or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

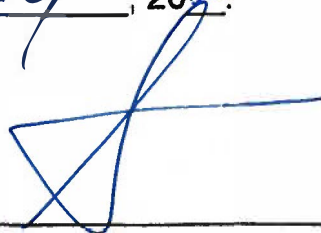
12. This Unconditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 11 day of Feb, 2022.



Michael I. Rose  
Miami, FL 331435523  
305/373-6300  
Florida Bar No. 138858  
[mirose@mirlegal.com](mailto:mirose@mirlegal.com)

Dated this 15 day of February, 2022.



Herman Joseph Russomanno III  
Russomanno & Borrello P A Museum  
Tower  
150 W Flagler St Ste 2800  
Miami, FL 331301560  
305/373-2101  
Florida Bar No. 21249  
[Herman2@russomanno.com](mailto:Herman2@russomanno.com)

Dated this 15<sup>th</sup> day of February, 2022.



Tonya L. Avery, Bar Counsel  
The Florida Bar  
Miami Branch Office  
444 Brickell Avenue  
Rivergate Plaza, Suite M-100  
Miami, Florida 33131-2404  
(305) 377-4445  
Florida Bar No. 190292  
[tavery@floridabar.org](mailto:tavery@floridabar.org)