

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

LORA S. SCOTT,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-30,156 (9D)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Lora S. Scott, 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 April 20, 2006, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Orange County and Sumter County, Florida, at all times material.
3. The Ninth 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 was approved by the presiding member of that committee.

4. On July 15, 2015, Mr. Strong hired respondent to represent him in a family law matter.

5. On July 17, 2015, respondent filed her notice of appearance on behalf of Mr. Strong, In re: The Former Marriage of Strong and Strong, Case No. 2014-DR-000213, in the Circuit Court of the Fifth Judicial Circuit in and for Sumter County, Florida.

6. On June 26, 2017, opposing counsel filed a motion to compel responses to the request for production.

7. The motion attached an email with a letter addressed to respondent indicating opposing counsel's good faith efforts to secure a response from respondent.

8. Respondent failed to respond to the request for production and to the motion to compel.

9. At a hearing on July 5, 2017, attended by both Mr. Strong and respondent, the court ordered Mr. Strong to provide the documents in response to the outstanding discovery requests.

10. Thereafter, Mr. Strong did not comply with the discovery requests as ordered by the court.

11. On August 23, 2017, opposing counsel filed a motion for contempt due to Mr. Strong's failure to timely respond to discovery.

12. Opposing counsel attached to the motion a letter and text messages to respondent indicating opposing counsel's good faith efforts to secure the requested disclosures without the necessity of court action.

13. Opposing counsel was unable to secure the requested discovery.

14. On October 11, 2017, the court signed an order requiring Mr. Strong to respond to the motion for contempt within 20 days from the date of the order.

15. Respondent failed to respond to the motion for contempt.

16. On November 16, 2017, opposing counsel filed a motion for an order to show cause and civil contempt due to Mr. Strong and respondent's failure to comply with the court's orders.

17. Respondent failed to respond to the motion.

18. On January 9, 2018, the court issued an order to respond to an emergency motion for referral to family counseling and modification of time sharing filed by opposing counsel.

19. In its order, the court reminded Mr. Strong and respondent that a response was required within ten days and failure to comply could result in sanctions.

20. Respondent did not file a response to the court's order.

21. Mr. Strong provided a courtesy copy of his pro se objection to the motion for referral to family counseling and modification of time sharing to the court and opposing counsel.

22. Mr. Strong's response was treated as a nullity because respondent was still counsel of record.

23. On January 12, 2018, respondent filed a motion to withdraw noting medical problems within respondent's family that impaired her ability to continue the representation, among other issues.

24. Though the caption of respondent's motion reflected Case No. 2014-DR-000213, the motion was filed in related Case No. 2016-DR-000515.

25. Respondent's motion to withdraw was not granted at that time and respondent did not set the matter for a hearing.

26. On February 12, 2018, respondent filed a supplemental motion to withdraw and requested an expansion of time.

27. In the supplemental motion, respondent noted several issues, including medical issues in respondent's family and a conflict of interest that impaired her ability to continue representing Mr. Strong.

28. Respondent's supplemental motion to withdraw was not granted at that time and respondent failed to set the matter for a hearing.

29. On March 1, 2018, the court noticed respondent of a hearing set for March 21, 2018, to address outstanding motions including opposing counsel's motion for contempt and for order to show cause.

30. At the hearing on March 21, 2018, respondent advised the court that she was initially unaware of the court's order, dated October 11, 2017, that required a response.

31. Respondent admitted that she did not timely provide Mr. Strong with a copy of the motion for contempt, the court's order requiring a response, or the court's subsequent order requiring a response.

32. Respondent also acknowledged that she failed to timely advise Mr. Strong of the court's orders.

33. At the hearing on March 21, 2018, respondent asked the court not to hold Mr. Strong in contempt.

34. Respondent informed the court that her family members suffered serious medical issues during this time, and in October 2017, she discussed the necessity of hiring new counsel with Mr. Strong.

35. At the hearing on March 21, 2018, respondent also advised the court that she had filed motions to withdraw with the belief they would be granted.

36. Additionally, respondent acknowledged that she failed to timely

advise Mr. Strong of the March 21, 2018 hearing.

37. The court found Mr. Strong in contempt and ordered him to serve five days of incarceration in the Sumter County Jail with a purge if he provided the outstanding discovery within 30 days.

38. Ultimately, Mr. Strong did not serve any jail time.

39. The court awarded attorney's fees to opposing counsel in the amount of \$750.00 and costs in the amount of \$75.00 for which respondent and Mr. Strong were held jointly liable.

40. On May 3, 2018, the court signed an order granting respondent's motion to withdraw.

41. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

(a) 4-1.1 A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

(b) 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

(c) 4-1.4(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed

consent, as defined in terminology, is required by these rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(d) 4-1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(e) 4-1.7(a)(2) Except as provided in subdivision (b), a lawyer must not represent a client if there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(f) 4-1.16(a)(2) Except as stated in subdivision (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the

client.

(g) 4-3.2 A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

(h) 4-3.4(c) A lawyer must not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

(i) 4-3.4(d) A lawyer must not, in pretrial procedure, make a frivolous discovery request or intentionally fail to comply with a legally proper discovery request by an opposing party.

(j) 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.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this Complaint has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Barry William Rigby, at barryrigbylaw@gmail.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 0216, return receipt requested to Barry William Rigby, Counsel for Respondent, 1881 Lee Rd., Winter Park, Florida 32789-2102, and via email to Ashley Taylor Morrison, Bar Counsel, amorrison@floridabar.org, on this 9th day of February, 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 Ashley Taylor Morrison, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424, and amorrison@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.