

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

v.

KELLY BROOK HAMPTON,  
Respondent.

Supreme Court Case  
No. SC2025-0661

The Florida Bar File Nos.  
2022-00,130(4D); 2022-00,253(4D);  
2023-00,252(4A); 2023-00,420(4A);  
2024-00,017(4A)

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**UNCONTESTED REPORT OF REFEREE**

I. SUMMARY OF PROCEEDINGS

The Supreme Court of Florida entered an order on May 13, 2025, designating the Chief Judge of the Seventh Judicial Circuit of Florida to appoint a referee in this case. The Honorable Leah R. Case, Chief Judge appointed the undersigned. The undersigned was appointed as referee under R. Regulating Fla. Bar 3-7.6 to preside over the proceedings in this case.

On May 12, 2025, The Florida Bar (the bar) filed its complaint against respondent in these proceedings. On July 2, 2025, the court entered its Order on Case Management Conference, which ordered respondent to file an answer to the formal complaint by August 15, 2025. Respondent failed to file an answer after having been served a copy of the complaint. On

August 18, 2025, a default was entered against respondent. On September 16, 2025, a sanction hearing was held. At the sanction hearing, respondent stipulated to the bar's recommended sanction in this matter and the undersigned made additional findings below. The bar put its applicable case law and standards for imposing lawyer sanctions on the record, including aggravation. Respondent testified on his own behalf and provided mitigation.

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

The referee has used independent discretion and recollection of the evidence and testimony that were presented during the entirety of this proceeding. The legal authority relied upon by the referee in making the recommendations below are included within this report. 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 filed with the Supreme Court of Florida.

## II. FINDINGS OF FACT

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.

Narrative Summary Of Case. The bar's five-count complaint alleges a pattern of misconduct involving the respondent's misrepresentations, lack of diligence, and communication prejudicing the interests of several clients, as well as failure to respond to bar inquiries, among other rule violations.

**COUNT I – TFB #2022-00,130 (4D) – JEFFREY LANCASTER**

1. On or about February 6, 2021, Jeffrey Lancaster ("Mr. Lancaster") hired respondent to represent him in criminal case. Respondent was paid \$4,500.00.

2. On February 10, 2021, respondent filed his notice of appearance.

3. In his response to the initial complaint, respondent stated that he told Mr. Lancaster he would file a motion to suppress physical evidence once discovery was received.

4. On July 21, 2021, Mr. Lancaster filed a pro se motion to suppress.

5. During the bar's investigation, respondent was asked to provide his file for Mr. Lancaster's case. The file included a handwritten note, dated

August 23, 2021, to adopt Mr. Lancaster's motion to suppress. This was never done.

6. On September 27, 2021, Mr. Lancaster filed a pro se motion to compel discovery from the state.

7. On October 18, 2021, Mr. Lancaster filed a pro se motion to dismiss respondent as his counsel.

8. On October 26, 2021, the final pre-trial conference was set for January 10, 2022.

9. There is no indication from the court file that respondent adopted the motion to suppress or requested that it be heard on January 10, 2022.

10. At some point, Mr. Lancaster changed his mind and withdrew his motion to dismiss respondent as his counsel.

11. On November 1, 2021, the court entered an order allowing the withdrawal of the motion to dismiss counsel.

12. On November 3, 2021, Mr. Lancaster filed a second pro se motion to dismiss respondent as his counsel.

13. According to respondent, he did not receive discovery from the state until November 12, 2021. However, no motion to suppress was ever filed by respondent.

14. On December 8, 2021, Mr. Lancaster filed an amended motion to suppress physical evidence.

15. On January 24, 2022, respondent's ore tenus motion to withdraw was granted.

**COUNT II – TFB #2022-00,253(4D) -JESUS NAVARRO**

16. In November 2020, Jesus Navarro ("Mr. Navarro") hired respondent to represent him to modify custody and child support. Mr. Navarro paid a flat fee of \$2,250.00.

17. Although the children were currently living with Mr. Navarro, his ex-wife was threatening to take them back since no updated custody order was in place.

18. On November 20, 2020, respondent advised Mr. Navarro that he would have to serve his ex-wife with paperwork to get the process started.

19. On November 30, 2020, Mr. Navarro's ex-wife took the children out of school and refused to let Mr. Navarro see them.

20. Mr. Navarro constantly sought updates from respondent and was told that his ex-wife was avoiding service and he just needed to be patient.

