

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC19-605

v.

The Florida Bar File
No. 2018-50,353(15C)

NATALIE MICHELLE HUTCHINSON,
Respondent.

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

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 April 15, 2019, The Florida Bar filed its Complaint against Respondent. The parties have presented to me a Conditional Guilty Plea for Consent Judgment, which has been approved by The Florida Bar Board of Governors' designated reviewer. After due deliberation, I have determined to recommend that Respondent's Conditional Guilty Plea for Consent Judgment be approved, for the reasons set forth herein. Throughout this case, The Florida Bar has been

represented by Linda Ivelisse Gonzalez, Esq., and Respondent has been represented by John A. Weiss, Esq.

All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. 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.

B. Narrative Summary Of Case.

1. Respondent accepted a medical malpractice case.
2. When the statute of limitations was about to expire, Respondent withdrew from representation and blocked her client's email address.
3. The client attempted to contact Respondent by email but was unsuccessful.
4. In response to the Bar complaint, Respondent took the position that the statute of limitations was four years, instead of two. The statute of repose is four years.

5. Respondent has since stated that she abandons that position and that the statute of limitations is two years.

III. RECOMMENDATIONS AS TO GUILT

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

By the conduct set forth above, Respondent violated R. Regulating Fla. Bar 4-1.1 [Competence]; 4-1.3 [Diligence]; 4-1.4(a) [Informing Client of Status of Representation]; 4-1.4(b) [Duty to Explain Matters to Client]; 4-1.16(d) [Protection of Client's Interest]; 4-8.1(a) [False statements during Bar proceeding]; 4-8.4(a) [Violation of the Rules Regulating The Florida Bar]; 4-8.4(c) [Misrepresentation]; and 4-8.4(d) [Conduct prejudicial to the administration of justice].

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 Lack of Diligence

4.42 Suspension is appropriate when:

a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

4.5 Lack of Competence

4.52 Suspension is appropriate when a lawyer engages in an area of practice in which the lawyer knowingly lacks competence, and causes injury or potential injury to a client.

7.0 Violation of Other Duties Owed as a Professional

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.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. MacNamara, 132 So. 3d 165 (Fla. 2013)-Respondent was suspended for 90 days for lying to the Bar by stating that he filed client's estate tax return with the IRS in a timely manner and referred to return in cover letter to the IRS as "duplicate estate tax return" which was dishonest.

The Florida Bar v. Polk, 126 So.3d 240 (Fla. 2013)-Respondent received a 90-day suspension where he failed to communicate with client for two years and return documents and made misrepresentation to referee in the disciplinary proceedings. The court found the following mitigating factors: no prior discipline, absence of dishonest motive, personal or emotional problems, mental disability, interim rehabilitation.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

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

A. 90-day suspension.

B. 3 years of probation with the following special conditions:

- i. Respondent agrees to be evaluated by Florida Lawyers Assistance, Inc. ("FLA"). Respondent shall initiate this evaluation within 30 days of the Supreme Court Order. Should FLA determine that the execution is deemed appropriate the Respondent shall execute said contract within 10 days of the notification by FLA. Respondent shall be responsible for contacting FLA to determine whether execution of a contract is deemed appropriate. If Respondent chooses to relocate, it will be the Respondent's responsibility to locate a comparable facility or other treatment or programs agreeable to FLA. Should she fail to comply with any other requirements set forth in this paragraph, as evidenced by FLA's or their designee's notification to The Florida Bar, Respondent will agree to an immediate and indefinite suspension. Respondent is responsible for any and all costs associated with FLA registration and monitoring costs if applicable.

C. Payment of The Florida Bar's costs.

D. While suspended, Respondent will eliminate all indicia of Respondent's status as an attorney on social media, telephone listings, stationery, checks, business cards office signs or any other indicia of Respondent's status as an attorney, whatsoever. While suspended, Respondent will not hold herself out as a licensed attorney.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

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

Age: 36

Date admitted to the Bar: May 6, 2013

Prior Discipline: None

Mitigating Factors:

- A. Absence of prior disciplinary record. Respondent has been a member of The Florida Bar since May 6, 2013 and has no previous disciplinary record.
- B. Personal and emotional problems. Respondent was experiencing a great deal of anxiety, depression and lack of sleep during the period of representation.
- C. Inexperience in the practice of law. Respondent had been a member of The Florida Bar for three years when she accepted representation in the medical malpractice case.
- D. Physical or mental disability or impairment. Respondent was suffering from anxiety, depression and insomnia which contributed to her actions.
- E. Interim rehabilitation. Respondent has been receiving treatment since March 2019.

F. Remorse.

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

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

Administrative Costs	\$1,250.00
Bar Counsel Travel Costs	\$130.63
Court Reporter Costs	\$1,225.45
Expert Witness Costs	\$2,517.50
TOTAL	\$5,123.58

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 24th day of July, 2019.



Honorable Cymonie S. Rowe, Referee
Palm Bch. County Judge Daniel T.K. Hurley
Courthouse
205 N. Dixie Hwy.
West Palm Beach, FL 33401

Original to:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, FL 32399-1927

Conformed Copies to:

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