

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC24-0940

v.

The Florida Bar File
No. 2023-10,275(20C)

CLAUDIA M. E. ATKINSON,
AKA CLAUDIA M.E. PARSONS

Respondent.

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REPORT OF REFEREE

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as Referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On June 25, 2024, The Florida Bar filed its Complaint against respondent in these proceedings. The undersigned was duly appointed on June 26, 2024. Respondent failed to answer the bar's complaint, and on July 17, 2024, The Florida Bar filed its Motion for Default. On August 2, 2024, respondent failed to appear at the scheduled case management conference and hearing on the motion for default. By Order dated August 12, 2024, the Referee, granted The Florida Bar's Motion for Default. On

September 12, 2024, The Florida Bar filed a Memorandum of Law for Sanction. On September 13, 2024, a hearing was held on sanctions in this matter. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of Referee constitute the record in this case were e-filed with the Supreme Court of Florida under Rule Regulating The Florida Bar 3-7.6(h)(5)(A) and (B) pursuant to the Notice of Mandatory Electronic Filing filed on July 12, 2024.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Narrative Summary Of Case.

Respondent was employed with the 20th Circuit Public Defender's Office from February 2013 through November 2022. During the time frame of August 2022 through November 2022, respondent was assigned to represent clients eligible for treatment courts, including drug, mental health, and veteran's court. While employed by the public defender's office, respondent had ongoing work and behavioral issues that impacted her ability to practice.

During the week of August 9, 2022, respondent began to act erratically while representing clients in court. As a result, the presiding judge called respondent's supervising attorney to court where a Nelson hearing was taking place to address whether respondent was providing competent and effective representation. During the Nelson hearing, the client claimed respondent was "all over the place" and not understandable. On August 11, 2022, respondent failed to appear at work or contact her employer regarding her absence. When contacted about her absence,

respondent expressed confusion. On August 12, 2022, respondent again failed to appear for work timely until after she was contacted by the employer at approximately 11:00 a.m. Upon arriving to work untimely, respondent's appearance and demeanor made it appear that she was suffering from personal issues.

After review of respondent's work performance, which revealed additional concerns for respondent's wellbeing and ability to practice, the Public Defender's Office requested that respondent participate in a fit for duty evaluation prior to her return to the office. After two attempts, respondent completed a fit for duty evaluation which determined that she was not fit for duty due to several issues impairing her ability to safely perform the essential functions of her position. Respondent was provided conditions which needed to be met prior to her return for work, including a self-report to Florida Lawyer's Assistance, Inc. (FLA, Inc.). Respondent failed to engage with FLA, Inc. and resigned from her position at the Public Defender's Office. During the bar's investigation, on December 13, 2022, respondent was referred to FLA, Inc. for a voluntary evaluation. Respondent failed to engage in the services. Respondent has not availed herself of the services intended to address the issues impairing her ability to practice.

Respondent failed to timely respond to official bar inquiries in this matter. On December 5, 2022, the bar received a complaint from Kathleen Smith at the Office of the Public Defender, 20th Judicial Circuit, against respondent. On December 13, 2022, The Florida Bar sent respondent a letter by regular U.S. Mail to respondent's record bar address advising of the complaint in this case, and respondent was requested to respond by December 28, 2022. Respondent failed to respond to The Florida Bar as requested in the December 13, 2022, letter. On January 6, 2023, respondent was sent a second letter, by email to her record bar email address, advising of the complaint in this case and as requested to respond within ten days. Respondent failed to respond to The Florida Bar as requested in the January 6, 2023, letter. On April 3, 2023, respondent was sent a third letter, by email to her record bar email address, notifying respondent that this matter was moved to the Grievance Committee, that bar counsel was the investigating member, and to contact bar counsel within ten days. Respondent failed to respond to The Florida Bar as requested in the April 3, 2023, letter. On June 19, 2023, respondent was contacted via email to her record bar email address, advised of the

