

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

MARY MICHELE HUDSON,

Respondent.

Supreme Court Case
No. SC22-743

The Florida Bar File
No. 2019-50,659(17I)

AMENDED REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On June 6, 2022, The Florida Bar filed its Complaint against respondent. Based upon respondent's failure to file an answer or any other documents, The Florida Bar filed a Motion for Default, and such motion was granted by order dated July 22, 2022. On August 19, 2022, a final hearing on sanctions only was held in this matter. The Florida Bar presented its argument for disbarment based upon applicable case law and the Florida Standards for Imposing Lawyer Sanctions. Although a default was entered and all matters deemed admitted, the exhibits attached to the bar's complaint establish that respondent violated the rules as alleged in its complaint.

The Florida Bar's Exhibit 1 was accepted as aggravation evidence. That exhibit is an order dated July 8, 2022, entered by the Supreme Court of Florida while this matter was pending. It granted the bar's petition for contempt and suspended respondent for a second time, for 91 days. The order noted that respondent failed to file a response.

Respondent failed to appear at the sanction hearing on August 19, 2022, despite having received notice thereof. Consequently, respondent did not present any evidence or exhibits. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the

report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

The Florida Bar was represented by Randi Klayman Lazarus, Bar Counsel.

II. NOTICE TO RESPONDENT AND FAILURE TO PARTICIPATE

From the onset of the grievance filed by Helen Cammarata, hereinafter referred to as "Cammarata", respondent has ignored all requests for responses. Using respondent's record bar information provided, the bar sent three letters to respondent, numerous emails, and had The Florida Bar's investigator attempt to contact respondent multiple times to try to locate respondent. No responses were ever received from respondent and the matter was forwarded to a grievance committee for a determination as to respondent's noncompliance. That proceeding was also ignored by respondent and led to a contempt petition being filed in the Florida Supreme Court on December 21, 2021. Respondent likewise ignored the order of the high court requesting that she respond, and she was suspended on February 2, 2022. A second proceeding was held by the grievance committee to investigate Cammarata's allegations of incompetence against respondent. This proceeding was also ignored by respondent and the bar filed its Formal Complaint in this matter.

Finally, respondent has failed and refused to participate in the instant proceedings and a default has been entered against her. Despite the requirements of Rule 1-3.3(b), R. Regulating Fla. Bar, respondent has never provided The Florida Bar with updated contact information. All communications have been returned as undeliverable.

This complete disregard and disrespect toward the Florida Supreme Court, this referee, the bar and their grievance committee comprised of volunteer members makes clear that respondent does not place any value on her privilege to practice law.

III. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Narrative Summary Of Case.

1. In Supreme Court Case No. SC21-1734, respondent was suspended by this Honorable Court on February 2, 2022, having failed to respond to bar counsel's inquiries regarding the instant matter. Respondent, likewise, failed to respond to this Court. That suspension is to

remain in effect until responses are received and until further order of the Court.

2. Despite having been sent notice of this final hearing to her record bar email address, respondent failed to participate in these proceedings.

COUNT I

3. Respondent represented the former husband in a family law matter case styled Cammarata v. Cammarata, Case No. 2009-DR-012269, in the Circuit Court in and for Palm Beach County, Florida.

4. At a hearing occurring on April 6, 2016, the court admonished respondent for her frivolous handling of the case.

5. At that hearing, the presiding judge said the following, among other things:

The hearing is done. Out. Out now. I have had it, Ms. Hudson. You need to read the child support formula to determine what correct discovery you need. You are pissing your client's money away doing these frivolous discovery matters and coming to court. You're going to bankrupt your client based on your lack of knowledge about how to calculate child support and what discovery is relevant. Read Woodward versus Berkery, memorize it and learn what discovery is relevant in a post-judgment matter.

6. On July 13, 2017, the court entered a Final Judgment Denying Former Husband's Supplemental Petition for Modification, Denying Former Husband's Motion for Contempt and Enforcement, and Granting Former Wife's Supplemental Petition for Modification of Child Support.

7. In the Final Judgment on Modification order, the court recounted denying the Former Husband's Second Amended Supplemental Petition for Modification of Time-sharing, Parental Responsibility, Parenting Plan, Child Support and for Other Relief when it stated, "Former Husband's pleadings paint a glaringly deficient claim for modification not supported by Florida law and which caused the Former Wife to incur attorney's fees to defend an action that was clearly untenable."

8. The Final Judgment on Modification found the following when denying the Former Husband's Amended Motion for Civil Contempt and Enforcement and Motion to Set Aside Quitclaim Deed for Fraud, and

Former Husband's Motion for Indemnification and Permanent Injunctive Relief:

[I]t is absolutely clear to the Court that the Former Husband pursued his claims in bad faith and over-litigated this case in support thereof. The Orders entered during the pendency of this modification action repeatedly warned the Former Husband and his counsel about their handling of this matter. Accordingly, the Court considers this case the epitome of vexatious and unnecessary litigation at the hand of the Former Husband.

9. The former wife sought attorney's fees as she was the prevailing party in the matter and pursuant to Florida Statute 57.105.

10. On January 17, 2018, the court granted the Former Wife's Amended Motion for Attorney's Fees and Costs against respondent and her client in the amount of \$65,014.08.

11. Respondent appealed the Final Judgment Awarding the Former Wife Attorney's Fees and Costs in equal portions between the former husband and respondent.

12. On November 28, 2018, Florida's Fourth District Court of Appeals affirmed the award of attorney's fees and costs against respondent and her client.

13. Shortly thereafter, it is believed that respondent closed her practiced and moved to an unknown location.

14. On January 15, 2019, the former wife filed a Motion to Compel Former Husband and respondent to Execute Florida Rules of Civil Procedure Form 1.977 (Fact Information Sheet) in relation to the attorney's fees owed to the former wife by respondent and her client.

