

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

DOUGLAS JAMES BARNARD,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File Nos.
2020-10,479 (6D)
2020-10,480 (6D)

_____/

COMPLAINT

The Florida Bar, complainant, files this Complaint against Douglas James Barnard, 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 March 26, 1992, and is subject to the jurisdiction of the Supreme Court of Florida.

2. The Sixth 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, 03/02/2021 08:01:28 AM, Clerk, Supreme Court

COUNT I: FLORIDA BAR FILE NO. 2020-10,479 (6D)

3. Paragraphs 1 and 2 are realleged and incorporated herein by reference.

4. In or about October 2019, respondent charged and collected \$500.00 to represent a client, Nicolaas Deleary.

5. Respondent was hired to seek early termination of the client's probation in two Hillsborough County Circuit Court criminal cases: 17-CF-10175 and 17-CM-14430.

6. Respondent failed to file the required paperwork or appear in court for the client.

7. Respondent failed to perform the services for which he was hired.

8. On October 30, 2019, respondent became ineligible to practice law due to a continuing legal education (CLE) delinquency.

9. Respondent was notified by The Florida Bar by certified letter dated October 30, 2019, of the suspension of his license to practice due to being CLER delinquent.

10. In November 2019, the client was arrested on new charges.

11. As the client's probation had not been terminated in the prior matter(s), the client was also charged with violating his probation in 17-CF-10175.

12. Respondent charged and collected an additional \$1,500.00 to represent the client in the new matter, Hillsborough County Circuit Court case 19-CF-15456.

13. When respondent charged and collected the additional \$1,500.00 on or about November 6 and 7, 2019, and agreed to represent the client, he was ineligible to practice law.

14. On November 6, 2019, respondent appeared in court for the client's first appearance and the client was held without bond on the probation violation.

15. When respondent appeared in court on the client's behalf on November 6, 2019, he was ineligible to practice law.

16. An arraignment was scheduled on the new charges and when the client's agent asked respondent if he would appear, respondent advised her that he would not as he was only representing the client on the violation of probation charge.

17. Respondent did not clearly explain his scope of representation with the client's agent or the client when he was retained.

18. Respondent charged and collected an additional \$1,500.00 for the representation.

19. When respondent charged and collected the additional \$1,500.00 for legal services on or about November 13, 2019, he was ineligible to practice law.

20. Thereafter, respondent failed to reasonably communicate with the client.

21. Upon information and belief, an assistant public defender was counsel of record for the client, communicated with the client, and was unaware that the client had a private attorney.

22. Respondent sent the client's agent a contract for representation of the client after he received the full \$3,500.00.

23. Respondent's contract indicated respondent would handle both cases, but the court record indicates he only appeared on behalf of the client for the probation violation.

24. When respondent sent the client's agent the contract for representation, he was ineligible to practice law.

25. Respondent entered into a contract for the representation of the client after he was ineligible to practice law.

26. Respondent has been CLE delinquent and ineligible to practice law since October 30, 2019.

27. Respondent represented the client in court and performed legal services for the client when he was ineligible to practice law.

28. On January 30, 2020, respondent was sent a letter by regular U.S. Mail to respondent's record bar address, advising of a complaint in this case and that a response was due by February 14, 2020.

29. Respondent failed to respond to The Florida Bar as requested in the letter of January 30, 2020.

30. On February 21, 2020, respondent was sent another letter, by certified U.S. Mail and regular U.S. Mail to respondent's record bar address, and by electronic mail to respondent's record bar email address, advising of a complaint in this case and that a response was due by March 3, 2020.

31. Respondent failed to respond to The Florida Bar as requested in the letter of February 21, 2020.

32. On March 9, 2020, and March 10, 2020, bar counsel communicated with respondent by phone at bar counsel's request. Respondent indicated to bar counsel that he had received the bar's letters

and requested an extension to respond until March 16, 2020, which was granted.

