

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-76

v.

The Florida Bar File
No. 2019-00,466(4B)

PAMELA RANDLE,
Respondent.

_____ /

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

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 January 20, 2021, The Florida Bar filed its Complaint against respondent in these proceedings. The undersigned was appointed as Referee to hear this case on January 25, 2021. Respondent filed her Answer on February 9, 2021. A Case Management Conference was held on March 10, 2021 and a Status Conference was held on April 8, 2021. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. 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.

B. Narrative Summary Of Case.

1. In July 2015, Russell Bowles ("Mr. Bowles") began to work for the People's Choice Law Group ("PCLG"), located in Jacksonville, Florida.

2. Mr. Bowles was an employee of PCLG answering the phone and doing intake for PCLG.

3. PCLG was owned and operated by respondent.

4. Napoleon Thomas ("Mr. Thomas"), an enrolled agent, supervised Mr. Bowles from when he started until about March or April 2016.

5. During this time of his employment, Mr. Bowles was also supervised by Mr. Charles Colosimo ("Mr. Colosimo").

6. Mr. Colosimo was respondent's paralegal who managed her office when she was not available.

7. Respondent, however, failed to properly manage her cases, her staff, or her practice.
8. Respondent left most decisions to the nonlawyer staff.
9. Mr. Bowles was told that respondent was just a figure head and that her name was just being used because she was an attorney.
10. Mr. Colosimo later confirmed this to Mr. Bowles.
11. Respondent opened a new firm known as Pamela Randle and Associates (“PRA”).
12. Additionally, respondent joined the Ameri-Trust Firm as a Family Law Attorney.
13. Mr. Bowles worked for PRA as a bankruptcy intake representative.
14. At some point, PRA moved from a bankruptcy practice to a debt settlement practice.
15. Respondent sold PRA in 2017 to Ira Frazer, a California attorney, but maintained ownership of PCLG.
16. On or about February 2018, Mr. Bowles began to work from home as a legal intake representative for PCLG.

17. In April 2018, respondent became ill and was admitted to Live Oak Hospital. Respondent was subsequently transported to Shands Hospital in Gainesville, Florida where she was treated.

18. Respondent was then sent to a hospital in Palm Beach County where she was treated for multiple ongoing heart conditions.

19. Upon release from the hospital, respondent returned to her home in Live Oak, Florida where she continued her after-care treatment.

20. Mr. Bowles claims that from March 2018 until August 2018, he was routinely not paid his salary on time.

21. Respondent claims, that although Mr. Bowles may have paid late, she did pay all salary owed to him. Further, respondent denies that she owed Mr. Bowles any past due salary.

22. Solely as a method to resolve the dispute, on October 23, 2018, Mr. Bowles' wife, Natasha Bowles ("Mrs. Bowles") executed a retainer agreement with PCLG for a Modification of Child Support. Respondent agreed that she would accept the case for the \$2,000.00 that Mr. Bowles claims that respondent owed him in past-due salary. The agreement was signed by Mrs. Bowles, but not by respondent.

23. Although respondent claims she began to research how to domesticate an out of state child support order, nothing of any substance was done on the case in the two months that respondent handled the case.

24. Respondent failed to timely communicate with Mrs. Bowles.

25. On December 24, 2018, Mrs. Bowles abruptly sent respondent an email terminating her services and demanding the disputed \$2,000.00 in past-due salary.

26. In late December 2018, Mr. Bowles resigned.

27. To date, respondent has failed to perform legal services for Mrs. Bowles or to pay Mr. Bowles the disputed past-due salary that he claims is owed.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.2(a) Lawyer to Abide by Client's Decisions; 4-1.3 Diligence; 4-1.4 Communication; 4-3.2 Expediting Litigation; and 4-5.3 Responsibilities Regarding Nonlawyer Assistants.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 LACK OF DILIGENCE

(c) Public Reprimand. Public reprimand is appropriate when a lawyer is negligent, does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Kaplan, 576 So.2d 1318 (Fla. 1992) - The Supreme Court held that violation of bar rules relating to neglect, communication, and improper withdrawal warrants public reprimand, notwithstanding mitigating factors, in light of receipt of prior private reprimands.

The Florida Bar. Frank J. Bankowitz, III, SC15-1499 (Fla. Sept. 4, 2015) [The Florida Bar File No. 2014-31,176(13A)] - Public reprimand for failing to pay employee withholding taxes and his personal income tax for several years. Respondent made full payment of his tax obligations in early 2015. In mitigation, the attorney had no dishonest motive. The tax issues arose after he experienced a serious complication from surgery that prevented him from being able to work for several months.

