

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-190

v.

The Florida Bar File
No. 2020-30,156 (9D)

LORA S. SCOTT,
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 February 9, 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, subject to the jurisdiction and disciplinary rules of the Supreme Court of

Received, Clerk, Supreme Court

MAY 20 2021

Florida.

B. Narrative Summary of Case.

1. On July 15, 2015, Mr. Strong hired respondent to represent him in a family law matter.

2. On July 17, 2015, respondent filed her notice of appearance on behalf of Mr. Strong, In re: The Former Marriage of Strong and Strong, Case No. 2014-DR-000213, in the Circuit Court of the Fifth Judicial Circuit in and for Sumter County, Florida.

3. On June 26, 2017, opposing counsel filed a motion to compel responses to the request for production. Mr. Strong failed to respond to the request for production and to the motion to compel.

4. At a hearing on July 5, 2017, attended by both Mr. Strong and respondent, the court ordered Mr. Strong to provide the documents in response to the outstanding discovery requests. Thereafter, Mr. Strong did not comply with the discovery requests as ordered by the court.

5. On August 23, 2017, opposing counsel filed a motion for contempt due to Mr. Strong's failure to timely respond to discovery.

6. On October 11, 2017, the court signed an order requiring Mr. Strong to respond to the motion for contempt within 20 days from the date of the order. Respondent failed to respond to the motion for contempt.

7. On November 16, 2017, opposing counsel filed a motion for an order to show cause and civil contempt due to Mr. Strong and respondent's failure to comply with the court's orders.

8. On January 9, 2018, the court issued an order to respond to an emergency motion for referral to family counseling and modification of time sharing filed by opposing counsel. In its order, the court reminded Mr. Strong and respondent that a response was required within ten days and failure to comply could result in sanctions. Respondent did not file a response to the court's order. Mr. Strong provided a courtesy copy of his pro se objection to the motion for referral to family counseling and modification of time sharing to the court and opposing counsel. Mr. Strong's response was treated as a nullity because respondent was still counsel of record.

9. On January 12, 2018, respondent filed a motion to withdraw noting medical problems within respondent's family that impaired her ability to continue the representation, among other issues. Though the caption of respondent's motion reflected Case No. 2014-DR-000213, the motion was filed in a related Case No. 2016-DR000515. Respondent's motion to withdraw was not granted at that time and respondent did not set the matter for a hearing.

10. On February 12, 2018, respondent filed a supplemental motion to withdraw requesting an expansion of time and filed Mr. Strong's consent to the withdrawal. In the supplemental motion, respondent noted several issues, including medical issues in respondent's family and a conflict of interest that impaired her ability to continue representing Mr. Strong. On February 14, 2018, and February 15, 2018, the respondent emailed with the judicial assistant regarding the proposed Order granting the withdrawal. However, respondent's supplemental motion to withdraw was not granted at that time and respondent failed to set the matter for a hearing.

11. On March 1, 2018, opposing counsel noticed respondent of a hearing set for March 21, 2018, to address outstanding motions including opposing counsel's motion for contempt and for order to show cause. At that time, however, respondent was unaware of the notice of hearing as she was travelling to the emergency room with her husband. Respondent was then out of the office for several days while her husband was in the hospital.

12. At the hearing on March 21, 2018, respondent advised the court that she was initially unaware of the court's order, dated October 11, 2017, that required a response. Respondent admitted that she did not timely provide Mr. Strong with a copy of the motion for contempt, the

court's order requiring a response, or the court's subsequent order requiring a response. Respondent also acknowledged that she failed to timely advise Mr. Strong of the court's orders. Respondent asked the court not to hold Mr. Strong in contempt.

13. Respondent informed the court that her family members suffered serious medical issues during this time, and in October 2017, she discussed the necessity of hiring new counsel with Mr. Strong. Respondent also advised the court that she had filed motions to withdraw with the belief they would be granted. Additionally, respondent acknowledged that she failed to timely advise Mr. Strong of the March 21, 2018 hearing.

14. The court found Mr. Strong in contempt and ordered him to serve five days of incarceration in the Sumter County Jail with a purge if he provided the outstanding discovery within 30 days. Ultimately, Mr. Strong did not serve any jail time.

15. The court awarded attorney's fees to opposing counsel in the amount of \$750.00 and costs in the amount of \$75.00 for which respondent and Mr. Strong were held jointly liable. Respondent and Mr. Strong subsequently paid these attorney's fees and costs as ordered by the court.