33. Bar counsel followed up the phone call with respondent on March 9, 2020, with an email stating that his response to this matter was originally due on February 14, 2020.

34. Respondent failed to respond to the bar by March 16, 2020, and on March 17, 2020, bar counsel sent an email to respondent regarding his overdue response in this matter.

35. Respondent failed to respond to the bar's March 17, 2020, email.

36. On September 1, 2020, this matter was referred to the Sixth Judicial Circuit Grievance Committee 6D.

37. On September 1, 2020, respondent was given notice that an investigating member on the grievance committee was appointed to this matter and that respondent must contact the investigating member within ten (10) days.

38. Respondent failed to contact the grievance committee's investigating member.

39. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: **1-3.6** (Delinquent Members), **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); **4-5.5(a)** (Unlicensed Practice of Law); **4-8.4(d)** (Misconduct: A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice); and **4-8.4(g)** (Misconduct: A lawyer shall not fail to respond in writing to any official inquiry by bar counsel or a disciplinary agency).

COUNT II: FLORIDA BAR FILE NO. 2020-10,480 (6D)

40. Paragraphs 1 and 2 are realleged and incorporated herein by reference.

41. Respondent failed to complete his continuing legal education (CLE) requirements.

42. Respondent was notified by The Florida Bar by certified letter dated October 30, 2019, of the suspension of his license to practice due to being CLER delinquent.

43. Respondent also acknowledged that the Sheriff's Office informed him of the suspension of his bar license on December 14, 2019.

44. Respondent has been CLE delinquent and ineligible to practice law since October 30, 2019.

45. Thereafter, upon information and belief, respondent engaged in the practice of law while ineligible in multiple cases, including but not limited to the cases listed below:

46. In case no. 19-MM-021538, Lee County, respondent filed defendant's motion to reinstate bond on behalf of a client on or about January 14, 2020.

47. In case no. 18-007621-CI, Pinellas County, respondent appeared at a hearing on behalf of a client on or about November 21, 2019.

48. In case no. 19-CT-504819, Lee County, respondent filed a notice of appearance, plea of not guilty, and discovery demand on behalf of a client on or about December 16, 2019. Respondent also filed defendant's motion to reinstate bond on or about December 18, 2019.

49. In case no. 19-006688-CI, Pinellas County, respondent filed a limited notice of appearance and motion to dismiss on behalf of a client on or about November 17, 2019.

50. In case no. 19-DR-000693, Sarasota County, respondent appeared in court on behalf of a client on or about January 29, 2020.

51. In case no. 19-DR-14184, Hillsborough County, respondent filed a notice of filing answer, counter petition, and parenting plan on behalf

of a client on or about December 9, 2019. Respondent also appeared in court on behalf of the client on or about December 17, 2019.

52. In case no. 19-CT-010296, Hillsborough County, respondent appeared in court on behalf of the client on or about December 4, 2019, and January 28, 2020.

53. In case no. 19-CM-008216, Hillsborough County, respondent appeared in court on behalf of the client on or about December 12, 2019, and February 24, 2020.

54. In case no. 19-CF-015761, Hillsborough County, respondent filed a notice of appearance and plea of not guilty on January 7, 2020.

55. In case nos. 18-CT-000389; 18-CT-000390; 18-CT-000391; 18-TR-002280; 18-TR-002294; 18-TR-002295, Hillsborough County, respondent appeared in court on behalf of a client on or about December 4, 2019 and January 28, 2020.

56. In case no. 19-CF-014459, Hillsborough County, respondent filed a notice of appearance and plea of not guilty on behalf of a client on or about January 16, 2020 in open court. Respondent also appeared in court for the client on or about January 16, 2020 and February 12, 2020.

57. In case no. 19-CF-006470, Hillsborough County, respondent appeared in court on behalf of a client on or about December 18, 2019, and

respondent signed a pre-trial diversion agreement on the same date.

Respondent also appeared in court on or about January 08, 2020.

