

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-1666

v.

The Florida Bar File Nos.
2020-30,317 (5B);
2021-30,262 (5B)

R. CHRISTOPHER A. LIM,
Respondent.

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 December 6, 2021, The Florida Bar filed its Complaint against Respondent in these proceedings. 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.

II. **FINDINGS OF FACT**

A. **Jurisdictional Statement.** Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar,

FLORIDA SUPREME COURT

05/04/2022

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subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case.

COUNT I

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1. In or around April 2012, Darrin Lavine, a nonlawyer, formed Titans Reserve Group, LLC. Titans Reserve Group operated as a private member association, known as Titans Reserve Group PMA, and provided members, who paid membership fees, with services to assist the members in challenging the validity of mortgage notes in their personal foreclosure defense cases. In or around 2017, Respondent, through his law firm known as A.I.M. Law, became "of counsel" to attorney Andrea Marie Roebuck's firm, Allegiant Law, P.A., which provided members of Titans Reserve Group with legal services. The members would pay Titans Reserve Group for legal services, Titans Reserve Group paid Roebuck's salary, and Roebuck paid Respondent's salary. Respondent believed Titans Reserve Group was acting as a collection service for attorney's fees for Roebuck's firm. Titans Reserve Group was not a registered lawyer referral service in accordance with the Rules Regulating The Florida Bar.

2. Lavine ceased operations of Titans Reserve Group and became involved with The Resilient Group Inc., also known as Resilient Group PMA. Lavine referred members of Titans Reserve Group PMA to Resilient Group. Resilient Group was a private member association that focused on defending foreclosure cases by claiming the mortgage notes were fraudulent. Resilient Group also offered its members *pro se* support, such as motions and legal research.

3. In late 2017, Respondent and Roebuck began working with Allan Campbell's law firm Best Defense Law, both working as "of counsel." Best Defense Law provided legal services to members of Resilient Group. Nonlawyers William Howell and Roderic Boling provided financial assistance to get Best Defense Law's office up and running. Boling and Howell were associated with Resilient Group with Boling eventually becoming the President of Trustees. Howell owned Orlando Ventures, Inc., and several other affiliated businesses that were involved in timeshare divestment. Howell's businesses solicited timeshare owners to hire his businesses to divest their timeshare interests. Best Defense Law handled Howell's timeshare divestment cases, and the fees derived from Howell's cases constituted the majority of Best Defense Law's operating capital. None of Howell's timeshare divestment companies were registered

lawyer referral services in accordance with the Rules Regulating The Florida Bar. Howell and Boling engaged in direct solicitation and internet advertising that, if engaged in by an attorney, would be a violation of the Rules Regulating The Florida Bar.

4. When Howell and Boling came to Campbell to start doing foreclosure defense and bankruptcy cases in late 2017, they agreed that they would bring on two attorneys, Respondent and Roebuck, to do the foreclosure defense cases. Respondent and Roebuck were given office space in the same building as Best Defense Law and were paid a salary from Campbell's law firm, which was funded by Howell and Boling.

5. The foreclosure cases included cases Respondent and Roebuck already had and new cases that came to Best Defense Law, mainly from Resilient Group. Members paid Resilient Group an initial fee of \$1,000.00 per property and \$600.00 per month per property until the foreclosure case was completed. Resilient Group membership fees included payment for legal services to be provided by its experienced team of foreclosure lawyers, according to Resilient Group's website. The former members of Titans Reserve Group PMA and the members of Resilient Group PMA were not given a choice of attorneys to hire directly and, instead, their legal matters were referred to Best Defense Law and

assigned, then often re-assigned, to attorneys without prior notice to the clients. Neither Resilient Group PMA nor The Resilient Group, Inc., were registered lawyer referral services in accordance with the Rules Regulating The Florida Bar.

6. When Respondent and Roebuck began working with Best Defense Law, it was decided that all cases would be filed with the courts using Campbell's name and e-filing credentials. Campbell's password for both state and federal court e-portal filing systems were available to office staff. In foreclosure cases, after Campbell's notice of appearance was filed in a case, Respondent and/or Roebuck would handle the case going forward by using their own e-filing credentials and their own filings.