complaint in this case and requested to respond to the previous letters. Respondent failed to respond to The Florida Bar as requested in the June 19, 2023, email. On July 19, 2023, respondent was sent notice that on August 3, 2023, the 20th Judicial Circuit Grievance Committee “C” would hold a hearing on a Request for Issuance of Notice of Non-Compliance and Finding of Contempt. In a report dated August 10, 2023, the grievance committee found respondent to be in contempt and requested The Florida Bar to file a petition for contempt and order to show cause with the Florida Supreme Court. On August 11, 2023, the bar filed a Petition for Contempt and Order to Show Cause. Respondent was served with the petition via regular U.S. Mail to her record bar address, via regular U.S. Mail and Certified Mail to her alternate address, and via email to her record bar email address and alternate email address. On August 14, 2023, in Case Number SC2023-1120, The Florida Supreme Court ordered respondent to show cause by August 29, 2023, why she should not be held in contempt for the reasons outlined in The Florida Bar’s petition. Respondent failed to timely respond to the Florida Supreme Court’s August 14, 2023, order. On October 6, 2023, the Florida Supreme Court issued an order granting The Florida Bar’s petition and held respondent in contempt. The Court suspended respondent, effective 30 days after the October 6, 2023, order, until she had fully responded in writing to the official bar inquiries and further order of the Court. As of the date of this filing, respondent has failed to respond to the bar’s official bar inquiries.

III. RECOMMENDATIONS AS TO GUILT.

I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar: **Rule 3-4.3** (Misconduct and Minor Misconduct), **Rule 4-1.1** (Competence), **Rule 4- 8.4(a)** (Misconduct: 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), **Rule 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 an official bar inquiry)

Respondent will 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 of respondent's status as an attorney, whatsoever.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

3.2(b) Aggravating Factors

(1) Prior disciplinary offenses - In SC23-1120, respondent was held in contempt for failing to comply with an official bar inquiry in this matter, TFB File No. 2023-10,275(20C). Respondent was suspended from the practice of law until she fully responded in writing to the official bar inquiry and until further order of the Court.

(4) Multiple offenses – Respondent is found to have violated five Rules Regulating The Florida Bar based on her ongoing conduct.

(5) Bad faith obstruction of the disciplinary proceedings – Respondent failed to participate in the bar's investigation as well as the proceedings in front of this Referee. Respondent was suspended in SC23-1120 as a result of her non compliance in the bar's investigation.

(9) Substantial experience in the practice of law – Respondent was admitted to The Florida Bar in April 2012.

3.3(b) Mitigating Factors

(3) Personal or emotional problems – It is well documented through the complaint and the court's findings that respondent was suffering from personal or emotional problems at the time of the outlined misconduct.

4.4 Lack of Diligence

(b) Suspension is appropriate when a lawyer causes injury or potential

injury to a client and: (1) knowingly fails to perform services for a client; or (2) engages in a pattern of neglect with respect to client matters.

4.5 Lack of Competence

(b) Suspension is appropriate when a lawyer engages in an area of practice in which the lawyer knowingly lacks competence and causes injury or potential injury to a client.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Bartlett, 509 So. 2d 287, 289 (Fla. 1987), disbarment from the practice of law was warranted, in attorney disciplinary case; attorney abandoned and neglected client matters, aggravated by his failure to participate in the bar proceedings. The Court has stated that “a lawyer’s willful refusal to participate at all in the disciplinary process when he is accused of misconduct calls into serious question the lawyer’s fitness for the practice of law.”

In The Florida Bar v. Davis, 149 So. 3d 1121 (Fla. 2014), An attorney was disbarred for knowingly failing to perform services for a client after charging the client a \$5,000 retainer fee. At the time of disbarment, the attorney was already serving a suspension. The attorney also failed to answer The Florida Bar’s complaint, or otherwise participate in the formal disciplinary proceeding, which resulted in a default entered against her.

In The Florida Bar v. Preece, No. SC16-332, 2016 WL 4506836 (Fla. Aug. 25, 2016), An attorney was disbarred for neglecting a dissolution of marriage matter, and ultimately abandoning the client. At the time of the disbarment, the attorney was already serving a disciplinary suspension, and additional suspensions for failure to respond to The Florida Bar and for contempt. The attorney also failed to respond to various bar inquiries and

failed to answer The Florida Bar's complaint or otherwise participate in the formal disciplinary proceeding, which resulted in a default entered against her.

