

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

JENNIFER PEREZ,

Respondent.

Supreme Court Case
No.

The Florida Bar File
No. 2023-00,152(2B)NES

_____ /

PETITION FOR EMERGENCY SUSPENSION

This petition of The Florida Bar (“the bar”) seeks emergency relief and requires the immediate attention of this Court under Rule 3-5.2 of the Rules Regulating The Florida Bar. The bar seeks the emergency suspension of Jennifer Perez, Attorney No. 1023208, from the practice of law in Florida based on her conduct assisting in the unlicensed practice of law, improperly supervising nonlawyer employees, and engaging in deception in operating a “mobile claim center” in Fort Myers, Florida in the wake of the catastrophic Category 4 Hurricane Ian. The facts set forth in the affidavits of Florida Bar Investigators Karen Brown, attached as Exhibit E, and John Berrena, attached as Exhibit F (1-6), establish clearly and convincingly that Jennifer Perez has caused, or is likely to cause, immediate and serious harm to clients or the public as follows:

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1. The bar's Executive Director authorized filing this Petition for Emergency Suspension.

2. Respondent, Jennifer Perez, is and, at all times the relevant conduct occurred was, a member of The Florida Bar subject to the jurisdiction and disciplinary rules of this Court.

3. Respondent is currently the subject of a bar disciplinary matter which has been assigned Florida Bar file number 2023-00,152 (2B) NES.

4. The bar's investigation of this matter indicates as follows:

On September 28, 2022, Hurricane Ian made landfall in southwestern Florida as a dangerous, high-end Category 4 storm. The hurricane caused extensive damage, some near to catastrophic, in the Fort Myers area of Southwest Florida, causing a federal emergency to be declared. See Composite Exhibit A (Online Article "Hurricane Ian's Path of Destruction," *Department of Commerce | National Oceanic & Atmospheric Administration National Environmental Satellite Data and Information Service*, October 4, 2022; Article "Funds, aid to file insurance claims at hand," *Fort Myers Florida Law Weekly*, October 12, 2022).

On October 6, 2022, the bar received from an anonymous source a photograph of a truck parked in a Fort Myers parking lot with advertising on it for a "Mobile Claim Center" for Gauthier Murphy & Houghtaling LLC,

Attorneys at Law. The law firm name, website address GMHATLAW.COM and telephone number (504) 456-8600 were visible on the truck in the photograph. The telephone number's area code (504) includes Metairie, Louisiana. Florida Bar Staff Investigators John Berrena and Karen Brown were assigned to review and investigate the information received by the bar. See Exhibit B (anonymous photograph of "Mobile Claim Center").

The Gauthier Murphy & Houghtaling LLC website GMHATLAW.COM, printed on the truck, lists an office in Fort Myers and lists respondent, Jennifer Perez, as the law firm's partner who is the contact for that office. The website offers claims management legal services for Hurricane Ian and an online form claimants may fill out to be contacted by the law firm. The Florida Bar record address for respondent, Jennifer Perez, meanwhile, is Gauthier Murphy & Houghtaling, LLC, 3500 N Hullen St. Metairie, LA 70002-3420. See Exhibit D (Printout of respondent's official bar membership records contact information from the bar's website www.floridabar.org). See Exhibit C (Printout of Excerpts of the Gauthier Murphy & Houghtaling LLC website for Hurricane Ian and the Florida office).

Florida Bar Investigator Berrena went to the address listed on the law firm's website, 13020 N Cleveland Ave, North Fort Myers, FL, 33903, on

October 11, 2022. The address listed on the law firm website as the firm's Florida office, with respondent listed as the contact for that office as a law firm partner, is not a bona fide office. It is the address for the Riverview Inn, a closed motel in North Fort Myers. The truck with "Mobile Claim Center" printed on it was in the parking lot of the Riverview Inn. The signage printed on the truck was covered with black plastic except for the words "Mobile Claim Center" visible above the black plastic with the telephone number (504) 456-8600 and in smaller print the name John W. Houghtaling, II, and Metairie, La. visible below the black plastic. See Exhibit F (1-6) (Affidavit of Florida Bar Investigator John Berrena).

The truck tag number is Louisiana L820358, which is registered to Exotic Sports Cars LLC 3500 N Hullen St., Metairie, La 70002: the same address as the Gauthier Murphy & Houghtaling, LLC law firm. See Exhibits E (Affidavit of Florida Bar Investigator Karen Brown) and F (1-6) (Affidavit of Florida Bar Investigator John Berrena).

The "Mobile Claim Center" in the parking lot of the defunct motel was staffed by a nonlawyer whose responsibilities included setting up a tent adjacent to the truck and covering portions of the writing on the truck with black plastic. The nonlawyer stated to Investigator Berrena that the "Mobile Claim Center" was generally misperceived as FEMA (the Federal

Emergency Management Agency). The nonlawyer stated that John (Houghtaling), not a Florida Bar member, was the attorney on site. John Houghtaling was not physically on site. A representative of the firm told Investigator Berrena by telephone that John Houghtaling was in Baton Rouge and not available, that the law firm's Florida attorney was respondent, and that respondent worked out of a virtual office and was not on site in Fort Myers. Respondent's failure to be onsite to provide supervision and oversight allowed nonlawyers to operate the "Mobile Claim Center." See Exhibit F (1-6) (Affidavit of Florida Bar Investigator John Berrena).