The Florida Bar v. Michael Edmund Crouse, SC15-1443 - By Court order dated October 8, 2015, respondent received a public reprimand and was ordered to complete 10 hours of CLE. Respondent and his law partner employed a non-attorney third party to process clients for loan modifications and foreclosure defense. The third party processor failed to follow sign-up instructions, improperly modified approved forms, and randomly switched clients from one attorney to another. In addition, the third party processor was neglecting cases and not communicating appropriately with the clients.

The Florida Bar v. James Socrates Strouss, III, SC15-943 - By Court order dated November 19, 2015, respondent received a public reprimand for failing to adequately supervise his nonlawyer employee. Respondent's employee held himself out as an attorney and gave legal advice. The nonlawyer employee was the subject of a UPL investigation and subsequently agreed to sign a Cease and Desist Affidavit. Respondent had no prior discipline.

The Florida Bar v. Stephen L. Cook, SC15-1079 (Fla. Dec. 17, 2015) [The Florida Bar File Nos. 2014-50,028(15A), and 2014-50,029(15A)] - Public reprimand for failure to supervise non lawyers which led to the unauthorized practice of law, lack of communication and lack of diligence. The respondent briefly was associated with a debt consolidation business that provided debt and credit relief services.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

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

- A. Public Reprimand by publication, and
- B. Payment of The Florida Bar's Disciplinary Costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

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

Age: 63 Years of Age.

Date admitted to the Bar: September 21, 2006.

Prior Discipline: Respondent received a Grievance Committee

Admonishment in Florida Bar File No. 2018-00,104(4B).

VIII. AGGRAVATING AND MITIGATING FACTORS.

A. AGGRAVATING FACTORS:

(1) Prior Disciplinary Offenses. In Florida Bar File No. 2018-00,102(4B), respondent received an Admonishment from the Grievance Committee for unintentionally violating the following Rules Regulating The Florida Bar: 4-1.4 (Communication); 4-1.5 (Fees and Costs for Legal Services); 4-5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers); 4-5.3 (Responsibilities Regarding Non-Lawyer Assistants); and 4-8.4 (Violate or Attempt to Violate the Rules of Professional Conduct).

It should be noted however, that the offending conduct associated with Florida Bar File No. 2018-00,104(4B) occurred at or near the time of the current file, Florida Bar File No. 2021-00,466(4B). But for the untimely filing of the current complaint, the files should have been resolved together. [3.2(b)(1)].

(2) Multiple Offenses. [3.2(b)(4)].

(3) Substantial Experience in the Practice of Law.

Respondent has been a licensed attorney in Florida since September 21, 2006. [3.2(b)(9)].

B. MITIGATING FACTORS:

(1) Full and Free Disclosure to the Bar or Cooperative Attitude Toward the Proceedings. Respondent agreed to handle Mrs. Bowle's child support matter in spite of her contention that she has paid Mr. Bowles in full for all salary due.

In regard to the lack of supervision of the employees, respondent closed People's Choice and later, Ameri-Trust, when she discovered that other employees were attempting to take control of the firm. She then opened PRL, but she fell ill and could not maintain the office location and her home.

Additionally, during this time, respondent had numerous medical issues that left her hospitalized in Fort Lauderdale.

When she returned to the firm, she ultimately closed it and moved the firm to her home located in Live Oak, Florida.

[3.3(b)(5)].

(2) Physical Disability or Impairment. In April 2018, respondent was hospitalized in Live Oak, Florida with Sepsis. While in the hospital, and during the course of her treatment, respondent discovered that she had multiple birth defects that included a heart condition that would require surgery.

Ultimately, respondent had open heart surgery in Palm Beach, Florida.

Upon release, respondent was not in the proper condition to run or continue to run the firm. Ultimately, she closed the firm. [3.3(b)(5)].

(3) Interim Rehabilitation. Respondent has taken responsibility for her lack of supervision over her employees and failure to pay Mr. Bowles his back-due salary. By the nature of the prior grievance committee discipline of an Admonishment in Florida Bar File No. 2018-00,104(4B), respondent has taken corrective measures to ensure that she is not the subject of any further bar complaints. [3.3(b)(10)].

(4) Imposition of Other Penalties or Sanctions. Please see Aggravating Factor No. 1 above. Respondent seeks to keep her license to practice law in the event that she could return to work fulltime as a lawyer in the future. [3.3(b)(11)].

(5) Remorse. Respondent is contrite and has always taken responsibility for her lack of supervision over her employees, particularly while she was ill and in the hospital in Live Oak, Florida and Palm Beach, Florida. [3.3(b)(12)].

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

I find the following costs were reasonably incurred by The Florida

Bar:

Administrative Costs	\$1,250.00
Investigative Costs	579.65
TOTAL	\$1,829.65

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 7TH day of June, 2021.

/s/ Elizabeth Ann Blackburn
Elizabeth Ann Blackburn, Referee
101 N. Alabama Avenue
Deland, FL 32724-4316

Original to:

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Conformed Copies to:

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