

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOHN DOUGLAS ANDERSON,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2019-10,510 (13D)
2019-10,681 (13D)
2020-10,706 (13D)

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against John Douglas Anderson, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on October 7, 2003 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Hillsborough County, Florida, at all times material.
3. The Thirteenth Judicial Circuit Grievance Committee D found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

RECEIVED, 11/10/2020 08:19:30 AM, Clerk, Supreme Court

COUNT I

TFB File No. 2019-10,510 (13D)

4. Paragraphs 1 through 2 are re-alleged and incorporated herein by reference.
5. On September 24, 2018, respondent appeared before the Honorable Margaret Taylor representing defendant Ricky Francis on a misdemeanor battery charge.
6. The court questioned respondent as to whether he had bond factors to present on behalf of his client.
7. Respondent replied “No.”
8. Respondent’s client then informed the court that he did have bond factors for consideration and stated, “I’ll have to speak for myself.”
9. On January 16, 2019, at a subsequent hearing in the same matter, respondent requested the court set the matter for a jury trial.
10. The court questioned respondent as to when was his last jury trial, specifically a criminal jury trial.
11. Respondent stated his most recent trial experience occurred approximately six months prior, in Hillsborough County, before a male judge, the client’s last name was Zaferias, and the matter related to theft.

12. Court records from the Zaferias matter indicate that respondent's client pled no contest at a pretrial hearing and no trial occurred.

13. Following the aforementioned events, respondent's client requested new counsel.

14. The court passed the matter and instructed respondent and his client to speak regarding the alleged irreconcilable differences during the break.

15. Respondent then left the courthouse.

16. Respondent failed to contact the court regarding the outcome of the client's request for new counsel and failed to submit an order for discharge.

17. During the time respondent took on this client's representation he had just began to practice criminal law.

18. Respondent did not have and failed to obtain the knowledge required to provide competent representation.

19. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: Rule 4-1.1 (Competence); 4-1.16 (Declining or Terminating Representation); 4-3.3 (Candor Toward the Tribunal); and 4-8.4(a), (c), and (d) (Misconduct).

COUNT II

TFB File No. 2019-10,681 (13D)

20. Paragraphs 1 through 2 are re-alleged and incorporated herein by reference.

21. In September of 2017, Tim Stemen hired respondent to argue a motion for post-conviction relief in his matter 16-CF-008507.

22. Mr. Stemen provided respondent with \$15,000. Respondent was entitled to \$5,000 as a non-refundable flat fee. The remaining \$10,000 was to be disbursed according to his client's directions.

23. Respondent failed to provide a written fee agreement.

24. Respondent failed to deposit the \$10,000 into a client trust account and instead deposited the funds into his personal account.

25. Of the \$10,000, respondent was to provide \$1,800 to the client's ex-wife and \$6,000 to the client's friend. Respondent was to either hold \$2,200 for future costs or deposit the funds into the client's personal account for use upon release from incarceration.

26. A review of respondent's personal checking account statements indicates the client's funds were deposited on October 6, 2017 and October 19, 2017.

27. Respondent eventually disbursed the \$7,800 on his client's behalf as directed. Respondent held the remaining \$2,200 in respondent's personal checking account.

28. During the time respondent took on this client's representation he had just began to practice criminal law.

29. Respondent failed to obtain the knowledge required to provide this client with competent representation.

30. Respondent failed to file a Notice of Appearance in the 16-CF-008507 matter.

31. On June 7, 2018, the client filed a Notification of Counsel in the matter notifying the court of respondent's appearance on his behalf.

32. On August 31, 2018, the Motion for Post-Conviction Relief that respondent filed on behalf of the client in the matter 16-CF-008507 was stricken due to failure to meet pleading requirements.

33. Respondent received a copy of the Order Striking Defendant's Motion and was put on notice that he had 60 days to file a facially sufficient motion or the client's claim would be forever barred.

34. Respondent failed to file a facially sufficient motion despite the client's wishes.

35. On April 2, 2019, respondent filed a Petition for Mandamus with the Second District Court of Appeal.

36. On April 9, 2019, the petition was denied due to failure to make an express and distinct demand for performance, and failure to serve the opposing party.

37. In February 2019, the client requested that respondent deposit the remaining \$2,200 into his jail account.

38. Respondent responded to the client that he was only able to provide \$300.

39. From February through April 2019, respondent disbursed \$900 to his client of the \$2,200.

40. Respondent advised the client he had disbursed the remaining \$1,300 on his behalf but failed to provide the client with an accounting of the disbursements.

41. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-1.1 (Competence); 4-1.2 (Objectives and Scope of Representation); 4-1.3 (Diligence); 4-1.4 (Communication); 4-1.5 (Fees and Costs for Legal Services); 4-1.15 (Safekeeping Property); 4-1.16 (Declining or Terminating Representation); 4-3.2 (Expediting Litigation); 4-8.4(a) and (d)

(Misconduct); 5-1.1 (Trust Accounts); and 5-1.2 (Trust Account Records and Procedures).

COUNT III

TFB File No. 2020-10,706 (13D)

42. Paragraphs 1 through 2 are re-alleged and incorporated herein by reference.

43. Respondent was retained in 2014 to assist petitioners in the adoption of a minor child.

44. On November 14, 2019, Judge James Pierce entered a Notice On Petition For Order Approving Placement that outlined the documents and filings required before the matter could proceed.

45. Respondent was ordered to file an updated home study, a petition for termination of parental rights, the minor child's birth certificate, an affidavit in compliance with the Uniform Child Custody Jurisdiction and Enforcement Act, a diligent search of the putative father registry, a birth parent interview and affidavit of inquiry of birth month, as required by statute. The court ordered respondent to conclude the proceedings for termination of parental rights within 60 days.

46. Respondent failed to submit any documents or filings required for the matter to proceed.

47. On March 17, 2020, respondent was ordered to show cause why he should not be held in indirect civil contempt for failure to comply with court's November 14, 2019, order.

48. A hearing on the Order to Show Cause was set for May 21, 2020, at 2:30 p.m. and notice was provided to respondent.

49. Respondent failed to appear at the hearing on May 21, 2020.

50. At the time of the hearing, the court contacted respondent via telephone.

51. Respondent indicated that he thought the hearing was cancelled.

52. Respondent indicated that he failed to comply with the court's November 14, 2019, order due to his client's inability to pay for an updated home study and difficulty contacting the birth mother.

53. The court found respondent in indirect civil contempt of court.

54. Respondent was sanctioned \$500 and fined \$100 per day that he fails to file documents necessary to for the matter to proceed.

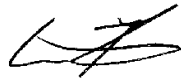
55. Respondent has failed to file documents necessary for the matter to proceed.

56. Respondent has failed to pay the fine as ordered by the court.

57. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: Rule 4-1.1 (Competence); 4-1.3 (Diligence); 4-

3.2 (Expediting Litigation); 4-3.3(a) (Candor Toward the Tribunal); and 4-8.4(a) and (d) (Misconduct).

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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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 a copy provided via email to John Douglas Anderson, at Johnn6451j@aol.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 3380 0000 1082 7560, return receipt requested to John Douglas Anderson, whose record bar address is 4851 W. Gandy Blvd B6 L25, Tampa, FL 336113-039; and via email to Evan D. Rosen, Bar Counsel, erosen@floridabar.org, on this November 10th, 2020.



Patricia Ann Toro Savitz
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Evan D. Rosen, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300 Tampa, Florida 33607-2386, (813) 875-9821 and erosen@floridabar.org; and respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.