IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

DAVID ANDREW TAYLOR III,

Respondent.

_____/

Supreme Court Case
No. SC21-291

The Florida Bar File Nos.
2019-00,462(4A), 2020-00,090(4A),
2020-00,186(4A), 2020-00,272(4A),
2020-00,291(4A), 2020-00,322(4A),
2020-00,339(4A), 2021-00,158(4A),
2021-00,363(4A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

David Andrew Taylor III, Respondent, hereby files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, admitted on October 13, 1997, and subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

3. As to The Florida Bar File Nos. 2019-00,462(4A), 2020-00,090(4A), 2020-00,186(4A), 2020-00,272(4A), 2020-00,291(4A), 2020-00,322(4A), 2020-00,339(4A), 2021-00,158(4A), 2021-00,363(4A), there has been a finding of Probable Cause by the Grievance Committee.

4. The disciplinary measures to be imposed upon respondent are as follows:

A. A 60-day suspension pursuant to Rule 3-5.1(e);

B. Attendance at Ethics School within 6 months of the issuance of the final order in this case and respondent shall pay the $750.00 workshop fee prior to attendance;

C. Payment of The Florida Bar's taxable costs.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the Court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

Count III- TFB 2020-00,186(4A)—Shawn Morrow

A. Shawn Morrow was arrested on January 1, 2019, on two counts of felony aggravated assault, one count of criminal mischief, and one count of resisting an officer without violence. The Office of the Public Defender was appointed to represent Mr. Morrow on January 2, 2019.

B. Mr. Morrow contacted respondent, who had previously represented him on a prior criminal matter, to discuss a fee for respondent to represent him on his current felony criminal case.

C. Respondent quoted him a flat fee of $10,000.00 to handle his felony criminal case up through trial.

D. Mr. Morrow informed respondent's office that he did not have immediate access to funds to pay the retainer, but had a trust fund set up for his benefit that he believed held at least $40,000.00.

E. Respondent advised Mr. Morrow that he would not enter a notice of appearance in his case until the fee was paid.

F. Respondent asked about other resources, and Mr. Morrow advised respondent that he owned a house that respondent could hold while funds from the trust were being sought.

G. When respondent researched the property, he discovered that the house was unfit for habitation, was subject to numerous encumbrances, liens and court judgments totaling more than $400,000.00, and, in respondent 's opinion, was not worth more than $10,000.00 in its present condition.

H. In order to feel comfortable entering an appearance on Mr. Morrow's behalf and having his office begin working on his criminal case,

respondent proposed a 10-day period for Mr. Morrow to obtain the trust funds and that Mr. Morrow would be required to deed the property to respondent's firm and, in the event the fees were not paid on time, Mr. Morrow would forfeit the property. Mr. Morrow agreed to the terms of the proposal.

I. A written Retainer Agreement was drafted setting forth the terms discussed with and agreed to by Mr. Morrow, including agreeing to deed his house to respondent's firm and agreeing that, if Mr. Morrow did not pay the $10,000 fee within 10 days, he forfeited any and all rights to the property.

J. However, the Retainer Agreement did not advise Mr. Morrow in writing that he should consult with independent counsel.

K. On January 11, 2019, after reading and reviewing the written retainer agreement, Mr. Morrow signed the retainer agreement agreeing to the proposed terms, and also signed a General Deed conveying the house to respondent's law firm.

L. On that same date, respondent entered a notice of appearance in Mr. Morrow's felony criminal case.

M. Although respondent and his staff reached out to the trustee to request payment of Mr. Morrow's legal fees, Mr. Morrow was not able to obtain funds from the trust or otherwise pay the fee.

N. On January 23, 2019, respondent sent a letter to Mr. Morrow informing him that the 10-day deadline had passed and the firm would be keeping the property in lieu of payment of $10,000.00 in legal fees.

O. Respondent engaged in substantial efforts to repair and clean up the property, and on February 5, 2019, the property was sold "as is" via a quitclaim deed for $29,500.00.

P. According to an appraisal conducted after the Bar complaint was filed, the value of the property at the time it was acquired by Mr. Taylor's firm on January 11, 2019, was only $8,700.00, due to the poor condition of the property and the substantial encumbrances.

Q. Mr. Taylor incurred expenses of $11,695.99, not including labor, to get the property ready for sale. Any profit realized from the sale was due to the substantial repairs made to the property and the labor expended. Given the circumstances relating to the property, the fee received by respondent was not excessive.

R. Respondent's firm began working on Mr. Morrow's case as soon as the Retainer Agreement was signed. After a Demand for Speedy

Trial was filed, respondent and his staff immediately began preparing for trial, including preparing questions for jury selection.

S. On February 10, 2019, Mr. Morrow filed a request for "pro se status" advising the Court that he had fired respondent as his counsel.