The Florida Department of Financial Services set up an insurance village in Fort Myers for hurricane victims to be able to meet with their insurance companies. Representatives of FEMA (the Federal Emergency Management Agency) and unemployment services also are available at the insurance village. Law firms are not permitted to set up in the insurance village, which has 2 separate security check points staffed by civil security and law enforcement. See Composite Exhibit A (Article "Funds, aid to file insurance claims at hand," Fort Myers *Florida Law Weekly*, October 12, 2022) and Exhibit F (1-6) (Affidavit of Florida Bar Investigator John Berrena).

Information about the Louisiana law firm was deliberately obscured on respondent's "Mobile Claim Center" to create the impression that the truck is part of FEMA or the state-run insurance village, giving the Louisiana law firm the opportunity to solicit hurricane victims. The Louisiana law firm website deliberately includes the defunct motel address to create the impression that it has a bona fide law office in Florida.

5. The enclosed affidavits of Karen Brown and John Berrena, Exhibits E and F (1-6), support this Petition for Emergency Suspension.

6. Respondent's conduct above violated Rules Regulating The Florida Bar 3-4.3 Misconduct and Minor Misconduct; 4-1.5 Fees and Costs for Legal Services; 4-5.3 Responsibilities Regarding Nonlawyer Assistants (supervisory responsibility for nonlawyers employed or supervised by the lawyer); 4-5.5 Unlicensed Practice of Law; Multijurisdictional Practice of Law (subdivision (a), assisting in the unlicensed practice of law); 4-7.18 Direct Contact with Prospective Clients (solicitation) and 4-8.4 Misconduct (subdivision (a), violating bar rules through another; subdivision (b), committing a criminal act that reflects adversely on the lawyer's fitness to practice; subdivision (c), engaging in conduct involving fraud, deceit, or misrepresentation, and subdivision (d), engaging in conduct prejudicial to the administration of justice).

The above facts show that respondent has caused, or is likely to cause, immediate and serious harm to clients or the public and immediate action must be taken to protect respondent's clients and the public.

Therefore, under Rule 3-5.2, the bar respectfully requests this Court issue an order suspending respondent from the practice of law until further order of this Court and ordering the respondent to:

A. Immediately:

- accept no new clients from the date of this Court's order of emergency suspension;
- initiate no litigation on behalf of clients from the date of this Court's order of emergency suspension;
- provide a copy of this Court's order of emergency suspension to all courts, tribunals, or adjudicative agencies before which Jennifer Perez is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);
- cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation or funds of third parties in connection with

respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee, until further order of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;

- not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation or with funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee, without approval of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
- deposit any fees or other sums received in connection with the practice of law or employment as a personal representative, guardian, or trustee, by the respondent on or after the date of this Court's order of emergency suspension into a specified trust account from which withdrawal may only be made by order of this Court, a judicial referee appointed by this Court, or by order of the

circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;

- provide a copy of this Court's order of emergency suspension to all banks and financial institutions where the respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation or funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee;
- comply with, and provide all documents and testimony responsive to, a subpoena from the bar for trust account records and any related documents necessary for the bar to conduct a trust account audit;
- authorize any referee appointed in these proceedings to determine entitlement to funds in any trust accounts frozen as a result of an order entered in this matter; and
- turn over to any successor the complete financial records of any estate, guardianship, or trust in which respondent served as a fiduciary on the successor's appointment;

- cease holding herself out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, email, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;
- cease all use of the "Mobile Claim Center" in the state of Florida;
- furnish the bar with a list of names and contact information of all persons the firm has agreed to represent that were signed up via the "Mobile Claim Center" in the state of Florida; and

B. Within 30 days from the date of this Court's order of emergency suspension:

- cease all practice of law in Florida;
- withdraw from representation of all clients;
- wind down all pending matters;
- cease acting as a fiduciary, including, but not limited to, personal representative for any estate, guardian for any ward, and trustee for any trust;
- provide Staff Counsel with an affidavit listing all of the following that respondent notified of this Court's order of emergency

suspension: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel.

- provide bar counsel in this case with an affidavit listing each bank or financial institution respondent provided with a copy of this Court's order of emergency suspension;
- notify bar counsel in this case of the receipt and location of any fees or other sums received in connection with the practice of law or in connection with respondent's service as a fiduciary, including, but not limited to, personal representative, guardian, or trustee, received by respondent after issuance of this Court's order of emergency suspension;
- disgorge to the bar's Clients' Security Fund any and all fees earned from representation of clients signed up via the "Mobile Claim Center" in the state of Florida under Rules Regulating The Florida Bar 3-5.1(i) and 4-1.5(a).

Respectfully submitted,



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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 Jennifer Perez, Respondent, at jennifer@gmhatlaw.com; and that a copy has been provided by United States Mail via Certified Mail No. 7020 1810 0000 0813 8957, return receipt requested, to Respondent, whose record bar address is 3500 N. Hullen Street, Metairie, LA 70002-3420, and via email to Elizabeth Clark Tarbert, Bar Counsel, etarbert@floridabar.org, on this 17th day of November, 2022.



Patricia Ann Toro Savitz, Staff Counsel

NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS

Bar counsel in this matter is Patricia Ann Toro Savitz, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Lawyer Regulation Division, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, (850) 561-5839, and psavitz@floridabar.org. Respondent need not address pleadings, correspondence, etc., in this matter to anyone other than to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, and psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-5.2(a), OF THE RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT MUST ANSWER A COMPLAINT.