

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

LAUREN ELIZABETH BANNIGAN,
Respondent.

Supreme Court Case
No. SCI6-2102

The Florida Bar File
No. 2017-50,275(17D)FFC

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned Respondent, Lauren Elizabeth Bannigan, and 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, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent was admitted to practice law on April 15, 2014.
3. 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.
4. Respondent was felony suspended effective 30 days from entry of the Supreme Court of Florida's Order dated November 23, 2016.

5. Thereafter, Respondent filed Respondent's Notice She No Longer is Practicing and Does Not Need Thirty Days to Close Out Practice. The Supreme Court of Florida treated same as a motion and on December 19, 2016 granted such and ordered that the Respondent's suspension dated November 23, 2016, shall be effective, nunc pro tunc, November 23, 2016.

6. The disciplinary measures to be imposed upon Respondent are as follows:

A. Eighteen (18) months suspension, nunc pro tunc to November 23, 2016, with proof of rehabilitation prior to reinstatement.

B. Prior to filing a Petition for Reinstatement, Respondent shall: Attend the Professionalism Workshop and The Florida Bar's Ethics School. The Professionalism Workshop and The Florida Bar's Ethics School are held at various times and in various locations throughout the state. The Florida Bar Program Administrator will contact Respondent in advance of any workshop or Ethics School being held in the area, or Respondent may contact the Florida Bar Program Administrator at (850) 561-5719 to find out the upcoming Professionalism Workshops or Ethics Schools to be held in other parts of the state. Please note that the Professionalism Workshop and Ethics School begin promptly, with late arrivals being turned away and being required to reschedule to another date. The

Professionalism Workshop Fee and the Ethics School Fee together total \$1,000.00 and must be paid prior to attendance.

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

A. On October 13, 2016, the Respondent pled no contest to violating Florida Statute §817.29, Cheating, a third-degree felony, in connection with a “friends and family” kickback scheme at NuMed Care LLC (NuMed), where she was employed as General Counsel. The fraud involved numerous acts performed by several officers and employees of NuMed to defraud multiple insurance companies in Florida and nationwide by having friends and families supply their health insurance information to obtain false prescriptions for pain creams in return for which the officers and employees were rewarded kickback payments in the form of payroll bonuses in violation of Florida Statute §817.505, Patient Brokering.

B. In the Spring of 2015, the Respondent learned that NuMed was committing fraud using the “friends and family” kickback scheme. She became aware the company had used her counsel and some of her research to devise and perpetrate the fraud. The Respondent confronted her superiors and told them they had to stop the scheme. Instead of leaving the company upon learning of the fraud, the Respondent, foolishly and illegally, remained at NuMed for approximately five

months. She submitted her resignation when it became apparent NuMed would not change its practices. During the time she remained at NuMed, the Respondent continued her day-to-day functions as counsel.

C. The Respondent did not directly participate in the carrying out of the friends and family fraud. She never solicited either a friend or family member to provide information. Of all the individuals criminally charged, the Respondent was the only one not paid any money directly tied to the “friends and family” kickback scheme. She was only paid her contractual salary and quarterly bonuses for work as General Counsel for NuMed.

D. The Respondent agreed to and did fully cooperate with the federal government in its investigation and prosecution of the officers and employees of NuMed. She entered a plea of no lo contendere in state court and the judge withheld adjudication of guilt and placed her on probation for three (3) years. At her sentencing, the state prosecutor agreed not to oppose early termination of Respondent’s probation at eighteen (18) months, so long as she complied with the conditions of her criminal probation and did not violate the law.