T. Respondent then filed a Motion to Withdraw on February 26, 2019, and the Public Defender's Office was appointed to Mr. Morrow's case.

U. In their depositions, both the Public Defender for the 4th Judicial Circuit and the Assistant Public Defender assigned to Mr. Morrow's matter testified that they visited Mr. Morrow on March 22, 2019, and he appeared competent at that time.

V. On April 25, 2019, after a violent incident at the jail, Mr. Morrow was ordered to undergo a competency evaluation by the Court.

W. On May 19, 2019, a competency evaluation was performed by a psychologist, Dr. William Meadows, who declared Mr. Morrow incompetent.

X. In his report to the Court, Dr. Meadows informed the court that Mr. Morrow had fixated on respondent and had threatened to kill him, as well as other individuals in the community, if he was released from

incarceration. Dr. Meadows also notified respondent about Mr. Morrow's credible threats.

Y. On June 20, 2019, the Court entered an Order adjudicating Mr. Morrow incompetent and committing him to the state hospital for treatment.

Z. When Mr. Morrow was re-evaluated, several weeks later, he was declared competent but was not returned to the jail until September 2019.

AA. On October 16, 2019, Mr. Morrow, represented by the Public Defender's Office, pled guilty and was sentenced on his felony criminal case. After completing his sentence, Mr. Morrow was released from prison in January 2020.

BB. Almost immediately upon being released, Mr. Morrow began calling respondent's office, as well as his cell phone, making specific, violent threats against respondent, his family and his office staff. Mr. Morrow left recorded voice messages, including ones mentioning Mr. Taylor's minor daughter's name and the school she attended and provided detailed specific accounts of his plan to abduct, sexually assault and kill her.

CC. Respondent reported the threats to the police. The ongoing threats went on for several weeks until February 14, 2020, when Mr.

Morrow was arrested after causing serious damage to the property he had deeded to respondent, and threatening to kill the person who purchased it from respondent.

DD. On March 2, 2021, Mr. Morrow pled guilty to aggravated stalking, relating to the threats to respondent and his family, and criminal mischief and assault, and was sentenced to 747 days (time served) and 1 year of probation, and was released from custody. Less than 2 weeks later, on March 14, 2022, Mr. Morrow was arrested on misdemeanor trespass, disorderly conduct and resisting arrest charges, which remain pending. He has also been charged with violating probation and remains in custody awaiting trial and a probation violation hearing.

EE. The Retainer Agreement drafted by respondent and signed by Mr. Morrow was not in compliance with the ethical rules because it did not advise Mr. Morrow in writing to seek the advice of independent counsel on the transaction.

FF. By reason of the foregoing, respondent has violated Rule Regulating The Florida Bar: 4-1.8(a)(2) (Conflict of Interest: Prohibited and Other Transactions).

COUNT VIII - TFB # 2021-00,158(4A) - THE FLORIDA BAR

A. Robert Pelletier, an associate counsel working for respondent, advertised as "Pitbull Lawyer at Taylor Law", using the logo of a pit bull with a spiked collar, on multiple platforms, including an online blog/website, and a boat.

B. Mr. Pelletier also used the name "Pitbull" on his business cards and the door of respondent's office.

C. Respondent was aware that Mr. Pelletier was advertising as "Pitbull Lawyer" listing respondent's firm address and telephone number on the website, business cards, a blog and on Mr. Pelletier's boat.

D. Respondent reimbursed Mr. Pelletier for the cost of the boat wrap advertisement.

E. The Supreme Court has previously stated that the use of an image of a pit bull and the phrase "Pit Bull" in the firm's advertisement does not assist the public in ensuring that an informed decision is made prior to the selection of the attorney. "... These devices, which invoke the breed of dog known as the pit bull, demean all lawyers and thereby, harm both the legal profession and the public's trust and confidence in our system of justice." See, The Florida Bar v. Pape, 918 So.2d 240 at 242 (Fla. 2005).

F. At the time, respondent was not aware of the Supreme Court's decision in The Florida Bar v Pape, disapproving of such advertisements.

G. On October 20, 2020, when respondent was notified by The Florida Bar that the advertisements were in violation of the Rules, respondent promptly made all good faith efforts to correct the problem.

H. Those items over which respondent had control, i.e., business cards and law firm door, were immediately corrected.

I. An IT person was hired by Mr. Pelletier to make corrections to the website and to Mr. Pelletier's blog. However, it took some time for the IT person to be able to fully correct all the internet issues. The delay in correcting the internet issues were not caused by respondent.

J. Mr. Pelletier's boat was stored out of public view while he made arrangements to correct the boat wrap, and, as soon as possible, panels were installed to cover the Pitbull image and words.