7. Boling, a nonlawyer, began to exert increasing control over the operations and employees of Best Defense Law. Boling became concerned that Campbell would leave. In anticipation of Campbell's departure, Roebuck formed a similarly named entity called Best Defense Law, P.A. The name was dictated to Roebuck by Boling, who did not want clients to learn of any change in ownership of the law firm.

8. Members paid Resilient Group an initial fee of \$1,000.00 per property and \$600.00 per month per property until the foreclosure case was completed.

9. Best Defense Law, P.A., operated along the same lines as Campbell had operated Best Defense Law, with the timeshare portion of the cases supporting the law firm, including paying for the legal services for the foreclosure cases.

10. After Campbell left, Respondent continued providing legal services to members of Resilient Group, who paid monthly membership fees to Boling with the understanding that a portion of the fees would be used to provide legal services in connection with their pending foreclosure cases. Respondent believed that the fees would be used for expert costs as well as paralegal support to attorneys. Respondent should have inquired further as to scope of collection of fees by Boling. Respondent continued receiving his salary.

11. Roebuck acknowledged that Boling drafted complaints and motions that he provided to Roebuck and/or Respondent to use in the foreclosure defense cases. Boling had input on the foreclosure defense cases that came from Resilient Group and were handled by Best Defense Law. Boling acted as a liaison between Best Defense Law and the Resilient Group clients. Boling was routinely included in law firm meetings regarding client matters despite Boling not being an employee of Best Defense Law. Boling had access to attorney-client privileged matters.

Respondent also was aware that disbarred attorney Daniel Brodersen had input as to how Best Defense Law handled cases for Resilient Group PMA members.

12. During the time that Respondent was with Best Defense Law, Respondent appeared at a bankruptcy hearing in February 2018 on behalf of Jodell Altier, a member of Resilient Group. Respondent testified that he was covering the hearing for Campbell and that Jodell Altier was Campbell's client while Campbell testified that Respondent was representing Jodell Altier. Also in February 2018, Jodell Altier and her husband, Joseph Altier, were led to believe by Brodersen that a portion of their membership fees were intended as legal fees for Best Defense Law to handle Jodell Altier's bankruptcy case appeal. Respondent was not aware of Brodersen's actions, but Respondent should have known by following up with Jodell Altier and insuring that Altier had his direct contact information. Respondent was aware from his appearance at the bankruptcy court hearing that an appeal in the case was not viable and filing one could result in the imposition of sanctions. Respondent testified that he informed Campbell that an appeal was not viable and believed that his role in representing the Altiers in this matter was finished. However, a notice of appeal was filed on behalf of Jodell Altier on March 7, 2018, using

Campbell's e-filing credentials and his signature was affixed to the pleading. The notice of appeal was filed around the time that Campbell's association with Boling ended, and he left Best Defense Law. It was unclear who was responsible for drafting and filing the appeal. The Altiers believed Respondent was one of their attorneys, along with Campbell, and Respondent believed Campbell was representing them. Campbell denied either knowing or representing Jodell Altier. On January 8, 2019, the court held an evidentiary hearing in the matter to determine whether Jodell Altier should be granted an extension to file an appellate brief for lack of competent legal representation. In doing so, the court attempted to discover the identity of the attorney who filed the appeal and who was supposed to be representing Jodell Altier. During the hearings, it came to light that attorney Kelley Bosecker drafted documents for Jodell Altier to file *pro se* in the matter at a time when Bosecker was suspended but not yet disbarred. The court was unable to discern who filed the notice of appeal using Campbell's credentials. At the January 8, 2019, hearing, the court ultimately granted Jodell Altier an extension of time to file an appellate brief with the judge stating: "I think under these circumstances I have to give a layperson who's dealing with the lawyers in this case the benefit of the doubt." After which, the judge referred this matter to the bar for further

investigation. The manner in which Best Defense Law was structured led to confusion as to which attorney was responsible for handling Jodell Altier's case.

