

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

MARSHAL DAVID GIBSON,
Respondent.

Supreme Court Case
No. SC2026-0042

The Florida Bar File
No. 2025-00,248(2A)

_____ /

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

The undersigned was appointed as referee under R. Regulating Fla. Bar 3-7.6 to preside over the proceedings in this case.

On January 9, 2026, The Florida Bar (the bar) filed its complaint against respondent in these proceedings. The Supreme Court of Florida entered an order on January 14, 2026, designating the Chief Judge of the Second Judicial Circuit of Florida to appoint a referee in this case. On January 14, 2026, Chief Judge Francis J. Alman appointed the undersigned to serve as the referee. The undersigned held an initial case management conference on March 4, 2026. The parties entered into a conditional guilty plea for consent judgment on May 14, 2026.

Throughout these proceedings, the bar was represented by Bar Counsel Lauren Michelle Williams. Respondent was *pro se*.

All of the pleadings, responses, any exhibits received in evidence, and this report constitute the record in this case and are filed with the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during these proceedings was, a member of The Florida Bar, subject to the jurisdiction and Rules Regulating The Florida Bar adopted by the Supreme Court of Florida. In addition to membership in The Florida Bar, respondent is, and at all times mentioned during these proceedings was, a member of The Connecticut Bar, subject to the jurisdiction and rules

B. Narrative Summary of Case. This is a reciprocal discipline action, based on Grievance Panel Finding of Probable Cause, dated December 20, 2023, the Proposed Disposition Pursuant to Practice Book §2-82(b) dated April 22, 2024, and the Letter of Approval from the Statewide Grievance Committee, dated June 14, 2024, which imposed a reprimand and payment of \$500.00 to the client. The reprimand was based on the following conduct:

- a. In approximately 2002, Peter I. Hyman (“Hyman”) hired respondent to assist him with his estate planning. Although there was no written fee agreement, there was an ongoing attorney-client relationship which spanned almost twenty years.
- b. On June 30, 2021, Hyman hired respondent to make several minor changes in his estate plan.
- c. As a result of that service, respondent sent Hyman an invoice dated December 21, 2021, which charged \$3,500.00 for 4.25 hours and then applied a courtesy discount of \$1,750.00.
- d. Finally, the invoice billed for costs of \$24.00 and requested a balance of \$1,774.00. Hyman paid the balance requested.
- e. Hyman alleged that respondent charged an excessive fee. Margaret Kelley, a witness to a discussion between respondent and Hyman, provided an affidavit in which she affirmed that respondent told Hyman that the changes would cost a few hundred dollars.
- f. Respondent violated Rule 1.5 of the Connecticut Rules of Professional Conduct in that respondent charged a fee which was excessive and without discussion about or notice of an hourly rate significantly inconsistent with that charged in prior legal matters.

- g. Although respondent denied some or all of the material facts in the complaint, he acknowledged that there was sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 1.5 of the Connecticut Rules of Professional Conduct.

III. RECOMMENDATIONS AS TO GUILT

I recommend that respondent be found guilty of violating the following Connecticut Rules of Professional Conduct: 1.5 Fees.

- a. Public reprimand and the disposition order will be published in the *Southern Reporter*; and
- b. Payment of The Florida Bar's costs.

IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Before recommending discipline under R. Regulating Fla. Bar 3-7.6(m)(2)(D), I considered the following personal history of respondent:

Age: 81

Date admitted to the Bar: June 2, 1975

Prior Discipline: Respondent received an admonishment in 2000 in a reciprocal case in SC2000-0802.

V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Florida Standards for Imposing Lawyer

Sanctions before recommending discipline:

7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees

Public reprimand is appropriate when a lawyer negligently 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.

I find the following aggravating factors:

- (1) prior disciplinary offenses; and
- (9) substantial experience in the practice of law.

I find the following mitigating factors:

- (5) full and free disclosure to the bar or cooperative attitude toward proceedings; and
- (12) remorse.

VI. CASE LAW

I considered the following case law before recommending discipline:

The Florida Bar v. Grant, 416 So.3d 1154 (Fla. 2025), the Court approved the conditional guilty plea for consent judgment for a public reprimand, fee arbitration, and restitution for charging excessive fees. The lawyer represented several clients in matters related to outstanding student loan balances and unsecured debts. In five cases, the total fee collected from the clients exceeded reasonable fees for the services provided.

The Florida Bar v. Mason, 416 So.3d 1153 (Fla. 2025), the Court approved the conditional guilty plea for consent judgment for a public reprimand, fee arbitration, and restitution. The lawyer represented clients in matters related to outstanding student loan balances and charges excessive fees for the services provided.

The Florida Bar v. Bates, 2020 WL 6336146 (Fla. October 29, 2020) (Unpublished Disposition) – the court approved an uncontested report of referee recommending a public reprimand and pay restitution totaling \$1,000.00. The lawyer agreed to handle a 3.850 motion for a client. The lawyer contracted with a paralegal to do the research and pleadings. The use of the paralegal services was never reduced to writing and no retainer agreement was executed.

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE IMPOSED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures and be disciplined by:

- a. Public reprimand and the disposition order will be published in the *Southern Reporter*; and
- b. Payment of The Florida Bar's costs.

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 Fee	\$1,250.00
Court Reporter Fees	\$75.00
 TOTAL	 \$1,325.00

I recommend that the above costs be charged to respondent and that interest accrue at the statutory rate. If respondent does not satisfy the cost judgment within 30 days of the judgment becoming final, respondent will be

delinquent and ineligible to practice law under R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 15th day of May 2026.

/s/
Judge Jonathan E. Sjostrom, Referee

Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

Marshal David Gibson, Respondent, mgibtax@aol.com

Lauren Michelle Williams, Bar Counsel, lwilliams@floridabar.org

Patricia Ann Toro Savitz, Staff Counsel, psavitz@floridabar.org