

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

PETER DUFF SPINDEL,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-70,261 (11C)
2020-70,266 (11C)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Peter Duff Spindel, 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 two Florida Bar disciplinary matters which have been assigned The Florida Bar File Nos. 2020-70,261(11C) and 2020-70,266(11C). As to both matters, the Eleventh Judicial Circuit Grievance Committee "C" has made a finding of probable cause.

EXHIBIT

A

3. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.

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

- A. Thirty (30) day suspension from the practice of law; and
- B. Respondent shall pay The Florida Bar's costs in this matter.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

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

- A. **File No. 2020-70,261(11C).** In June 2019, respondent was retained by Yolanda de Llorente to file a personal bankruptcy petition.

B. On or about July 18, 2019, Ms. de Llorente paid respondent a retainer of \$1,500.00.

C. Over the next two months, Ms. de Llorente attempted unsuccessfully to communicate with respondent.

D. On or about September 17, 2019, respondent spoke to Ms. de Llorente by telephone, explaining that he had been away to Hong Kong. The two discussed paperwork relevant to the petition at that time.

E. The following week, Ms. de Llorente e-mailed respondent inquiring about the status of her petition. She received no response.

F. Over the coming weeks, Ms. de Llorente continued to make efforts to contact respondent, but did not receive a response.

G. On or about October 17, 2019, Ms. de Llorente sent respondent a certified letter terminating his representation. This letter further advised that she would attend respondent's office on November 4, 2019 to receive her file as well as a refund.

H. Ms. de Llorente attended respondent's office on November 4, 2019, but he was not present and she did not receive her documents or a refund.

I. Shortly thereafter, Ms. de Llorente filed the subject grievance with The Florida Bar.

J. Respondent submitted his response to the grievance on or about January 31, 2020.

K. In his response, respondent explained that he was overseas in Asia at various times during the relevant time period, managing his overseas jewelry business. Respondent advised that civil unrest in Hong Kong in 2019 had sharply limited his ability to communicate abroad.

L. In his response, respondent also accused Ms. de Llorente of attempting to perpetrate criminal tax and bankruptcy fraud by filing a bankruptcy petition.

M. Without Ms. de Llorente's authorization, respondent also submitted unredacted documents containing her financial information to The Florida Bar.

N. After terminating respondent's services, Ms. de Llorente was able to file a bankruptcy petition through other counsel.

O. Ms. de Llorente passed away during the pendency of this matter.

P. **File No. 2020-70,266** On or about September 4, 2019, attorney Scott Teppel retained respondent to represent a client as a creditor in a bankruptcy proceeding.

Q. Respondent requested a \$2,000 retainer from Mr. Teppel, which Mr. Teppel paid.

R. On that same date, Mr. Teppel directed respondent to prepare and file a notice of appearance.

S. On or about September 11, 2019, Mr. Teppel spoke to respondent about the need to attend a creditor's meeting in the case on September 18, 2019.

T. That same day, respondent e-mailed Mr. Teppel acknowledging that he would attend the September 18, 2019 creditors' meeting. The e-mail also included a document purporting to be respondent's previously-filed notice of appearance, which was dated September 4, 2019. In fact, no such notice had been filed in the proceeding.

U. Respondent did not attend the September 18, 2019 creditors' meeting.

V. Respondent did not file a notice of appearance in the case until September 25, 2019.

W. In early October 2019, Mr. Tepper attempted several times to communicate with respondent, but was unsuccessful.

X. In mid-October 2019, Mr. Tepper wrote respondent by e-mail and certified mail to terminate his representation and obtain a full refund.

Y. On October 25, 2019, Mr. Tepper received his certified letter returned as undeliverable. Specifically, respondent's P.O. Box was "vacant" with no forwarding instructions.

Z. Mr. Tepper then filed the subject grievance with The Florida Bar.

AA. Respondent submitted his response to the grievance on or about February 18, 2020.

BB. In his response, respondent explained that he was overseas in Asia at various times during the relevant time period, managing his overseas jewelry business. Respondent advised that civil unrest in Hong Kong in 2019 had sharply limited his ability to communicate abroad.

CC. Respondent fully refunded the retainer to Mr. Tepper.

7. By the conduct set forth above, respondent violated the following Rules Regulating the Florida Bar:

- a. **File No. 2020-70,261:** Rule 4-1.3 (Diligence), Rule 4-1.4 (Communication), Rule 4-1.5 (Fees and Costs for Legal Services), Rule 4-1.6(a) (Confidentiality of Information), Rule 4-8.4(d) (Misconduct)
 - b. **File No. 2020-70,266:** Rule 4-1.3 (Diligence), Rule 4-1.4 (Communication)
8. In mitigation of his actions, respondent asserts the following:
- a. Respondent has been a member of The Florida Bar since 1989 and has not been previously disciplined.
 - b. Respondent had no dishonest or selfish motive.
 - c. Respondent has made full restitution to Mr. Tepper (File No. 2020-70,266), and to Max Llorente, the son of Ms. de Llorente (File No. 2020-70,261).
 - d. Respondent has had a cooperative attitude toward the proceedings.
 - e. Respondent has an otherwise good character and good reputation within the legal community.
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. During the suspension period, respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

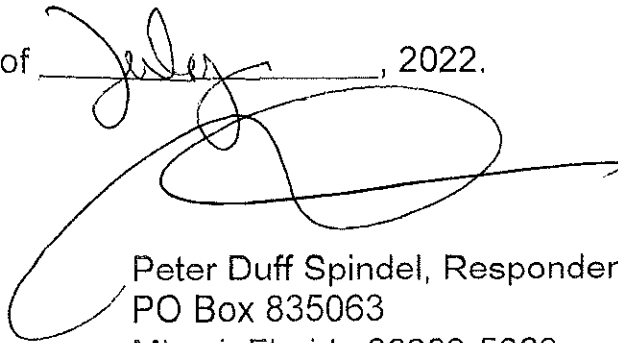
12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order 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.

13. Respondent acknowledges the obligation to pay the costs of this proceeding (and any agreed restitution) 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 or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

14. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

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

Dated this 25th day of July, 2022.



Peter Duff Spindel, Respondent
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Dated this 24 day of October, 2022. _____



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