

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

BELINDA NOAH,

Respondent.

Supreme Court Case  
No. SC13-2325

The Florida Bar File  
Nos. 2012-10,134 (13D)  
2012-10,548 (13D)  
2013-10,234 (13D)

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**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, Belinda Noah, and files this Conditional Guilty Plea pursuant to R. Regulating Fla. Bar 3-7.9.

1. Respondent was admitted to The Florida Bar on February 18, 1983, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent enters this Conditional Guilty Plea for Consent Judgment freely and voluntarily. Respondent has had the opportunity to be represented by an attorney of her choice, but has elected to proceed *pro se*.
3. The parties stipulate to the following facts:
  - a. Count I:

A disciplinary proceeding was initiated by the United States Trustee against Respondent in the United States Bankruptcy Court for the Middle District of Florida. The trustee alleged that Respondent's handling of

matters in bankruptcy court were below acceptable standards. The allegations included failing to investigate prior to filing for *in forma pauperis* status, failing to investigate prior to certifying that the debtor had not filed a prior bankruptcy petition, and failing to file in a timely manner certificates of completion of required consumer finance courses. On September 1, 2010, Respondent and the U.S. Trustee entered into a Consent Agreement requiring Respondent to complete various remedial measures in connection with her bankruptcy law practice, all of which were required to be completed prior to April 22, 2011. On September 13, 2010, the Bankruptcy Court entered an Order approving the “rehabilitative diversion” set forth in the Consent Agreement.

Respondent completed a few of the requirements, but failed to complete several other requirements. On June 15, 2011, the Bankruptcy Court conducted a hearing regarding Respondent’s compliance. At the hearing, Respondent argued that she had substantially complied with the requirements. On June 16, 2011, the Bankruptcy Court found that Respondent had failed to fulfill the requirements of the rehabilitative diversion and entered an Order suspending Respondent from filing new bankruptcy petitions until she made a showing of compliance with the requirements. On December 19, 2011, based on an agreement between the

United States Trustee and Respondent, the Bankruptcy Court entered an Order lifting the suspension and imposing continuing requirements on Respondent regarding improvements to her practice. Thereafter, additional problems arose with Respondent's practice and the disciplinary proceeding was revived by the United States Trustee. On June 11, 2012, the United States Trustee and Respondent entered into an agreement by which Respondent would voluntarily cease practicing in the United States Bankruptcy Court in the Middle District of Florida for a period of two years, although she denied the allegations of misconduct made by the United States Trustee. This Master Settlement Agreement was approved by the Bankruptcy Court and remains in effect.

b. Count II:

In approximately May 2010, Respondent agreed to represent Constance Mandley in a bankruptcy proceeding. At the time of her suspension in June 2011, the bankruptcy petition had not been filed. Respondent failed to inform Mandley of her suspension, which precluded any filing of a bankruptcy petition. Mandley terminated the representation in December 2011. Respondent refunded all fees she had accepted from Mandley.

4. Aggravating and Mitigating Circumstances: The parties agree that the sole aggravating factor is 9.22(i) (substantial experience in the practice of law).

The parties agree that the following mitigating factors are applicable:

9.32(a) (absence of a prior disciplinary record);

9.32(b) (absence of a selfish or dishonest motive) – Respondent did not gain any personal benefit from the actions at issue nor did she appear to be seeking any;

9.32(d) (timely good faith effort to make restitution) – Respondent refunded the fees paid by Mandley;

9.32(g) (character or reputation) – Respondent’s thirty-one-year career is unblemished other than this proceeding and the bankruptcy proceeding from which it arose; and

9.32(k) (imposition of other penalties or sanctions) – Respondent served a suspension from filing new bankruptcy cases which lasted approximately six months and is currently not permitted to practice in United States Bankruptcy Court in the Middle District of Florida for two years based on her voluntary agreement to the Master Settlement Agreement.

5. Respondent pleads guilty to violating the following Rules Regulating The Florida Bar:

a. Count I: Rule 4-8.4(d) (conduct prejudicial to the administration of justice)

b. Count II: Rule 4-1.4 (failure to communicate)

6. Respondent agrees to a 30-day suspension as discipline in this proceeding.

7. If this plea is not 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 R. Regulating Fla. Bar 3-7.6(q) in the amount of \$1,984.50. These costs will be due within 30 days of the final order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, Respondent will be required to 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, any bankruptcy proceeding. Respondent acknowledges that she will be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless an extension is granted by The Florida Bar.

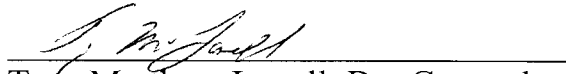
9. Respondent acknowledges that the obligation to pay the costs of this proceeding is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding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

Dated: 7/22/14



Belinda Noah, Respondent  
P.O. Box 46535  
Tampa, Florida 33646-0105  
(813) 679-3356  
[noahlawfirm@yahoo.com](mailto:noahlawfirm@yahoo.com)  
Florida Bar No. 360023

Dated: 22 JULY 14



Troy Matthew Lovell, Bar Counsel  
The Florida Bar  
4200 George J. Bean Parkway  
Suite 2580  
Tampa, Florida 33607-1496  
(813) 875-9821  
Primary E-Mail Address:  
[tlovell@flabar.org](mailto:tlovell@flabar.org)  
Secondary E-Mail Addresses:  
[ad'angelo@flabar.org](mailto:ad'angelo@flabar.org)  
[tampaooffice@flabar.org](mailto:tampaooffice@flabar.org)  
Florida Bar No. 946036