15. On March 25, 2019, the former wife filed Post Judgment Discovery Directed to respondent requesting financial documents.

16. Respondent failed to respond to the former wife's motion to compel or discovery requests and has not paid her attorney's fees and costs.

17. Respondent did not file a motion to withdraw and is still the attorney of record in her client's family law case.

COUNT II

18. In or about March 2019, a grievance was filed against respondent by respondent's client's mother, Helen Cammarata.

19. Respondent then failed to respond to The Florida Bar's investigative inquiries concerning the grievance filed by Cammarata.

20. The Florida Bar made multiple attempts to locate respondent using a staff investigator with telephone calls, emails, and personal visits to respondent's last known addresses.

21. On November 19, 2021, the grievance committee found that respondent did not show good cause for failing to respond to official bar inquiries. The grievance committee also found that the non-compliance was willful after respondent failed to provide any response to the notice of hearing on non-compliance which was sent to respondent's record bar email. That email returned the notice as undeliverable.

22. Respondent has failed to provide any updated contact information to The Florida Bar.

23. On December 21, 2021, The Florida Bar filed its Petition for Contempt and Order to Show Cause with the Florida Supreme Court pursuant to the grievance committee's findings of willful conduct.

24. On December 21, 2021, the Florida Supreme Court issued an order to show cause requiring respondent to respond by January 5, 2022.

25. Respondent failed to respond to the Florida Supreme Court's order to show cause.

26. On February 2, 2022, the Florida Supreme Court found respondent in contempt and suspended her, as well as requiring her to remain suspended until she fully responded to the bar's official inquiry.

IV. RECOMMENDATIONS AS TO GUILT.

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar:

As to Count I: By the conduct set forth above, respondent violated R. Regulating Fla. Bar: 4-1.1 [A lawyer must provide competent representation to a client.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.].

As to Count II: By the conduct set forth above, respondent violated R. Regulating Fla. Bar: 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.] and 4-8.4(g) [A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made: (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors; (2) within 10

days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors; (3) within the time stated in any subpoena issued under these Rules Regulating The Florida Bar (without additional time allowed for mailing); (4) as provided in the Florida Rules of Civil Procedure or order of the referee in matters assigned to a referee; and (5) as provided in the Florida Rules of Appellate Procedure or order of the Supreme Court of Florida for matters pending action by that court. Except as stated otherwise herein or in the applicable rules, all times for response shall be calculated as provided elsewhere in these Rules Regulating The Florida Bar and may be extended or shortened by bar counsel or the disciplinary agency making the official inquiry upon good cause shown. Failure to respond to an official inquiry with no good cause shown may be a matter of contempt and processed in accordance with rule 3-7.11(f) of these Rules Regulating The Florida Bar.].

V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 Lack of Diligence

(a) Disbarment. Disbarment is appropriate when a lawyer causes serious or potentially serious injury to a client and:

- (1) abandons the lawyer's practice;
- (2) knowingly fails to perform services for a client.

4.5 Lack of Competence

(a) Disbarment. Disbarment is appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures and causes injury or potential injury to a client.

VI. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Davis, 149 So.3d 1121 (Fla. 2014), an attorney was disbarred after failing to file an answer to the Bar's complaint and failing to appear at the final hearing. Davis had several opportunities to refute the Bar's charges and to participate in the disciplinary case, but she did not do so. The Court found that there was no excuse for Davis's repeated failure to respond to the Bar and the referee. There were also findings of neglect of client matters and client harm. Davis had a prior discipline history as well as additional aggravation. Again, respondent in the instant case had numerous opportunities to participate in these proceedings and has chosen not to. Also, like Davis, respondent has neglected her client.

In The Florida Bar v. Bartlett, 509 So.2d 287 (Fla. 1987), an attorney was disbarred for neglecting a legal matter and for failing to participate in the disciplinary proceeding. The attorney did not answer the Bar's complaint or its request for admissions and did not appear for the final hearing. He had been suspended twice before. In recommending disbarment, the Court found that "a lawyer's willful refusal to participate at all in the disciplinary process when he is accused of misconduct calls into serious question of the lawyer's fitness for the practice of law." Id. at 289. In the instant case, I find that respondent's failure to participate is willful.

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

- A. Disbarment.
- B. Payment of The Florida Bar's costs in these proceedings.
- C. Respondent will 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.

VIII.

PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 57

Date admitted to the Bar: April 15, 2011

Aggravating Factors 3.2(b):

(1) prior disciplinary offenses:

A. SC21-1734, The Florida Bar File No. 2022-50,329(17I) - Respondent was held in contempt and suspended from the practice of law until she responds in writing to The Florida Bar's inquiries by court order dated February 2, 2022; and

B. SC22-684, The Florida Bar File No. 2022-920,057 - By court order dated July 8, 2022, respondent was held in contempt and suspended from the practice of law for 91 days for her failure to comply with Rule 3-5.1(h), R. Regulating Fla. Bar.

(2) dishonest or selfish motive;

(3) a pattern of misconduct;

(4) multiple offenses;

(5) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency.

Mitigating Factors: None

IX. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

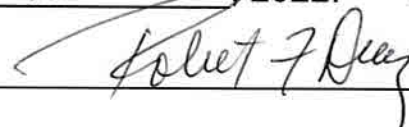
I find the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$265.90
Administrative Fee	\$1,250.00
Court Reporter Costs	\$180.00

TOTAL \$1,695.90

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 23rd day of AUGUST, 2022.



Honorable Robert Fabian Diaz, Referee
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Original To:

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