8. The Respondent admits that by reason of the foregoing, she has violated R. Regulating Fla. Bar 3-4.3 [The standards of professional conduct to be observed by members of the Bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of

misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.]; 3-4.4 [Unless modified or stayed by the Supreme Court of Florida as provided elsewhere herein, a determination or judgment of guilt of a member of The Florida Bar by a court of competent jurisdiction of any crime or offense that is a felony under the laws of such jurisdiction is cause for automatic suspension from the practice of law in Florida. In addition, whether the alleged misconduct constitutes a felony or misdemeanor The Florida Bar may initiate disciplinary action regardless of whether the Respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the board may, in its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against the Respondent. The acquittal of the Respondent in a criminal proceeding shall not necessarily be a bar to disciplinary proceedings nor shall the findings, judgment, or decree of any court in civil proceedings necessarily be binding in disciplinary proceedings.]; 4-8.4(a) [A lawyer shall not violate or

attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; 4-8.4(b) [A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.]; and 4-8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule.].

9. The Respondent asserts that the following mitigating factors set forth in Florida Standards for Imposing Lawyer Sanctions:

- i. 9.32 (a) – absence of any prior disciplinary record;
- ii. 9.32(c) – personal or emotional problems [At the time

Respondent learned of the friends and family kickback scheme being conducted at NuMed, she was dealing with a difficult and emotional situation relating to a close family member. She did not immediately leave NuMed, in part, because she

wanted to able to assist her family member to pay for medical treatment and services];

iii. 9.32(d) – Timely good faith efforts to rectify consequences of misconduct [Respondent fully cooperated during the criminal investigation of NuMed and her efforts helped the government obtain convictions of the other participants of the fraudulent scheme.];

iv. 9.32(e) – Full cooperation with The Florida Bar [Respondent self-reported her arrest and conviction to The Florida Bar and has provided information when requested];

v. 9.32(f) – Inexperience in the practice of law [Within months of graduating from law school and five months before she passed the Bar exam, Respondent was hired by NuMed as “Associate In-House Counsel in Training.” It was her first professional job. She had taken only one health care related course in law school. When she was admitted to the Bar, Respondent was promoted to “General Counsel.” She had served as General Counsel for only one year when she learned of the “friend and family” kickback scheme in the Spring of 2015. At that time, Respondent was twenty-seven (27) years old and had been an attorney for one (1) year];

vi. 9.32(g) – Good character or reputation [Respondent has submitted multiple affidavits attesting to her good character and reputation. The

witnesses confirm that the Respondent's conduct that led to this case is aberrational and not indicative of her general character.];

vii. 9.32(j) – Interim rehabilitation [Respondent currently works for a non-profit that provides food, housing, healthcare, education, fresh water, and emergency housing to the poor in 17 countries and has, since entering her plea, provided approximately twenty (20) hours of community service.];

viii. 9.32(k) – Imposition of other penalties [Respondent has been sanctioned in the criminal case and has a felony criminal record.]; and

ix. 9.32(l) – Remorse [Respondent has expressed how sorry she is that she did not immediately resign her position at NuMed and report the illegal conduct to the authorities. She did all she could to make up for her poor judgment and criminal conduct by cooperating with the federal government and accepting responsibility by pleading to the state charge.].

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

11. 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.

12. If this plea is approved, then Respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of

\$1,518.91. 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.

13. 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 or restitution may reflect adversely on any reinstatement proceedings or any other Bar disciplinary matter in which Respondent is involved.

14. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, Respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

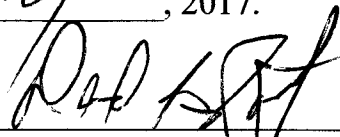
15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 2 day of February, 2017.



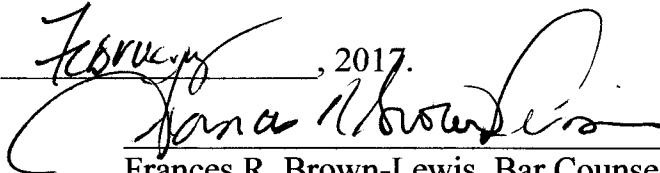
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Dated this 6th day of February, 2017.



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Dated this 7th day of February, 2017.



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