



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

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December 10, 2014

Mr. Jason Halle
209 N.W. 21st Court
Wilton Manors, FL 33311

Re: Mr. Michael Joseph Napoleone; RFA No.: 15-9614

Dear Mr. Halle:

Your inquiry concerning the above-referenced attorney has been referred to me for my review.

Your complaint alleges the attorney engaged in fraud on the court related to the case In Re Edward Halle Trust, Case No. 2011-CP-005095, Palm Beach County Circuit Court, in which you were the petitioner and Peter Halle was the defendant/respondent represented by the firm. The result of the hearing was dismissal with prejudice of your Fourth Amended Complaint. On December 8, 2014, I reviewed the docket for this case. On September 30, 2013, the circuit court dismissed your Fourth Amended Complaint with prejudice. You filed an appeal, Case No. 4D13-3796. On October 16, 2014, the appellate court affirmed the dismissal. Your complaint to The Florida Bar was signed on November 22, 2014.

The allegations you make against the attorney are not within the disciplinary jurisdiction of The Florida Bar. The Florida Bar cannot investigate a matter that goes right to the heart of your unsuccessful appeal. This would be using disciplinary process as a substitute for a rehearing of the appellate court's decision. Nor can the Bar change or challenge the outcome of civil proceedings. The Florida Bar only has authority to investigate complaints to determine if an attorney has violated the rules governing attorneys and whether disciplinary action is warranted regarding the attorney's license to practice. The Florida Bar does not make determinations as to whether a crime has or may have occurred.

After careful consideration, I conclude that the matters referenced in your inquiry do not constitute violations of the Rules of Professional Conduct, and accordingly, your inquiry does not fall within the purview of the grievance system framework. Consequently, I have closed our record in this matter. Please be advised that my action does not preclude you from consulting with private counsel, nor does it preclude you from exercising any legal remedy which may be available to you.

Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

A handwritten signature in black ink, appearing to be 'MC' with a large loop, positioned above the typed name.

Maura Canter, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Mr. Michael Joseph Napoleone