

MAR 11 2019

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

SABRINA STARR SPRADLEY,
Respondent.

Supreme Court Case
No. SC18-1592

The Florida Bar File
Nos. 2017-50,729(15F)
2017-50,882(15F)
2017-50,932(15F) and
2017-50,956(15F)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On September 24, 2018, The Florida Bar filed its Complaint against Respondent in these proceedings. The parties have entered into a Conditional Guilty Plea For Consent Judgment (hereafter "Consent Judgment"). All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida. The following attorneys appeared as counsel for the parties:

On Behalf of The Florida Bar:
Michael David Soifer, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323

On Behalf of Respondent:

Sabrina Starr Spradley, *pro se*
207 Tropic Isle Dr., Apt 107
Delray Beach, FL 33483-4735

Sabrina Starr Spradley, *pro se*
and 679 Ipswich Street, Apt. 1
Boca Raton, FL 33487

Respondent has submitted a Conditional Guilty Plea for Consent Judgment ("Consent Judgment") which provides for a suspension of eighteen months, with probationary conditions. The position of The Florida Bar, as approved by a Designated Reviewer of the Fifteenth Judicial Circuit, is that Respondent's plea be accepted.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case.

Based upon the Consent Judgment, my findings of fact are as follows:

As to Count I of the Complaint **The Florida Bar File No. 2017-50,729(15F)**

Attorney Taylor Hughes filed a motion to quash in a case where he was Respondent's opposing counsel. Respondent sent Hughes two inappropriate e-mails on February 25, 2017 and February 27, 2017, which stated in pertinent part:

"I just read your sham of a motion. Do you really want to waste my time and a Judge's or a General Magistrate's time with this motion?! ...I am 39 years old. I have been licensed to practice law since 2009. I assure you, you will not enjoy being in the same courtroom with me. I have made men who were practicing law since before I was born wish they had not underestimated me. [From February 25, 2017 email].

....If I were you, I would STOP WAISTING [sic] MY CLIENTS MONEY, and MORE IMPORTANTLY MY TIME, AND TRY filing say a real Answer or would that be too

difficult for you? I will thoroughly enjoy EVERY SECOND OF THAT HEARING! You will pray that you never hava [sic] to appear before that Judge or General Magistrate EVER AGAIN. Your client will wish that she were able to afford to hire my [sic] rather than you. Do I need to elaborate further? Let me just elaborate a tad more. How long have you been licensed to practice law? Was your father a FAMOUS WORLD RENOWN INTERNATIONAL ENVIRONMENTAL ATTORNEY? Were you bom [sic] with this man's passion to practice law running through your veins?" [From February 27, 2017 email].

As to Count II of the Complaint
The Florida Bar File No. 2017-50,882(15F)

Respondent represented Alexander Stabilito in the case styled Harvey v. Stabilito, Case No. 2016-DR-047650 in the Eighteenth Judicial Circuit in and for Brevard County, Florida. In or about February 2017, after withdrawing from the representation, Respondent filed a Motion for Charging Lien in the matter. In an order dated May 5, 2017, Judge Christina Serrano denied Respondent's charging lien. After receiving a copy of the Order, Respondent sent an email dated May 18, 2017 to Judge Serrano's judicial assistant, which stated in pertinent part:

Please let your boss know that I will be reporting her unfair and biased treatment of me and her ABSURD AND MERITLESS ORDER TO EVERY SINGLE POSSIBLE AUTHORITY IN FLORIDA!!!!!!!!!!!!!! SHE ADMITTED THAT SHE LITERALLY KNEW NOTHING ABOUT ATTORNEY'S CHARGING LIENS!!! IF I HAD A JUDGE WHO HAD ACTUALLY PRACTICED FAMILY LAW AND WAS AT LEAST SOMEWHAT COMPETENT MY LIEN WPULD [sic] HAVE BEEN GRANTED!!!! SHE LET ALEXANDER SCREAM AT ME AND VERBALLY ABUSE ME. HE EVEN STOOD UP AND ALMOST LUNGED ACROSS THE TABLE AT ME!!! YOUR JUDGE DID NOTHING!!!! I HOPE THAT THERE IS A RECORDING OF THIS SHAM OF A HEARING!!!! YOUR BOSS LET A BABY KILLER AND MULTIPLE TIME CRIMINAL STEAL \$6,000 FROM

ME!!!!!!!!!!!!!! I WILL GET EVERY SINGLE NEWS STATION INVOLVED!!!! I WILL PAY \$20,000 TO AIR THREE MINUTE ADS ABOUT HOW SHE SHOULD HAVE NEVER BEEN ALLOWED TO HOLD SUCH AN HONORABLE POSITION AS JUDGE!!!! AND GUESS WHAT?!!! THAT BABY KILLER ALEX BLOCKED MY PHONE NUMBER AND MY PARALEGAL'D [sic] PHONE NUMBER !!!!! HE WILL NEVER PAY ME AND IT IS ALL CHRISTINA SERRANO'S FAULT!!!!