13. By the time these hearings were held, Respondent no longer was employed by Best Defense Law, having left shortly after Campbell departed in or around May 2018, having put in his notice to leave at the end of March and being available at the office to help transition his assigned cases until May 2018. Respondent was aware of Bosecker's suspended, and later disbarred, status but admitted he included Bosecker on conference calls with clients Bosecker referred to Respondent after her suspension and subsequent disbarment.

14. Although Respondent was not aware of the multiple allegations of professional misconduct in connection with the management and funding of Allegiant Law, Best Defense Law and/or Best Defense Law, P.A., Respondent should have reasonably inquired and should have reported the attorneys.

COUNT II

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15. Respondent represented the appellants in an appeal where the court directed him to show cause within ten days why sanctions should not be imposed against Respondent and the appellants for pursuing a meritless, frivolous appeal. Respondent failed to respond to the court's order, resulting in a second show cause order being issued. Respondent filed responses to both orders, explaining that he had not seen the first order. On October 21, 2020, the court issued an order stating that Respondent's response indicated a fundamental lack of understanding of the appellate process. The court noted in its order that attorneys were responsible for routinely and repeatedly viewing the content of their inboxes in order to remain aware of the progress of the cases with which they were involved. The court found that Respondent's responses to its orders to show cause were insufficient. Finally, the court ordered Respondent to choose, within ten days of the court's order, between two options: 1) receiving an official sanction, including a payment of \$100.00, or 2) avoiding the official sanction by completing eight hours of continuing legal education involving the appellate process. Respondent again failed to respond. As a result, the court sanctioned Respondent by ordering him to pay \$100.00 to the Clerk of the Fifth District Court of Appeal and to complete eight hours of continuing legal education within 180 days.

Respondent complied with the court's final order and apologized to the court.

III. RECOMMENDATIONS AS TO GUILT

COUNT I

THE FLORIDA BAR FILE NO. 2020-30,317 (5B)

Pursuant to the Conditional Guilty Plea for Consent Judgment entered into by the parties, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.3 (1993, 2018) (Misconduct and Minor Misconduct); 4-1.6(a), (e) (Confidentiality of Information); 4-1.7(a) (Conflict of Interest; Current Clients); 4-1.8(f) (2010, 2018) (Conflict of Interest; Prohibited and Other Transactions); 4-5.3(b), (c) (Responsibilities Regarding Nonlawyer Assistants); 4-5.4(a), (e) (Professional Independence of a Lawyer); 4-5.7(c) (Responsibilities Regarding Nonlegal Services); 4-7.18(a) (2013, 2018) (Direct Contact with Prospective Clients); 4-7.22 (2013) (Referrals, Directories and Pooled Advertising); 4-8.3(a) (Reporting Professional Misconduct); 4-8.4(a) (Misconduct); and 4-8.6(b), (c), (d) (Authorized Business Entities).

COUNT II

THE FLORIDA BAR FILE NO. 2021-30,262 (5B)

Pursuant to the Conditional Guilty Plea for Consent Judgment entered into by the parties, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Oath of Admission to The Florida Bar; 4-3.1 (Meritorious Claims and Contentions); and 4-8.4(d) (Misconduct).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.2 Failure to Preserve the Client's Confidences

4.2(b) Suspension. Suspension is appropriate when a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

4.3 Failure to Avoid Conflicts of Interest

4.3(b) Suspension. Suspension is appropriate when a lawyer knows of a conflict of interest, does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client.

4.6 Lack of Candor

4.6(b) Suspension. Suspension is appropriate when a lawyer knowingly deceives a client and causes injury or potential injury to the client.

6.2 Abuse of the Legal Process

6.2(b) Suspension. Suspension is appropriate when a lawyer knowingly violates a court order or rule and causes injury or potential injury to a client or a party or causes interference or potential interference with a legal proceeding.