In *The Florida Bar v. Locy*, 151 So. 3d 1229 (Fla. 2014) (unpublished table decision), the court disbarred the attorney for failing to competently and diligently represent a client in a civil case, failing to provide adequate communication to the client, and ultimately abandoning his law practice. The attorney also failed to respond to various bar inquiries and failed to answer The Florida Bar's complaint or otherwise participate in the formal disciplinary proceeding, which resulted in a default entered against him. In aggravation, the attorney exhibited a pattern of misconduct, committed multiple offenses, and obstructed the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency.

In *Florida Bar v. Freeman*, SC20-892, 2021 WL 217636 (Fla. January 21, 2021) an attorney was disbarred for her neglect of a client matter and failure to participate in the disciplinary proceedings. Freeman was hired to assist in a probate matter, but after filing a petition for administration along with the death certificate and will, she failed to take any further action on the file and failed to communicate with the client. Freeman abandoned the representation and relocated to Pennsylvania without withdrawing from the representation or notifying the client. Freeman failed to respond to the bar, failed to participate in the disciplinary proceeding, and failed to update her official bar contact information. At the time of the disbarment, Freeman was suspended due to her failure to respond to official bar inquiries.

In *Florida Bar v. Shoureas*, 892 So.2d 1002 (Fla. 2004), Shoureas received a threeyear suspension for neglecting two (2) client matters, and for failing to provide diligent representation and adequate communication,

despite collecting her legal fees. Shoureas further failed to respond to The Florida Bar's investigative inquiries and communications concerning both client matters. The Florida Bar initiated formal proceedings against Shoureas, to which she again failed to respond, resulting in the entry of a default against her, with The Florida Bar's factual allegations deemed admitted. Shoureas also failed to appear at the sanctions hearing. In imposing a threeyear suspension, the Court considered Shoureas' failure to contest the disciplinary charges against her, present any mitigation, or explanation for her actions. In aggravation, Shoureas was previously suspended for similar misconduct, and her actions caused injury to her clients. In mitigation, Shoureas was inexperienced in the practice of law (Shoureas committed the violations within two years of her admission to The Florida Bar), Shoureas did not display a dishonest or selfish motive, and Shoureas did not abandon her law practice.

In *Florida Bar v. Margalli*, 2021 WL 6013464 (Fla. Dec. 20, 2021) (unpublished disposition) the court suspended Margalli for 2 years as a result of a consent judgment for engaging in misconduct in his personal legal matter including failing to comply with terms of a settlement agreement, court orders, and may have made misrepresentations to the court regarding his need for continuances, and his inability to pay as required. Margalli's neglect was a direct result of his spiraling mental health. Unlike Margalli, respondent did not cooperate in the disciplinary proceedings; however respondent's misconduct also appears to be the result of her personal or emotional problems.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BEAPPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

A. Respondent shall be suspended from the practice of law for a period of three years effective immediately as she is currently suspended per the Florida Supreme Court's October 6, 2023, order in Case No. SC2023-1120.

B. Prior to petitioning for reinstatement, respondent is required to undergo an evaluation by an approved Florida Lawyers Assistance, Inc., ("FLA Inc.") provider, comply with any recommendations, and receive a recommendation from FLA, Inc. in support of her reinstatement.

C. Payment of The Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 38

Date admitted to the Bar: April 26, 2012

Prior Discipline: In SC23-1120, respondent was held in contempt for failing to comply with an official bar inquiry in this matter, TFB File No. 2023-10,275(20C). Respondent was suspended from the practice of law until she fully responded in

writing to the official bar inquiry and until further order of the Court.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida

Bar:

Administrative Fee	\$1,250.00
Court Reporters' Fees	\$190.00
TOTAL	\$1,440.00

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 15th day of October, 2024.

/s/ Stephen M. Walker
Hon. Stephen Matthew Walker
Referee

Original To:

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