

## Neil Gillespie

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**From:** "Susan DeMichelle" <susan@demichelle.com>  
**To:** <wschifino@wsmslaw.com>  
**Cc:** <phill@flabar.org>; "Neil Gillespie" <neilgillespie@mfi.net>  
**Sent:** Friday, November 18, 2011 11:15 PM  
**Attach:** Letter Report of No Probable Cause re Laurato 10-20-11.pdf  
**Subject:** FW: Notice to the designated reviewer for a review by the disciplinary review committee  
 Gentlemen,  
 Not sure if this went through, so I am sending this again. I received a not deliverable email. Please read below,

Sincerely,

Susan DeMichelle

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**From:** Susan DeMichelle [mailto:susan@demichelle.com]  
**Sent:** Friday, November 18, 2011 8:06 PM  
**To:** 'phill@fla.org'  
**Cc:** 'wschifino@wsmslaw.com'; 'Neil Gillespie'  
**Subject:** FW: Notice to the designated reviewer for a review by the disciplinary review committee

Dear Mr. Hill and Mr. Schifino,

I confirm this notice to the designated reviewer for a review by the disciplinary review committee of my complaint against Michael Laurato. I have been very busy preparing for bankruptcy and related matters due to the lawsuits with Michael Laurato. I asked Neil Gillespie to provide you the notice today because I realized that the deadline was here, and I was late for work and did not have time to do it myself. Please keep me advised of this matter. Thank you.

Sincerely,

Susan DeMichelle, California Certified Shorthand Reporter #3095  
 700 Webster Street  
 Fairfield, CA 94533

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**From:** Neil Gillespie [mailto:neilgillespie@mfi.net]  
**Sent:** Friday, November 18, 2011 10:46 AM  
**To:** Paul F Hill; William Schifino  
**Cc:** Susan DeMichelle; David Arthur Walters; Angela V. Woodhull  
**Subject:** Notice to the designated reviewer for a review by the disciplinary review committee

Mr. Paul Hill, General Counsel, The Florida Bar  
 Mr. William J. Schifino, Jr., Designated Reviewer, The Florida Bar

RE: In Matter of Michael Vincent Laurato TFB No.: 2011-11 ,020 (13D)

Susan DeMichelle, the Complainant in the above captioned bar complaint, hereby gives notice to the designated reviewer for a review by the disciplinary review committee (Rule 3-7.5(a)(2) for a

recommendation of probable cause that further disciplinary proceedings are warranted. (Rule 3-7.5(a)(5) (G)).

A copy of the Letter Report of No Probable Cause is attached. It appears the grievance committee excused the dishonesty of Respondent Laurato: "While Respondent's statement appears to be clearly false, in order to prosecute Respondent, The Florida Bar would need to prove that Respondent intentionally made a false statement." In other words, it appears the Florida Bar is unwilling to make the effort to prove that Respondent Laurato lied. This is unacceptable.

The Justice Network has profiled on its website Ms. DeMichelle and the dispute with Florida attorney Michael Laurato because of the injustice in this case. In addition, Mr. Laurato is one of a few attorneys who appears to misuse his law license, and friendship with colleagues, in a manner of revenge against people or situations where he perceives this is justified. The Justice Network believes this practice is unethical and undermines the profession of law.

Susan DeMichelle is a California Certified Shorthand Reporter, and the owner for 36 years of DeMichelle Deposition Reporters, a Fairfield California company. Based on my knowledge and understanding of the dispute, in 2007 Mr. Laurato hired DeMichelle Deposition Reporters to make a transcript but later refused to pay a \$481 invoice. After unsuccessful attempts to resolve the matter Ms. DeMichelle obtained a judgment against Mr. Laurato in California court. In 2008 Ms. DeMichelle sought to enforce the judgment in Hillsborough County Small Claims Court, Case No. 09-CC-006533.

The record shows that Mr. Laurato commenced a declaratory judgment action against Ms. DeMichelle August 13, 2009. The case went to bench trial October 25, 2010 before The Honorable Eric Myers, who ruled in favor of Ms. DeMichelle. I personally attended the three-hour bench trial from start to finish. Tampa attorney Ardyn Cuchel represented Mr. Laurato and his firm Austin & Laurato, P.A. Ms. Cuchel is a friend and colleague of Mr. Laurato.

To defend the declaratory judgment action before Judge Myers, Ms. DeMichelle hired attorney Brian Stayton on an hourly basis. Ms. DeMichelle traveled 3,000 miles to attend the hearing. I personally reviewed Ms. DeMichelle's expenses which exceed \$10,000.

Mr. Laurato appealed Judge Myers ruling December 27, 2010, Appellate Case No. 10-CA-024210, Hillsborough Circuit Civil Court. Ms. Cuchel represented Mr. Laurato and his firm Austin & Laurato, P.A. and filed a 32 page initial brief April 26, 2011. The record in the appeal shows it was decided in favor of Ms. DeMichelle November 7, 2011.

Miami Beach attorney Howard Levine commenced a defamation lawsuit against Ms. DeMichelle over her blog about this matter. Mr. Levine is also a friend and colleague of Mr. Laurato.

Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. It appears that integrity has broken down in this case with regard to Mr. Laurato. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case Mr. Laurato's exercise of independent professional judgment is materially limited by his own interest and conflict. The fact that Mr. Laurato has enlisted two friends and colleagues to litigate against Ms. DeMichelle does not change the underlying fact that the litigation was initiated by Mr. Laurato against Ms. DeMichelle in connection with what appears to be a personal vendetta.