K. Mr. Pelletier accepted responsibility for the advertisements and entered into a consent judgment for a public reprimand with The Florida Bar which was approved by the Court on July 29, 2021.

L. Mr. Pelletier corrected all indicia of his "Pit Bull" advertisements and had his new advertisement and logo approved by The Florida Bar.

M. In permitting Mr. Pelletier to use "pitbull" advertising in association with his law firm, respondent admits that he violated Rule 4-5.1 (Law firms and Associations; Responsibilities of Partners, Managers, and Supervisory Lawyers).

7. The Florida Bar agrees to dismiss the following counts in its complaint:

Count I-2019-00,462(4A)-Reginald Johnson
Count II-2020-00,090(4A)-Carlos Rivera
Count IV-2020,272(4A)-The Florida Bar
Count V-2020-00,291(4A)-Scott Leland
Count VI-2020-00,322(4A)-Ronald Lane
Count VII-2020-00,339(4A)-Karen Swain
Count IX-2021-00,363(4A)-The Florida Bar

8. If this plea is approved, Respondent agrees to 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 whatsoever of respondent's status as an attorney, within 30 days of the court order.

9. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q). These costs are due within 30 days of the court order. Respondent agrees

that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

10. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

11. Respondent acknowledges that, for the purpose of tendering this Consent Judgment, respondent hereby waives any objections relative to the denial of procedural and substantive guarantees regarding these disciplinary proceedings and waives any right to a formal hearing.

12. If this matter had gone to a final hearing, respondent would have shown the following mitigating factors pursuant to Florida Sanctions for Imposing Lawyer Sanctions, Standard 3.3(b)-Mitigation:

(3) personal and emotional problems - During the course of the Bar proceedings, complainant, Shawn Morrow made ongoing, serious, credible threats to kill respondent, his family, and his staff, including detailed and graphic accounts about abducting, assaulting and murdering respondent's minor daughter. Respondent, his family and his staff were repeatedly harassed and stalked by complainant, requiring multiple police reports and the filing of a criminal complaint against the complainant for which he was convicted and incarcerated, but released on probation. Even though Mr. Morrow has since been rearrested and is presently in custody, the risk to respondent and his family will remain if and when Mr. Morrow is eventually released. All that respondent and his family has endured as a result of Mr. Morrow's very serious threats should be considered in mitigation.

(4) timely good faith effort to rectify the consequences of the misconduct – Upon being notified that Mr. Pelletier's

advertisements were in violation of the Rules, Respondent made immediate and substantial efforts to ensure the advertisements were corrected.

(5) full and free disclosure to the bar and cooperative attitude towards proceedings - Throughout the staff, grievance and referee proceedings, respondent has responded to all of the Bar's requests, providing a multiplicity of documents and information to address issues raised in the complaints filed against him and refute many of the allegations asserted therein. Respondent has made substantial efforts to resolve fee disputes and continued representing one of the involved clients, obtaining a very favorable result for that client. As a result of these proceedings, respondent has made changes to his office procedures. He has substantially reduced his personal caseload, freeing up his time to manage and supervise his associate attorneys and staff.

10) interim rehabilitation - It was not Mr. Taylor's intent to treat Mr. Morrow unfairly. As a former client, Mr. Taylor was trying to find a way to provide representation to Mr. Morrow on his new case while being paid a reasonable fee. He was trying to be

flexible. However, under the circumstances, Mr. Taylor now understands that more was required from him under Rule 4-1.8(a)(2). Given all that he and his family have endured due to Mr. Morrow's threatening behavior, respondent has learned a hard lesson. Respondent agrees that, in the future, he will refrain from engaging in real estate transactions with clients of the firm.

(12) remorse - Respondent accepts responsibility and is genuinely sorry for his misconduct and for dishonoring his ethical obligations.

13. At a final hearing of this matter, The Florida Bar would have shown the following aggravating factors pursuant to the Florida Sanction for Imposing Lawyer Standards. Standard 3.2(b) Aggravation:

(1) prior disciplinary offenses:

SC11-306- per Court Order dated November 18, 2011, respondent received a 30-day suspension.
SC16-10- per Court Order dated March 24, 2016, respondent received a public reprimand.

(9) substantial experience in the practice of law.

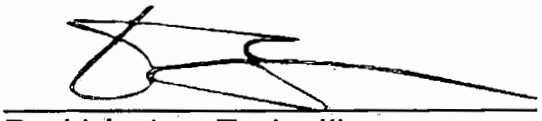
14. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

15. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

16. Should the Supreme Court of Florida approve this Consent Judgment, respondent hereby agrees and acknowledges that same will not be the subject of future modification.

17. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 4 day of August, 2022.



David Andrew Taylor III
Respondent
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Dated this 2nd day of August, 2022.

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Dated this 2nd day of August, 2022.

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