7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees

7.1(b) Suspension. 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.

9.4 Solicitation Violations

9.4(a) Rehabilitation suspension is appropriate when a lawyer engages in solicitation, personally or through an employee or other agent, that involves fraud, deceit, or misrepresentation, or another violation of the Rules Regulating The Florida Bar, and results in actual injury.

3.2(b) Aggravating Factors

- (4) multiple offenses; and
- (9) substantial experience in the practice of law.

3.3(b) Mitigating Factors

- (3) personal or emotional problems;
- (5) full and free disclosure to the bar or cooperative attitude toward the proceedings;
- (10) interim rehabilitation;
- (11) imposition of other penalties or sanctions;
- (12) remorse; and
- (13) remoteness of prior offense.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Bull, SC17-1899, 2018 WL 5096324 (Fla. Oct. 18, 2018) (Unpublished Disposition) – The Supreme Court of Florida suspended Bull for one year. Bull joined a firm believing that he would be the sole lawyer in charge of the firm. Nonlawyers were providing financial assistance to the firm and used their financial leverage to control the firm and Bull's actions. The nonlawyers solicited clients, accepted legal representation on behalf of the firm, quoted legal fees, accepted payments and misappropriated client funds without Bull's knowledge and consent

over a period of several months. Bull failed to supervise the law firm's bank accounts and was unaware of many legal fee payments.

The Florida Bar v. Taylor, SC18-897, 2018 WL 6119592 (Fla. Nov. 21, 2018) (Unpublished Disposition) – The Supreme Court of Florida approved a Report of Referee recommending acceptance of a Conditional Guilty Plea for Consent Judgment for a six-month suspension in a reciprocal discipline case in which Taylor received a six-month suspension from the Tennessee Supreme Court. For many years, Taylor's practice was limited to representing employees in Federal Employment Compensation Act ("FECA") cases. In 2003, Taylor incorporated a Florida corporation under the name Federal Employee's Advocates, Inc. ("FEA"). Taylor was the president of this Florida corporation, and it was administratively dissolved on September 7, 2013. Taylor's daughter, Brooke Gockenbach, in 2015 formed a Tennessee corporation under the name of Federal Employee's Advocates, Inc., and she was the president of that corporation. Federal law did not require an attorney to represent an employee in an FECA case. FEA, the Florida corporation and the Tennessee corporation, were formed to handle FECA cases. Two clients hired FEA and paid retainers that were deposited to FEA's operating account. At least a portion of the retainers were for attorney's fees and the contracts provided that,

under specific circumstances, FEA would hire Taylor as attorney. The Tennessee Hearing Panel determined that Taylor and FEA were one and the same. There was no contract between Taylor and these clients providing that these fees were nonrefundable and therefore those fees should have been deposited into Taylor's law office trust account. Taylor engaged in improper fee sharing with a nonlawyer and FEA's website referred to it as a law firm but made no mention of Taylor's involvement. The web site constituted an improper advertisement that failed to include the name and address of the responsible attorney, Taylor. In mitigation, Taylor had no prior disciplinary history and was disciplined by the Tennessee bar. In aggravation, he engaged in a pattern of misconduct, engaged in multiple offenses, attacked the Tennessee hearing board by accusing it of attempting to prevent non-lawyers from handling FECA cases, and was an experienced practitioner.

The Florida Bar v. Long, SC14-2098, 157 So. 3d 1049 (Fla. 2014) (Table of Cases) – The Supreme Court of Florida approved the pre-complaint Conditional Guilty Plea for Consent Judgment for a one-year suspension where Long engaged in five counts of misconduct. In the first case, Long utilized entities Legal Management, LLC and Helping Hands for Hire in America, Inc. to market foreclosure defense and loan modification

