

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

NATALIE RENEE JONES,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File No.
2024-30,615(7B) (CES)

PETITION FOR EMERGENCY SUSPENSION

This petition of The Florida Bar (the bar) seeks emergency relief and requires the immediate attention of this Court under Rule 3-5.2 of the Rules Regulating The Florida Bar. The bar seeks the emergency suspension of Natalie Renee Jones, Attorney No. 3591, from the practice of law in Florida based on facts set forth in the affidavit of Matthew D. Herdeker, CPA, attached as Composite Exhibit "A," which establish clearly and convincingly that Natalie Renee Jones has caused, or is likely to cause, immediate and serious harm to clients or the public by misappropriating client funds and committing fundamental trust account violations. The following facts are offered as support for the relief requested:

1. The Florida Bar's Executive Director authorized the filing of this Petition for Emergency Suspension.

2. Respondent, Natalie Renee Jones, is and, at all times during which the relevant conduct occurred, was a member of The Florida Bar subject to the jurisdiction and disciplinary rules of this Court.

3. Respondent is currently the subject of a bar disciplinary matter which has been assigned The Florida Bar file number 2024-30,615(7B) (CES).

4. The bar's investigation of this matter indicates that respondent misappropriated client funds and is not in substantial compliance with the rules governing trust accounts.

5. This matter was initiated when Bank of America notified the bar that there was an overdraft of \$2,402.57 on respondent's trust account on March 26, 2024.

6. On April 9, 2024, the bar sent a letter to respondent, requesting that she explain the circumstances that caused the overdraft on her trust account and provide documents corroborating her explanation.

7. In her response, dated April 24, 2024, respondent stated that the overdraft occurred because she sent a trust check to a client ("M.R.S.") with the expectation that "M.R.S." would receive it two days later, allowing respondent sufficient time to deposit into her trust account a check for an amount sufficient to prevent an overdraft.

8. On or about April 25, 2024, the bar initiated a compliance audit and sent a letter to respondent, asking her to provide various trust account records for the period November 1, 2023 through April 30, 2024.

9. Based on the records respondent provided with her letter, dated May 9, 2024, the bar's auditor determined that, contrary to respondent's explanation of events, the shortage in her account was caused when she disbursed her fees of \$2,500.00 for the "M.P." settlement on March 13, 2024, two weeks before she deposited the settlement check for that matter into her trust account.

10. Respondent, therefore, used funds owed to "M.R.S." to pay herself \$2,500.00 in attorney's fees for settling a case involving "M.P.," a different client.

11. On May 21, 2024, the bar sent a letter to respondent asking her to provide trust account records for an expanded audit period dating back to April 1, 2021. Respondent provided various records on June 24, 2024, June 25, 2024 and June 26, 2024.

12. Notably, in her letter, dated June 25, 2024, respondent admitted that she used client settlement funds that were allocated to pay medical providers, for her personal living expenses, explaining that she "resorted to utilizing the medical providers' funds to pay for the cost of

living” because “[t]he alternative would have rendered my son and me homeless.” Exhibit A, Attachment 1.

13. On July 2, 2024, the bar served a subpoena, signed by the Chair of Seventh Judicial Circuit Grievance Committee "B," to Bank of America for respondent's trust account bank records for the period January 1, 2018 to present. Bank of America provided the records on August 13, 2024.

14. Based on a review of the records Bank of America and respondent provided, the bar’s auditor identified a shortage ranging from \$3,333.33 to \$37,052.50 in the trust account from December 2020 to June 2024.

15. For example, on June 30, 2024 (the last day of the audit period), respondent should have held balances totaling \$37,059.93 for six clients in the trust account. The balances appeared to be owed to clients or their medical providers from insurance settlements. The bank balance in the trust account, however, was only \$7.43, resulting in a shortage of \$37,052.50.

16. Respondent caused the shortage by issuing 11 checks and one electronic transfer to herself in amounts totaling \$37,890.00. The memo lines of the checks were blank, and respondent's journal entries described

the checks as "personal." Of that total, only \$837.50 can be attributed to costs respondent was entitled to collect based on a client settlement agreement.