58. In case no. 19-CF-010138, Hillsborough County, respondent appeared in court on behalf of a client on or about December 16, 2019 and January 28, 2020.

59. In case no. 19-CF-011422, Hillsborough County, respondent appeared in court on behalf of a court on or about December 16, 2019.

60. On January 30, 2020, respondent was sent a letter by electronic mail to respondent's record bar email address, advising of a complaint in this case and that a response was due by February 14, 2020.

61. Respondent failed to respond to The Florida Bar as requested in the letter of January 30, 2020.

62. On February 21, 2020, respondent was sent another letter, by certified U.S. Mail and regular U.S. Mail to respondent's record bar address, and by electronic mail to respondent's record bar email address, advising of a complaint in this case and that a response was due by March 3, 2020

63. Respondent failed to respond to The Florida Bar as requested in the letter of February 21, 2020.

64. On March 9, 2020, and March 10, 2020, bar counsel communicated with respondent by phone at bar counsel's request. Respondent indicated to bar counsel that he had received the bar's letters and requested an extension to respond until March 16, 2020, which was granted.

65. Bar counsel followed up the phone call with respondent on March 9, 2020, with an email stating that his response to this matter was originally due on February 14, 2020.

66. Respondent failed to respond to the bar by March 16, 2020, and on March 17, 2020, bar counsel sent an email to respondent regarding his overdue response in this matter.

67. Respondent failed to respond to the bar's March 17, 2020, email.

68. On April 8, 2020, this matter was referred to the Sixth Judicial Circuit Grievance Committee 6D.

69. On April 15, 2020, respondent was given notice that an investigating member on the grievance committee was appointed to this matter and that respondent must contact the investigating member within ten (10) days.

70. Respondent failed to contact the grievance committee's investigating member.

71. Respondent is suspended for his failure to respond to official bar inquiries in this matter.

72. In case no. SC20-688, the Florida Supreme Court entered an order dated July 10, 2020, suspending respondent until he has fully responded in writing to the official Bar inquiry, and until further order of the Court.

73. Thereafter, upon information and belief, respondent failed to comply with Rule 3-5.1(h), requiring respondent to immediately furnish a copy of the order to all clients with matters pending; all opposing counsel; all courts; and/or all state, federal, or administrative bars of which respondent is a member.

74. Additionally, respondent failed to furnish bar counsel with a sworn affidavit listing the names and addresses of all persons and entities that had been furnished a copy of the order.

75. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: **Rule 1-3.6** (Delinquent Members); **Rule 3-5.1(h)** (Notice to Clients); **Rule 4-5.5(a)** (Unlicensed Practice of Law); **Rule 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); and **Rule 4-8.4(g)** (A lawyer shall not fail to respond in writing to any official inquiry by bar counsel or a disciplinary agency).

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 efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida; with copies provided to Douglas James Barnard, Respondent, by United States Mail certified mail No. 7017 1450 0000 7821 0353, return receipt requested to his official bar address of 76 4th Street N., Unit 1023, St. Petersburg, Florida 33731-7049; and by United States certified mail No. 7017 1450 0000 7821 0377, return receipt requested to his last known address of 411 First Avenue North, #310, Saint Petersburg, Florida 33701; and by electronic mail to his official bar email address of dougb@barnardlawgroup.com; and by electronic mail to his last known email address of barnardlawgroup@gmail.com; and to Katrina S. Brown, Bar Counsel, The Florida Bar, 2002 N. Lois Avenue, Suite 300, Tampa, Florida 33607, by electronic mail to kschaffhouser@floridabar.org; yserralta@floridabar.org; tampaoffice@floridabar.org, on this 2nd day of March, 2021.



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 Katrina S. Brown, Bar Counsel, whose address, telephone number, and primary and secondary email addresses are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300, Tampa, Florida 33607-2386, (813) 875-9821 and kschaffhouser@floridabar.org; yserralta@floridabar.org; and tampaoffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Patricia Ann Toro Savitz, 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.