

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

v.

PATRICK JAMES THOMPSON,  
Respondent.

Supreme Court Case No.  
SC21-588

The Florida Bar File Nos.  
2019-30,934 (9A)  
2019-30,936 (9A)

\_\_\_\_\_ /

**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, Patrick James Thompson, 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 is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

3. As to The Florida Bar case numbers 2019-30,934 (9A) and 2019-30,936 (9A), there has been a finding of probable cause by the Ninth Judicial Circuit Grievance Committee "A."

4. The disciplinary measures to be imposed upon respondent are as follows:

a. Respondent will receive a public reprimand by publication of the Court's order approving this consent judgment.

b. Respondent will attend and complete The Florida Bar's Ethics School within six (6) months of the Court's order approving this consent judgment. Respondent will pay the \$750.00 fee associated with attending Ethics School before his attendance at Ethics School.

c. Respondent will pay the bar's costs in this disciplinary matter.

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

A. Respondent negotiated with timeshare resorts on behalf of clients to assist the clients with an exit from their timeshare contracts and/or their timeshare maintenance fees. In 2016, respondent shared fees with a nonlawyer, who was a corporate officer of his law firm, Timeshare Lawyers, Inc. The nonlawyer owned a marketing company who provided clients to Timeshare Lawyers, Inc. through improper solicitation. The only other lawyer employed by Timeshare Lawyers, Inc., was respondent's law partner,

who had an office in Las Vegas and was only licensed to practice law in New Jersey. Respondent was not admitted to practice law in any jurisdiction other than Florida but the resorts and the clients he represented were sometimes located outside of Florida.

B. In 2018, Mr. Politi paid \$5,000.00 to a company believing he was hiring respondent's law firm to represent him in negotiating with a Mexican timeshare resort for relief from maintenance fees and to divest his interest in the resort. The matter was referred to respondent who took six months to contact Mr. Politi and provide legal advice about the timeshare. Respondent did not sufficiently communicate with Mr. Politi and he delegated virtually all communication responsibilities to the nonlawyer staff.

C. In August 2016, Laura Kaul, a resident of New York, owned a timeshare at a resort located in Florida and wanted to divest her interest in the timeshare. The nonlawyer corporate officer who owned the marketing company improperly solicited Ms. Kaul on behalf of Timeshare Lawyers, Inc., and neither respondent nor any other members or employees of his firm had a family or prior professional relationship with Ms. Kaul. Respondent failed to properly supervise the nonlawyer corporate officer and the nonlawyer

sent, or caused to be sent, a direct mail solicitation to Ms. Kaul inviting her to attend a seminar concerning timeshare divestment. Ms. Kaul attended the seminar, presented by a nonlawyer, and at the seminar entered into an agreement for Timeshare Lawyers, Inc. to represent her and she paid a fee. Thereafter, respondent did not maintain adequate communication with Ms. Kaul and delegated virtually all responsibility for communication to his nonlawyer employees/independent contractors. Years passed before Ms. Kaul's matter was resolved.

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

i. 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.

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

iii. 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.

iv. 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.

v. 4-5.3(b) With respect to a nonlawyer employed or retained by or associated with a lawyer or an authorized business entity as defined elsewhere in these Rules Regulating The Florida Bar: (1) a

partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer; (2) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and (3) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if: (A) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or (B) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

vi. 4-5.4(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that: (1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to 1 or more specified persons; (2) a lawyer who undertakes to

complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation that fairly represents the services rendered by the deceased lawyer; (3) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, in accordance with the provisions of rule 4-1.17, pay to the estate or other legally authorized representative of that lawyer the agreed upon purchase price; (4) bonuses may be paid to nonlawyer employees for work performed, and may be based on their extraordinary efforts on a particular case or over a specified time period. Bonus payments shall not be based on cases or clients brought to the lawyer or law firm by the actions of the nonlawyer. A lawyer shall not provide a bonus payment that is calculated as a percentage of legal fees received by the lawyer or law firm; and (5) a lawyer may share court-awarded fees with a nonprofit, pro bono legal services organization that employed, retained, or recommended employment of the lawyer in the matter.

vii. 4-5.4(c) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

viii. 4-5.4(e)(2) A lawyer shall not practice with or in the form of a business entity authorized to practice law for a profit if a

nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation.