Respondent admits her statements in the email were false or made with reckless disregard as to their truth or falsity. Respondent's statements were prejudicial to the administration of justice, unprofessional, threatening, and designed to embarrass, burden, disparage, humiliate and harass Judge Serrano.

As to Count III of the Complaint
The Florida Bar File No. 2017-50,932(15F)

Complainant James Goins retained Respondent for legal representation in February 2017, for which he paid her a \$1,500.00 fee. After accepting the case and the fee, Respondent took little or no action in the case and failed to communicate with Goins. Respondent has failed to refund the fee, which Respondent admits was excessive since Respondent took little or no action in the case.

As to Count IV of the Complaint
The Florida Bar File No. 2017-50,956(15F)

Anka Freund and her husband retained Respondent in January 2017, to represent them in an adoption matter. Respondent was paid approximately \$1,700.00 in fees and \$406.00 in costs. After accepting the case and her fee, Respondent did not provide proper or diligent representation in the case and failed to properly communicate with Freund. Freund claims she had to hire a new attorney to properly complete the adoption matter. Respondent has failed to refund any unearned fee, which Respondent admits was clearly excessive due to her taking little or no action in the matter for which she was retained by Freund.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: **3-4.2** [Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.]; **3-4.3** [Misconduct and Minor Misconduct]; **4-1.1** [Competency]; **4-1.3** [Diligence]; **4-1.4** [Communication]; **4-1.5(a)** [Excessive Fee]; **4-4.4(a)** [In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person...]; **4-8.2(a)** [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.]; **4-8.4(a)** [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and **4-8.4(d)** [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice...].

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 LACK OF DILIGENCE

4.42(a) Suspension is appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

7.0 OTHER DUTIES OWED AS A PROFESSIONAL

7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Aggravating Factor:

I find the following aggravating factor to be applicable pursuant to Standard 9.22 of the Standards for Imposing Lawyer Sanctions and Black Letter Rules.

9.22(a) Prior disciplinary offense.

Mitigating Factors:

I find the following mitigating factors to be applicable pursuant to Standard 9.32 of the Standards for Imposing Lawyer Sanctions and Black Letter Rules.

9.32(c) Respondent suffered personal and emotional problems during the period in which this misconduct took place.;

9.32(e) Cooperative attitude toward the instant disciplinary proceedings.

9.32(l) Respondent is remorseful for her actions in this matter.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Patterson, No. 16-1438, 2018 WL 5095158 (Fla. Oct. 19, 2018), the Supreme Court found that a 1 year suspension is appropriate the attorney sent a letter detailing the history of a case and expressing his dissatisfaction with its outcome, comparing the alleged injustice suffered by his client to the biblical story of Susanna. He expressed his belief that influential members of the community had manipulated the outcome of the case and implied that a district court judge was biased in favor of opposing counsel. The letter was also sent to judges in the Eleventh Judicial Circuit and Third District. The Third District directed Patterson to show cause why attorney's fees should not be awarded to the city and other defendants for their prosecution of a frivolous appeal. Patterson filed a response containing "incendiary and disparaging comments."

In The Florida Bar v. Norkin, 132 So. 3d 77 (Fla. 2013), Norkin received a 2 year suspension for continually engaging in rude and antagonistic behavior including disrupting court proceedings.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

After reviewing the aforesaid caselaw and the Standards for Imposing Lawyer Sanctions, I find that Respondent's plea and the recommendation of The Florida Bar as to the terms of discipline are both fair to Respondent and in the best interests of the public. I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. 18 months rehabilitative suspension;

B. Respondent will contact Florida Lawyers Assistance, Inc. (FLA, Inc.), at 800-282-8981 for an evaluation within thirty (30) days of the order of the Supreme Court of Florida. At the end of the thirty (30) day period, 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 rehabilitation contract within 30 days of the recommendation. Once respondent enters into a rehabilitation contract with FLA, Inc. then the contract will be monitored by FLA, Inc. until such time as respondent has been reinstated or completed the contract.

C. Restitution to James Goins in the amount of \$1,500.00; and to Anka Freund in the amount of \$2,106.00 within 6 months of the Supreme Court Order approving the consent judgment; and

D. Payment of the Bar's disciplinary costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 40

Date admitted to the Bar: October 5, 2009

Prior Discipline: Respondent is currently suspended by court order dated March 28, 2018, for failure to respond to investigative inquiries promulgated by The Florida Bar in the four files underlying the instant matter.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I have reviewed The Florida Bar's Motion to Assess Costs and find the following costs were reasonably incurred by The Florida Bar:

Administrative Costs	\$1,250.00
Court Reporter Fee	\$ 100.00
Staff Investigator Fee	\$ 304.00

TOTAL: \$1,654.00

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 28 day of February, 2019.



Honorable Louis Howard Schiff, Referee
North Regional Courthouse
1600 W. Hillsboro Blvd
Deerfield Beach, FL 33442-1654

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

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spradleylaw@att.net and sabrinaspredley@bellsouth.net

Sabrina Starr Spradley, Respondent, at her current residence at 679 Ipswich Street, Apt. 1, Boca Raton, FL 33487; spradleylaw@att.net and sabrinaspredley@bellsouth.net

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