17. In letters dated April 25, 2024, May 21, 2024, and August 14, 2024, the bar asked respondent to provide trust account records, to include a receipts and disbursements journal, client ledgers, monthly reconciliations, monthly comparisons, and closing statements. Respondent was required to maintain those records pursuant to Chapters 4 and 5 of the Rules Regulating The Florida Bar.

18. Respondent did not provide closing statements for four settlements she received from December 2019 to January 2021.

19. Costs, if any, owed to respondent from those settlements would reduce the shortage, but likely not by a significant amount. The costs reflected in other closing statements respondent provided ranged from \$0.00 to \$837.50.

20. Respondent provided two journals, neither of which was compliant with the trust accounting rules.

21. Respondent did not provide any client ledgers, monthly reconciliations, or monthly comparisons.

22. In a letter to the bar dated June 24, 2024, respondent conceded

she was not in compliance with Rule 5-1.2(b)(6) because she did not conduct monthly reconciliations and comparisons for her trust account.

23. Notwithstanding respondent's acknowledgement that she had not complied with Chapter 5 of the Rules Regulating The Florida Bar, she previously certified that she was in compliance with the trust account and property safekeeping rules when she paid her membership dues in 2021, 2022, and 2023.

24. Respondent's conduct above violated the following Rules Regulating The Florida Bar:

a. 4-1.15 Safekeeping Property; Compliance with Trust Accounting Rules. A lawyer shall comply with The Florida Bar Rules Regulating Trust Accounts.

b. 4-8.4(c) Misconduct. A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

c. 4-1.5(f)(5) Fees and Costs for Legal Services; Contingent Fees. In the event there is a recovery, on the conclusion of the representation, the lawyer must prepare a closing statement reflecting an itemization of all costs and expenses, together with the amount of fee received by each participating lawyer or law firm. A copy of the closing statement must be executed by all participating

lawyers, as well as the client, and each must receive a copy. Each participating lawyer must retain a copy of the written fee contract and closing statement for 6 years after execution of the closing statement. Any contingent fee contract and closing statement must be available for inspection at reasonable times by the client, by any other person upon judicial order, or by the appropriate disciplinary agency.

d. 5-1.1(a)(1) Trust Accounts; Nature of Money or Property Entrusted to Attorney; Trust Account Required; Location of Trust Account; Commingling Prohibited. A lawyer must hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's possession in connection with a representation. All funds, including advances for fees, costs, and expenses, must be kept in a separate federally insured bank, credit union, or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account except: (A) A lawyer may maintain funds belonging to the lawyer in the lawyer's trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account; and (B) A lawyer may deposit the

lawyer's own funds into trust to replenish a shortage in the lawyer's trust account. Any deposits by the lawyer to cover trust account shortages must be no more than the amount of the trust account shortage, but may be less than the amount of the shortage. The lawyer must notify the bar's lawyer regulation department immediately of the shortage in the lawyer's trust account, the cause of the shortage, and the amount of the replenishment of the trust account by the lawyer.

e. 5-1.1(b) Trust Accounts; Application of Trust Funds or Property to Specific Purpose. Money or other property entrusted to a lawyer for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of a lawyer are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over the property on demand is conversion.

f. 5-1.1(e) Trust Accounts; Notice of Receipt of Trust Funds; Delivery; Accounting. On receiving funds or other property in which a client or third person has an interest, a lawyer must promptly notify the client or third person. Except as stated in this rule or otherwise

permitted by law or by agreement with the client, a lawyer must promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, on request by the client or third person, must promptly render a full accounting regarding the property.

g. 5-1.2(b)(3) Trust Accounting Records and Procedures; Minimum Trust Accounting Records. The following minimum trust accounting records must be maintained: original canceled checks or clearly legible copies of original canceled checks for all funds disbursed from the trust account, all of which must: (A) be numbered consecutively (B) include all endorsements and all other data and tracking information, and (C) clearly identify the client or case by number or name in the memo area of the check.

h. 5-1.2(b)(6) Trust Accounting Records and Procedures; Minimum Trust Accounting Records. The following minimum trust accounting records must be maintained: a separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance and containing at least: (A) the identification of the client or matter for which the funds were received, disbursed, or transferred; (B) the date on which all

trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

i. 5-1.2(b)(7) Trust Accounting Records and Procedures; Minimum Trust Accounting Records. The following minimum trust accounting records must be maintained: a separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance and containing: (A) the identification of the client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

j. 5-1.2(d)(1) Trust Accounting Records and Procedures; Minimum Trust Accounting Procedures. The minimum trust accounting procedures that must be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property include as follows: (1) The lawyer is required to make monthly: (A) reconciliations of all trust bank or savings and loan association

accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal; and (B) a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons for these differences.

