

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CONSTANCE DANIELS,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2019-10,230 (13C)

COMPLAINT

The Florida Bar, complainant, files this complaint against Constance Daniels, 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 26, 1995 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Hillsborough County, Florida, at all times material.
3. The Thirteenth Judicial Circuit Grievance Committee "C" 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.

4. Respondent represented Felica Archie in a dissolution of marriage action.

5. Ms. Archie advised respondent that one of her main goals was to promptly seek temporary spousal support from her former husband.

6. On or about October 31, 2017, Ms. Archie made a final payment toward a retainer totaling \$5,000.00 for respondent's representation.

7. On January 17, 2018, respondent filed a dissolution of marriage action on Ms. Archie's behalf in Hillsborough County Case No. 2018-DR-850.

8. On January 26, 2018, Ms. Archie's former spouse filed a separate dissolution of marriage action in Hillsborough County Case No. 2018-DR-1315, and on April 13, 2018, the two cases were consolidated into Case No. 2018-DR-1315.

9. On or about May 30, 2018, counsel for Ms. Archie's former spouse served a Notice of Hearing on a Motion to Compel Mandatory Disclosure, setting a hearing for June 6, 2018.

10. On or about May 31, 2018, respondent brought Ms. Archie \$800.00 to assist her with a separate bankruptcy matter.

11. Respondent contended that the \$800.00 was a refund from the \$5,000.00 retainer Ms. Archie paid; however, that was not clearly conveyed to Ms. Archie.

12. During the May 31, 2018 visit, respondent failed to inform Ms. Archie of the upcoming hearing scheduled for June 6, 2018.

13. Respondent appeared at the June 6, 2018 hearing but failed to advise Ms. Archie of the hearing until a follow-up meeting on or about June 22, 2018.

14. Thereafter, Ms. Archie made multiple requests to respondent for updates on her case, but respondent failed to reasonably keep Ms. Archie informed of the status of the matter.

15. On August 14, 2018, respondent filed a Motion for Temporary Relief and Support, approximately seven months after the initiation of the dissolution of marriage action.

16. Respondent failed to promptly set a hearing on Ms. Archie's Motion for Temporary Relief and Support.

17. On or about August 14, 2018, Ms. Archie sent a letter to the presiding judge in her dissolution of marriage action advising that she had filed a bar complaint against respondent.

18. However, Ms. Archie advised in her letter that she did not wish for respondent to withdraw from the representation because Ms. Archie could not afford to hire another attorney.

19. Thereafter, respondent failed to file any further pleadings or take any action to advance Ms. Archie's case.

20. On October 7, 2019, the court filed a Notice of Lack of Prosecution due to there being ten months of no record activity and scheduled a case management conference for December 19, 2019.

21. Respondent failed to attend the December 19, 2019 case management conference or otherwise seek to have the case removed from the dismissal docket.

22. The court removed the case from the dismissal docket and ordered the parties to attend mediation.

23. Ms. Archie has retained new counsel to represent her in the dissolution of marriage action.

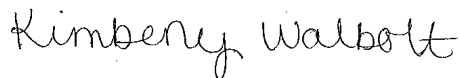
24. Respondent failed to act with diligence and promptness in representing her client in this matter.

25. Respondent failed communicate with Ms. Archie by failing to respond to her reasonable requests for information in this matter.

26. Even taking into consideration respondent's position that the \$800.00 given to Ms. Archie was a refund of a portion of the \$5,000.00 retainer paid, \$4,200.00 exceeds a reasonable fee for the services respondent provided to Ms. Archie in this matter, and respondent has failed to return any portion of the unearned fees.

27. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); and **Rule 4-1.5** (Fees and Costs for Legal Services).

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 Constance Daniels, at cdanielsesq@gmail.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 1039, return receipt requested to Constance Daniels, whose record bar address is Law Office of Constance Daniels, PO Box 6219, Brandon, FL 33508-6003 and via email to Kimberly Anne Walbolt, Bar Counsel, kwalbolt@floridabar.org, on this 11th day of May, 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 Kimberly Anne Walbolt, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300, Tampa, Florida 33607-2386, (813) 875-9821 and kwalbolt@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.