

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-683

v.

The Florida Bar File
No. 2019-10,230 (13C)

CONSTANCE DANIELS,
Respondent.

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Constance Daniels, 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 acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented by Todd Messner in this matter.
3. There has been a finding of probable cause by the grievance committee as to Florida Bar File No. 2019-10,230 (13C).

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

A. An admonishment to be administered in writing by the referee.

B. Attendance at Ethics School within six (6) months of the Court's order approving this consent judgment. Respondent shall be responsible for payment of the \$750.00 fee for Ethics School directly to The Florida Bar.

C. Payment of the disciplinary costs.

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

A. Respondent was hired to represent Felicia Archie in a dissolution of marriage action. On October 31, 2017, Ms. Archie made the final payment toward her \$5,000 retainer for the representation. On January 17, 2018, respondent filed a dissolution of marriage action in Hillsborough County Case No. 18-DR-850. On April 13, 2018, Case No. 18-DR-850 was consolidated with Hillsborough County Case No. 18-DR-1315, which was the husband's dissolution of marriage action. On May 30, 2018, respondent was sent a copy of a Notice of Hearing on the Husband's Motion to

Compel Mandatory Disclosure scheduled for June 6, 2018, which had not been coordinated with respondent. The Notice was provided to respondent via email seven (7) days before the hearing. Respondent did not advise Ms. Archie of the hearing and elected to attend the hearing without Ms. Archie and advise her of the results after. Respondent's understanding was the hearing would be related to discovery documents she believed had already been produced. Respondent acknowledges she should have simply told Ms. Archie about the hearing prior.

On May 31, 2018, respondent refunded Ms. Archie \$800.00 from her retainer. Respondent failed to adequately communicate the nature of the refund to Ms. Archie. During the May 31, 2018 visit, respondent and Ms. Archie did not discuss the hearing set for June 6, 2018. Respondent appeared at the hearing on June 6, 2018 and advised Ms. Archie of the results on June 22, 2018.

On August 14, 2018, respondent filed a Motion for Temporary Relief and Support. On August 21, 2018, Ms. Archie wrote a letter to the judge stating respondent had failed to adequately communicate with her. However, Ms. Archie advised the judge she did not wish for

respondent to withdraw from the representation because she could not afford to hire another attorney.

On October 7, 2019, the court filed a Notice of Lack of Prosecution due to ten (10) months of no record activity in the matter and scheduled a case management conference for December 19, 2019. Respondent failed to attend the conference on Ms. Archie's behalf. The court, at the request of Ms. Archie's former husband, granted removal from dismissal docket and ordered the case to mediation. Respondent failed to take any further action on Ms. Archie's behalf after Ms. Archie advised she had filed a grievance against Respondent, erroneously believing she needed to wait for the resolution of the bar matter. Ms. Archie has since retained new counsel.

During this proceeding before the Supreme Court and the referee, respondent admits that she failed to timely respond to the bar's formal complaint. Respondent later retained counsel who filed an answer on her behalf.

Respondent admits to violations of the following Rules Regulating The Florida Bar: Rule 4-1.3 (Diligence); Rule 4-1.4 (Communication); and Rule 4-8.4(g)(Misconduct – failure to respond


in writing to an official bar inquiry). The bar filed a Notice of Voluntary Dismissal as to the alleged rule violation of Rule 4-1.5 (Fees and Costs for Legal Services).

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


7. If this plea is not finally 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 Rule 3-7.6(q) in the amount of \$1,440.00. 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.


9. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar. Dated this 28th day of October, 2021.


Constance Daniels, Respondent
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Dated this 28th day of October, 2021.


Todd Messner, Counsel for Respondent
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Dated this 28th day of October, 2021.


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