work to be done by Respondent's law office. Legal Management was hired by Long for administrative/paralegal support. Legal Management hired Helping Hands; and Helping Hands hired Thomas S. Walter to market on Long's behalf. The arrangement effected through Legal Management resulted in a percentage of the fees generated to be paid to Helping Hands and Thomas Walter. On or about November 29, 2011, in the case styled Walter v. Long, et al, the court found that Walter had obtained approximately 31 clients on behalf of Long. The court further ordered that, based on the agreement by Helping Hands to pay Walter 12% of the legal fee, he was still owed approximately \$9,000.00. Because the case was tried in county court, the trial judge ordered that Walter be paid \$5,000.00 plus \$450.00 in costs. The judgment was entered against Long, Long's law firm, Legal Management, and Helping Hands jointly and severally liable. Long paid the entire judgment. In the second case, Long represented a client in mediation in March 2011. The mediator sent an invoice to Long to pay \$875.00. Long's client remitted funds to pay the mediator in May 2011. Long failed and refused to pay the mediator the balance owed. Long did eventually pay the mediator the balance owed. In the third case, Long was hired to handle a post judgment foreclosure matter in April 2011 and was paid \$2,500.00. Although the foreclosure case had been adjudicated in

2008, Long told his clients he would attempt to vacate the judgment of foreclosure. There was a statute of limitations that would prevent Long from addressing the foreclosure case. However, there was an issue regarding improper service of process that could render the judgment void. Long knew or should have known that it was unlikely that he could help his client with this foreclosure matter. Long failed to adequately communicate the chance of success to his clients. The clients were forced to vacate their home in October 2011. Long agreed to make restitution to one individual in the amount of \$2,500.00. In the fourth case, Long represented a church in a number of legal matters. One of these legal matters was a complex suit against the City of Sunrise. The lawsuit was filed in federal court and resulted in summary judgment on behalf of the City. Long filed the appeal on behalf of the church. After filing the appeal, the appellate court found that Long was no longer licensed to file suit with that court. Long was unable to be reinstated in time and the appeal was dismissed and the church lost its opportunity to appeal. Long agreed to make restitution to one individual in the amount of \$2,500.00. In the fifth case, Long was hired to handle a foreclosure matter in New Jersey in August 2012. Because Long was not licensed to practice law in New Jersey, he hired local counsel in New Jersey to handle the foreclosure case. The New Jersey attorney did

not do any work on the file. A default judgment was entered against the clients in April 2013. The clients paid Long a total of \$6,500.00. The clients thereafter hired new counsel to defend the foreclosure action in hopes of being able to remain in their home. Long agreed to make restitution to one individual in the amount of \$6,500.00. In mitigation, Long had no prior disciplinary record, lacked a dishonest or selfish motive and fully cooperated with the bar. In aggravation, Long engaged in a pattern of misconduct, committed multiple offenses, and had substantial experience in the practice of law.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures and that he be disciplined by:

A. One-year suspension from the practice of law requiring proof of rehabilitation; and

B. Payment of the bar's disciplinary costs.

Respondent will eliminate all indicia of Respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of Respondent's status as

an attorney, whatsoever. Respondent will no longer hold himself out as a licensed attorney.

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: 49

Date admitted to the Bar: July 27, 2005

Prior Discipline: The Florida Bar v. Lim, Case Nos. SC12-2476 and SC13-548 (Fla. April 1, 2014) – Respondent received an admonishment. In the first case, Respondent filed motions in a foreclosure defense case that were found to be meritless and failed to supervise his office staff. In the second matter, Respondent represented a company in connection with its private placement investment program where Respondent was to act as escrow agent for the funds received from investors. Respondent permitted the principal of the company to be a signatory on the escrow account and she withdrew the investors' funds without first satisfying the terms of the escrow agreement. As a result, the investors lost their investments.

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

I find the following costs were reasonably incurred by The Florida

Bar:

| | |
|-----------------------|------------|
| Court Reporters' Fees | \$2,912.55 |
| Investigative Costs | \$120.00 |
| Administrative Fee | \$1,250.00 |

TOTAL \$4,282.55

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 28th day of April, 2022.

/s/ Alicia R. Washington

Honorable Alicia R. Washington,
Referee

Original To:

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

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