The above facts show that respondent has caused, or is likely to cause, immediate and serious harm to clients or the public and immediate action must be taken to protect respondent's clients and the public.

Therefore, under Rule 3-5.2, the bar respectfully requests this Court issue an order suspending respondent from the practice of law until further order of this Court and ordering the respondent to:

A. Immediately:

- i. accept no new clients from the date of this Court's order of emergency suspension;
- ii. initiate no litigation on behalf of clients from the date of this Court's order of emergency suspension;

- iii. provide a copy of this Court's order of emergency suspension to all courts, tribunals, or adjudicative agencies before which Natalie Renee Jones is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);
- iv. cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation or funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee, until further order of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
- v. not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation or with funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative,

- guardian, or trustee, without approval of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
- vi. deposit any fees or other sums received in connection with the practice of law or employment as a personal representative, guardian, or trustee, by the respondent on or after the date of this Court's order of emergency suspension into a specified trust account from which withdrawal may only be made by order of this Court, a judicial referee appointed by this Court, or by order of the circuit court in an inventory attorney proceeding instituted under Rule 1-3.8;
 - vii. provide a copy of this Court's order of emergency suspension to all banks and financial institutions where the respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation or funds of third parties in connection with respondent's service as a fiduciary including, but not limited to, personal representative, guardian, or trustee;
 - viii. comply with, and provide all documents and testimony responsive to, a subpoena from the bar for trust account

records and any related documents necessary for the bar to conduct a trust account audit;

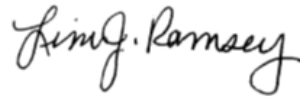
- ix. authorize any referee appointed in these proceedings to determine entitlement to funds in any trust accounts frozen as a result of an order entered in this matter; and
- x. turn over to any successor the complete financial records of any estate, guardianship, or trust in which respondent served as a fiduciary on the successor's appointment; and

B. Within 30 days from the date of this Court's order of emergency suspension:

- i. cease all practice of law in Florida;
- ii. withdraw from representation of all clients;
- iii. wind down all pending matters;
- iv. cease holding herself out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, email, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;

- v. cease acting as a fiduciary, including, but not limited to, personal representative for any estate, guardian for any ward, and trustee for any trust;
- vi. provide staff counsel with an affidavit listing all of the following that respondent notified of this Court's order of emergency suspension: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel;
- vii. provide bar counsel in this case with an affidavit listing each bank or financial institution respondent provided with a copy of this Court's order of emergency suspension; and
- viii. notify bar counsel in this case of the receipt and location of any fees or other sums received in connection with the practice of law or in connection with respondent's service as a fiduciary, including, but not limited to, personal representative, guardian, or trustee, received by respondent after issuance of this Court's order of emergency suspension.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this Petition for Emergency Suspension has been filed via the Florida Courts E-Filing Portal with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided to Christopher Laing Clark, Counsel for Respondent, via email at miami@1nlf.com; by United States Mail via certified mail No. 7020 1810 0000 0813 5079, return receipt requested to Christopher Laing Clark, P.O. Box 727, Fort Lauderdale, FL 33302-0727; and via email to Lisa J. Ramsey, Bar Counsel, lramsey@floridabar.org, on this 11th day of September 2024.



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NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS

Bar counsel in this matter is Lisa J. Ramsey, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625 Orlando FL 32801, (407) 425-5424, and lr Ramsey@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than bar counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.

NOTICE OF MANDATORY ELECTRONIC FILING

All parties must file all pleadings, motions, and notices in this matter electronically, with a copy to the referee, through the Florida Courts E-Filing Portal, www.myflcourtagency.com, under Rule Regulating The Florida Bar 3-7.6(h)(5)(A) and (B).

MANDATORY ANSWER NOTICE

RULE 3-5.2(a), OF THE RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.