16. On May 3, 2018, the court signed an order granting respondent's motion to withdraw.

III. RECOMMENDATIONS AS TO GUILT

Pursuant to the consent judgment, I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.1 (Competence); 4-1.3 (Diligence); 4-1.4(a), (b) (Communication); 4-1.7(a)(2) (Conflict of Interest; Current Clients); 4-1.16(a)(2) Declining or Terminating Representation); 4-3.2 (Expediting Litigation); 4-3.4(c), (d) (Fairness to Opposing Party and Counsel); and, 4-8.4(d) (Misconduct).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 Lack of Diligence

4.4(b) Suspension. Suspension is appropriate when a lawyer causes injury or potential injury to a client and: (1) knowingly fails to perform services for a client; or (2) engages in a pattern of neglect with respect to client matters.

8.1 Violation of Court Order or Engaging in Subsequent Same or Similar Misconduct

8.1(b) Suspension. Suspension is appropriate when a lawyer has been publicly reprimanded for the same or similar conduct and engages in

a further similar act of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

3.2(b) Aggravating Factors

- (1) prior disciplinary offense;
- (9) substantial experience in the practice of law.

3.3(b) Mitigating Factors

- (2) absence of a dishonest or selfish motive;
- (3) personal or emotional problems;
- (5) full and free disclosure to the bar or cooperative attitude toward the proceedings;
- (11) imposition of other penalties or sanctions;
- (12) remorse.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Cohen, 157 So. 3d 283 (Fla. 2015), Cohen received a ten-day suspension and a public reprimand for filing a motion to continue a resentencing hearing without indicating whether the state agreed to the continuance and without submitting a copy of the motion directly to the trial court. Cohen also failed to set the motion to continue for hearing, failed to attend the resentencing hearing, and failed to make any

effort to contact the trial court to explain his absence. The presiding judge reported his conduct to the bar. Cohen did not have a prior disciplinary history. The referee initially recommended a public reprimand, but Cohen appealed. The Court issued an order directing Cohen to show cause why the referee's recommended sanction should not be disapproved, and a more severe sanction imposed. The Court held that a suspension was appropriate because Cohen's actions were harmful to the legal system and such conduct cannot be tolerated by an officer of the Court.

In The Florida Bar v. Monahan, 2020 WL 5845992 (Fla. Oct. 1, 2020) (Unpublished Disposition), pursuant to a consent judgment, Monahan was suspended for ten days. In two separate criminal matters, Monahan failed to appear for court after he was appointed as counsel for the defendants. The clients were unable to have their matters heard, and as a result, the trial judge removed Monahan as appointed counsel. Monahan had a previous admonishment in 2014 and a previous public reprimand in 1995.

In The Florida Bar v. Kozlowski, 2018 WL 6818978 (Fla. Dec. 27, 2018) (Unpublished Disposition), pursuant to a consent judgment, Kozlowski was suspended for ten days. He neglected two separate client matters and failed to timely respond to the bar's inquiries. Kozlowski was

experiencing personal problems during the time that the misconduct occurred, and he had no prior discipline.

In The Florida Bar v. Jones, 2017 WL 4547172 (Fla. Oct. 12, 2017) (Unpublished Disposition), pursuant to a consent judgment, Jones received a ten-day day suspension for neglecting two separate clients' cases and for failing to timely respond to the bar's inquiries. Jones was suffering from depression and anxiety and sought treatment through prescribed medicine and counseling. Jones had no prior discipline.

In The Florida Bar v. Dorough, 2016 WL 6143164 (Fla. Oct. 20, 2016) (Unpublished Disposition), pursuant to a consent judgment, Dorough was suspended for ten days and ordered to attend Ethics School for neglecting three separate client matters and for failing to timely respond to the bar's inquiries. Dorough was experiencing serious health problems during the time period that the misconduct occurred. Dorough had prior discipline for unrelated misconduct.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

- A. Ten-day suspension from the practice of law.
- B. Payment of the disciplinary costs.

During the period of suspension, respondent will eliminate all indicia of respondent's status as an attorney on 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 herself 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: 55

Date admitted to the bar: April 20, 2006

Prior Discipline: By Court order dated December 20, 2018, respondent received a public reprimand for failing to diligently handle her client's criminal appeal. Respondent was further ordered to attend Ethics School and pay restitution totaling \$2,000.00.

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

I find the following costs were reasonably incurred by The Florida

Bar:

Investigative Costs	\$522.00
Administrative Fee	\$1,250.00
Court Reporters' Costs	\$620.10

TOTAL \$2,392.10

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 17th day of May, 2021.


Robert William Hodges, Referee

Original To:

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

Conformed Copies via email to:

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