

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOSHUA DAVID NEALLY,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-00,180(2B)

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against Joshua David Neally, 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 September 21, 2006 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Springfield, Missouri, at all times material.
3. The Second Judicial Circuit Grievance Committee "B" 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, 05/11/2022 12:58:21 PM, Clerk, Supreme Court

4. On June 18, 2018, Forrest and Judith Tucker (“the Tuckers”) attended a presentation by Relief Solutions International (“RSI”) at a hotel in Baltimore, Maryland. They paid \$19,980.00 to RSI for termination of four time share contracts. The Tuckers were elderly and due to medical issues could no longer afford the time shares.

5. On June 28, 2018, respondent sent a letter of introduction to the Tuckers, enclosing a power of attorney and an engagement letter.

6. The Tuckers signed the engagement letter on July 3, 2018.

7. A few days later, the Tuckers were informed that their 4 cases were actually 7 and RSI and respondent required an additional \$5,220.00, which the Tuckers paid on or about July 25, 2018.

8. At this point, the Tuckers had paid \$25,200.00 for termination of their 7 time share contracts.

9. The Tuckers sent copies of all their contracts to RSI and were told both RSI and respondent would communicate with them.

10. Over the next 14 months, the Tuckers’ inquiries went unanswered, except for the occasional update that “things were progressing.”

11. On August 9, 2018, Legacy Vacation Club, the owner of Resort World of Orlando, one of the time shares, contacted the Tuckers and told them they would only deal with them directly.

12. The Tuckers complied, and for a payment of \$804.00, the equivalent of one year' maintenance fee, they successfully terminated their timeshare and obtained a Quit Claim Deed.

13. This termination was accomplished with no assistance from respondent or RSI.

14. In or around July 2019, the Tuckers' son-in-law contacted a friend, who was a lawyer, and he was given authorization to speak to respondent. He made 4 attempts to contact respondent, with no results.

15. Respondent never contacted the Tuckers and no results were obtained on their behalf.

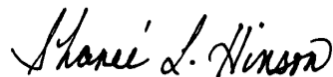
16. As of September 29, 2019, the filing of the Tuckers' complaint, the additional six time share contracts remain unresolved.

17. On May 20, 2020, respondent sent the Tuckers a letter, withdrawing from representation, stating: "Unfortunately, I have run out of time on trying to be the one to cross the finish line with you. Due to the Corona virus and the economic impact of this, it is clear that I have no choice but to shut down my office."

18. According to respondent, he was hired by RSI and paid a “per contract” fee for time share termination contracts.

19. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-1.2(a) (Lawyer to Abide by Client's Decisions), 4-1.3 (Diligence), 4-1.4(a) (Informing Client of Status of Representation), and 4-1.4(b) (Duty to Explain Matters to Client).

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 E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Joshua David Neally, Respondent, at joshua@neallylaw.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 0582, return receipt requested to Joshua David Neally, whose record bar address is PO Box 8366, Springfield, MO 65801-8366 and via email to Shaneé L. Hinson, Bar Counsel, shinson@floridabar.org, on this 11th day of May, 2022.



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 Shaneé L. Hinson, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and shinson@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to 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.