

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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**REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT**

I. **SUMMARY OF PROCEEDINGS**

The undersigned was appointed Referee in this proceeding. The parties have submitted a Conditional Guilty Plea for Consent Judgment which sets forth a proposed resolution of this proceeding. I recommend approval of the parties' proposed resolution.

All of the pleadings and other findings submitted in this proceeding, along with this Report, constitute the record in this proceeding and are being forwarded to the Supreme Court of Florida.

The Florida Bar was represented by Troy Matthew Lovell. Respondent appeared *pro se*. Respondent fully participated in this proceeding.

II. **FINDINGS OF FACT**

A. Jurisdictional Statement. Respondent was admitted to The Florida Bar on February 18, 1983, and is subject to the jurisdiction of the Supreme Court of Florida.

B. Narrative Summary of Case. The parties stipulated to the following facts:

i. 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.

ii. 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.

III. RECOMMENDATIONS AS TO GUILT

In accordance with the Conditional Guilty Plea for Consent Judgment, I recommend that Respondent be found guilty of 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).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending approval of the Conditional Guilty Plea for Consent Judgment:

6.22 - Suspension is appropriate when a lawyer knowingly violates a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

7.2 - Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

9.22(i) - substantial experience in the practice of law.

Mitigating Factors:

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.

V. CASE LAW

I considered the following case law prior to recommending approval of the Conditional Guilty Plea for Consent Judgment:

*Florida Bar v. MacNamara*, 132 So.3d 165 (Fla. 2013). 90-day suspension.

The responding attorney failed to file a tax return in a timely manner. In response to the bar complaint, Respondent gave misleading information, strongly implying that the return had been timely filed.

*Florida Bar v. Maier*, 784 So. 2d 411 (Fla. 2001), 60-day suspension. The attorney represented a client regarding an application for alien employment certification. Although she initiated the process with the Florida Department of Labor and Employment Security, she did not provide her client with any information and failed to respond to the client's repeated inquiries. The attorney had prior discipline of 30-day suspension and 2 admonishments.

VI. RECOMMENDED DISCIPLINE

In accordance with the Conditional Guilty Plea for Consent Judgment, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that she be suspended for a period of thirty days.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending approval of the Conditional Guilty Plea for Consent Judgment, pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent:

Age: 60

Date admitted to the Bar: February 18, 1983

Prior Discipline: None

VIII. COSTS

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Costs pursuant to Rule 3-7.6(q)(1)(I)	\$1,250.00
Court Reporters' Fees	\$ 734.50
<b>TOTAL</b>	<b>\$1,984.50</b>

I recommend that the foregoing costs be charged to Respondent and that interest at the statutory rate accrue and that should those costs not be satisfied within thirty days of the final Order in this proceeding, Respondent be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless an extension is granted by The Florida Bar.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ORIGINAL SIGNED**

**AUG 13 2014**

Paul E. Firmani  
County Judge

\_\_\_\_\_  
Paul E. Firmani, Referee

Original to be mailed to the Supreme Court of Florida with Referee's original file to: The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927; and a copy in Word to be submitted through the Supreme Court of Florida's e-mail address to [e-file@flcourts.org](mailto:e-file@flcourts.org)

Conformed Copies to:

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