

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CHRISTINA D'AMATO MILLER,

Respondent.

Supreme Court Case
No. SC-

TFB File Nos. 2019-30,652(5A), 2019-
30,707(5A), 2019-30,751(5A), 2019-
30,754(5A), 2019-30,767(5A), and
2019-30,800(5A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Christina D'Amato Miller, 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 currently the subject of Florida Bar disciplinary matters which have been assigned The Florida Bar File Nos. 2019-30,652(5A), 2019-30,707(5A), 2019-30,751(5A), 2019-30,754(5A), 2019-30,767(5A), and 2019-30,800(5A).
3. Respondent has waived the right to a probable cause hearing before a grievance committee and stipulated to a finding of probable cause in reference to these matters.

4. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is not represented by counsel.

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

A. Public reprimand to be administered by publication in the Southern Reporter.

B. Payment of the bar's costs.

6. The following allegations provide the basis for respondent's guilty plea in this matter:

A. Beginning in early 2019, The Florida Bar received several complaints alleging that respondent's law office had neglected client matters and failed to provide clients with adequate communication.

B. The time period of the complaints coincided with respondent's employment of a non-lawyer assistant. Some clients reported that the non-lawyer assistant had held herself out as a lawyer.

C. Respondent failed to conduct a background check on her non-lawyer assistant.

D. Respondent had written personnel and office manuals in place which provided clear guidelines as to the parameters expected of non-lawyer

staff.

E. Respondent's non-lawyer assistant disregarded office policy and took calculated steps to hide her misconduct from respondent, including frequently communicating with clients through her personal cell phone in violation of respondent's law office policy.

F. When respondent realized the extent of the non-lawyer's actions, respondent terminated the non-lawyer's employment.

G. The employment of the non-lawyer was limited in time from March 6, 2017 to April 12, 2019.

H. Respondent also proactively contacted clients to make restitution and attempt to rectify the matter.

7. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter: 4-1.3 [Diligence]; 4-1.4(a), (b) [Communication]; and 4-5.3(b), (c) [Responsibilities Regarding Nonlawyer Assistants].

8. In mitigation, respondent has no prior disciplinary history [Florida Standards for Imposing Lawyer Sanctions 9.32(a)]; she did not display a dishonest or selfish motive [9.32(b)]; respondent made timely good faith efforts to rectify the consequences of the misconduct by terminating the non-lawyer's employment and by paying restitution where she found it appropriate [9.32(d)]; respondent was

cooperative and made full and free disclosure to the bar [9.32(e)]; she has a good reputation in the legal community [9.32(g)]; respondent demonstrated interim rehabilitation [9.32(j)]; and, she has expressed remorse [9.32(l)]. In aggravation, respondent has substantial experience in the practice of law, admitted in 1990 [9.22(i)].

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

10. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

11. 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 \$2,244.32. 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.

12. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

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

Dated this 6 day of August, 2019.



CHRISTINA D'AMATO MILLER

Respondent

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Dated this 6th day of August, 2019.

Jan Wichrowski

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