Mr. Laurato is a colorful character, as shown by Colleen Jenkins, a writer for the St. Petersburg Times,

in her column October 3, 2010, Brash Tampa lawyer attracts attention, good and bad. Here is a link to the online Times story: <http://www.tampabay.com/news/courts/brash-tampa-lawyer-attracts-attention-both-good-and-bad/1125394> It is clear from reading the 178 comments to the online Times story that Mr. Laurato has brought discredit to the practice of law.

The Florida Bar issued a public reprimand and taxed costs of \$4,002.44 against Mr. Laurato in bar complaint 2007-11,274(13D). Mr. Laurato was found guilty of giving false testimony in a civil lawsuit with the Naffco company in Tampa, a violation of Bar Rules 4-8.4(c) and Rule 4-8.4(d), Florida Supreme Court case number SC09-1953.

On February 13, 2011 Mr. Laurato was arrested for disorderly conduct by the Seminole Tribe Police at the Seminole Hard Rock Casino near Tampa. Ms. Cuchel successfully defended Mr. Laurato in the criminal misdemeanor case, no. 11-CM-003078 Hillsborough County, Florida. Court records show that Mr. Laurato was asked to leave the Green Room Restaurant, refused, engaged in profane language, and was arrested. In defending her client, Ms. Cuchel successfully argued that Mr. Laurato's profane language was protected by the First Amendment and Florida law.

As I wrote on the Justice Network, when three lawyers gang up on a hard working court reporter like Susan DeMichelle who is just trying to collect payment for a transcript ordered by Mr. Laurato in connection with the practice of law, something is wrong with the legal system and The Florida Bar, I stand by that statement. You can read more about this outrage here <http://yousue.org/attorney-misconduct/>

Sincerely,

Neil Gillespie  
The Justice Network  
<http://YouSue.org/>

*The Justice Network is engaged in advocacy, education, news gathering and dissemination, helping people fight injustice, and reducing inefficiencies in the legal system through the private sector.*

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

In Re: The Matter of  
Michael Vincent Laurato

TFB No.: 2011-11,020 (13D)  
Complaint of: Susan Demichelle

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**LETTER REPORT OF NO PROBABLE CAUSE**

On October 13, 2011, the Grievance Committee found no probable cause in the above-referenced matter. The vote in favor of this finding was unanimous (7 in favor, 0 opposed).

Complainant is a court reporter who performed services for Respondent in 2007. Respondent has refused to pay Complainant for her services. The civil dispute between Complainant and Respondent is the subject of ongoing litigation. To the extent that the matter involves issues related to the civil dispute, it is outside the appropriate purview of the committee. The attorney disciplinary process is not a substitute for a civil forum.

Two issues related to the matter warranted Bar investigation. First, the Bar investigated whether Respondent received payment from his client or as part of a settlement for the payment of Complainant's services. In such event, Respondent would be required to hold those funds in trust and promptly make payment from trust to Complainant. Failure to do so would be a violation of the trust accounting rules. The evidence available to the committee showed no payments made by Respondent's client. Respondent did receive payment for his fees and costs from the opposing party as part of the settlement; the evidence related to that settlement available to the committee did not show any specific breakdown of costs and no specific identification of payment for Complainant's services. Rather, Respondent received a lump sum intended to pay for all fees and costs, undifferentiated. Therefore, based on that evidence, there was no basis for further proceedings as to a possible trust account violation.

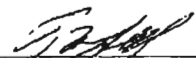
The second issue, which was the primary focus of the grievance committee's investigation, was whether Respondent made a false statement to the Bar in response to the grievance. Specifically, Respondent claimed that he could not have made Complainant's bill a specific part of the settlement because he was not aware of the bill at the time of the settlement. In support of that claim, Respondent provided a copy of the August 29 invoice from Complainant, alleging that the settlement was finalized on August 24. Complainant claimed that Respondent's statement was false because the August 29 invoice was not the first invoice sent; the original invoice has been sent on August 22, prior to the settlement. While Respondent's statement appears to be clearly false, in order to prosecute Respondent, The Florida Bar would need to prove that Respondent intentionally made a false statement. In this instance, the committee concluded that the evidence


was insufficient to support further proceedings. The committee had insufficient evidence of when Respondent personally became aware of the outstanding invoice (rather than the invoice being known to someone else within Respondent's office) to support formal disciplinary proceedings. As a result, the committee made its finding of no probable cause.

Pursuant to the provisions of Rule 3-7.4(k), Rules Regulating The Florida Bar, the undersigned signify a finding of no probable cause by the grievance committee as to the referenced complaint. No right to appeal this decision exists (Rule 3-7.4(i)). The designated reviewer has authority to seek review of the grievance committee's decision within thirty (30) days of this date by referral to the disciplinary review committee. A decision by the designated reviewer not to seek review or expiration of the time in which to do so shall preclude further proceedings in this matter. According to our file retention policy, the records regarding this matter will be disposed of one (1) year from the date of the committee's action.

Date: 25 OCT 2011

Date: 10/20/11

  
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Troy Matthew Lovell  
Bar Counsel

  
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Brian T. McElpatrick, Chair  
Thirteenth Judicial Circuit  
Grievance Committee "D"

Copies to: William J. Schifino, Jr., Designated Reviewer  
Steven S. Oscher, Investigating Member  
Susan Demichelle, Complainant