ix. 4-5.5(a) A lawyer shall not practice law in a jurisdiction other than the lawyer's home state, in violation of the regulation of the legal profession in that jurisdiction, or in violation of the regulation of the legal profession in the lawyer's home state or assist another in doing so.

x. 4-7.18(a)(1) Except as provided in subdivision (b) of this rule, a lawyer may not solicit in person, or permit employees or agents of the lawyer to solicit in person on the lawyer's behalf, professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. The term "solicit" includes contact in person, by telephone, by electronic means that include real-time communication face-to-face such as video telephone or video conference, or by other communication directed to a specific recipient that does not meet the requirements of subdivision (b) of this rule and rules 4-7.11 through 4-7.17 of these rules.



xi. 4-7.18(a)(2) Except as provided in subdivision (b) of this rule, a lawyer may not enter into an agreement for, charge, or collect a fee for professional employment obtained in violation of this rule.

xii. 4-7.18(b)(2)(A) Written communications to prospective clients for the purpose of obtaining professional employment that are not prohibited by subdivision (b)(1) are subject to the following requirements: Such communications are subject to the requirements of 4-7.11 through 4-7.17 of these rules.

xiii. 4-7.18(b)(2)(B) Written communications to prospective clients for the purpose of obtaining professional employment that are not prohibited by subdivision (b)(1) are subject to the following requirements: Each separate enclosure of the communication and the face of an envelope containing the communication must be reasonably prominently marked "advertisement" in ink that contrasts with both the background it is printed on and other text appearing on the same page. If the written communication is in the form of a self-mailing brochure or pamphlet, the "advertisement" mark must be reasonably prominently marked on the address panel of the brochure or pamphlet, on the inside of the brochure or pamphlet, and on each separate enclosure. If the written

communication is sent via electronic mail, the subject line must begin with the word "Advertisement."

xiv. 4-7.18(b)(2)(C) Written communications to prospective clients for the purpose of obtaining professional employment that are not prohibited by subdivision (b)(1) are subject to the following requirements: Every written communication must be accompanied by a written statement detailing the background, training and experience of the lawyer or law firm. This statement must include information about the specific experience of the advertising lawyer or law firm in the area or areas of law for which professional employment is sought. Every written communication disseminated by a lawyer referral service must be accompanied by a written statement detailing the background, training, and experience of each lawyer to whom the recipient may be referred.

xv. 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.

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

7. 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.

8. 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 \$2,637.90. 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.

9. In mitigation, respondent has no prior disciplinary record [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(1)] and had no dishonest or selfish motive [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(2)]. Most of respondent's misconduct occurred during 2016 and the nonlawyer marketer had initially incorporated respondent's

law firm and named himself a corporate officer without respondent's consent. At the end of 2016, respondent removed the nonlawyer marketer from the ownership and corporate involvement of his law firm. Respondent has also ceased the improper direct solicitation of prospective clients that had been primarily instigated by the nonlawyer marketer. Respondent eventually obtained results for Ms. Kaul and Mr. Politi.

10. In aggravation, respondent engaged in a pattern of misconduct [Florida's Standards for Imposing Lawyer Sanctions 3.2(b)(3)] and engaged in multiple offenses [Florida's Standards for Imposing Lawyer Sanctions 3.2(b)(4)].

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

Dated this 5 day of August, 2021.

/s/ Patrick J. Thompson

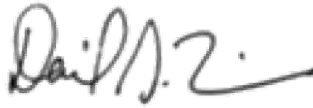
Patrick James Thompson  
Respondent  
201 Hilda Street, Suite 23  
Kissimmee, Florida 34741  
(877) 557-9669  
Florida Bar ID No. 45079  
[law@patrickjthompson.com](mailto:law@patrickjthompson.com)

Dated this 5 day of August, 2021.



Patrick John McGinley  
Counsel for Respondent  
2265 Lee Road, Suite 100  
Winter Park, Florida 32789  
(407) 681-2700  
Florida Bar ID No. 85881  
[patrick@mcginleylaw.com](mailto:patrick@mcginleylaw.com)

Dated this 6th day of August, 2021.



Daniel James Quinn  
Bar Counsel  
The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801  
(407) 425-5424  
Florida Bar ID No. 122435  
[dquinn@floridabar.org](mailto:dquinn@floridabar.org)  
[orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org)  
[kperaza@floridabar.org](mailto:kperaza@floridabar.org)