21. On March 29, 2021, Mr. Navarro told respondent that if he did not hear from him, he would need to go in a different direction and wanted his money back.

22. Mr. Navarro asked respondent to meet face to face the next day. He requested proof that the process server was attempting to serve his ex-wife, and that respondent had filed the contempt charges, as previously indicated.

23. Respondent confirmed the time of the meeting with Mr. Navarro but failed to show.

24. On March 30, 2021, respondent filed a Supplemental Petition for Modification of Consent Final Judgment and Motion for Contempt and Enforcement but did not request an emergency hearing.

25. When Mr. Navarro asked respondent why the pleadings were not filed on an emergency basis, respondent said that it was procedural and that they would prove the emergency nature in court.

26. On April 1, 2021, Mr. Navarro texted respondent requesting an update on service of his ex-wife.

27. Respondent told Mr. Navarro that his ex-wife had been served, and that a hearing had been scheduled for April 29, 2021. Mr. Navarro asked for proof of service, which was never provided.

28. When Mr. Navarro contacted his ex-wife, she stated that she was never served, and to her knowledge no one had attempted to serve her.

29. On April 29, 2021, respondent informed Mr. Navarro the case had been continued because Mr. Navarro's ex-wife had hired an attorney.

30. Respondent informed Mr. Navarro that the court date was postponed to May 25, 2021. However, on May 25, 2021, respondent advised that mediation had been ordered.

31. On July 18, 2021, Mr. Navarro discovered that his ex-wife had moved out of state with the children. He informed respondent immediately. Respondent advised he would file a motion for contempt that day. No motion was filed.

32. Mr. Navarro contacted respondent and inquired about why the motions were not reflected in the case docket. Mr. Navarro did not receive a response.

33. On July 22, 2021, Mr. Navarro inquired about how the motion for contempt was progressing. Respondent admitted he had not filed it yet but would have it done by close of business that day.

34. On July 26, 2021, Mr. Navarro texted and called respondent requesting a status update. Mr. Navarro did not receive a response. Mr.

Navarro then checked the case docket again and discovered no motion had been filed.

35. On July 27, 2021, Mr. Navarro terminated respondent's services and requested a refund of his retainer.

**COUNT III – TFB # 2023-00,252(4A) -JOSEPH G. CHIAFAIR, DDS**

36. On May 6, 2020, Joseph G. Chiafair, DDS ("Dr. Chiafair") hired respondent to handle a civil case against his insurance company on a contingency basis.

37. Despite repeated requests from Dr. Chiafair via email and text messages, respondent failed to show proof he had been working on his case.

38. Dr. Chiafair had an attorney contact respondent on his behalf, but she received no response.

39. On December 22, 2022, The Florida Bar sent respondent a copy of Dr. Chiafair's complaint and a 15-day letter, requesting a response by January 6, 2023. Respondent failed to respond.

40. On February 28, 2023, The Florida Bar sent respondent a 10-day reminder letter, requesting a response by March 10, 2023. Respondent failed to respond.

41. On May 3, 2023, respondent was notified that the matter was referred to a grievance committee.

42. On May 12, 2023, The Florida Bar sent a Notice of Assignment of Investigating Member, which required respondent to contact the investigating member within 10 days. Respondent failed to contact the investigating member.

**COUNT IV – TFB #2023-00,420(4A) – LAWRENCE ALBERTIE**

43. On April 14, 2023, The Florida Bar sent respondent a copy of the complaint and a 15-day letter, requesting a response by May 1, 2023. Respondent failed to respond.

44. On June 16, 2023, The Florida Bar sent respondent the Notice of Assignment of Investigating Member, requesting that he contact the investigating member within 10 days. Respondent failed to respond.

45. On October 23, 2023, The Florida Bar sent respondent the Notice of Grievance Committee Review. Respondent failed to acknowledge receipt of the notice.

**COUNT V – TFB #2024-00,017(4A) – MATTHEW DANE CLARK**

46. In November 2019, Matthew Clark (“Mr. Clark”) and his wife began the process of adopting a child. The Clarks initially hired Attorney

Nathan Williams, who was respondent's law partner. The Clarks paid Mr. Williams \$1,500.00, towards the \$3,000.00 fee.

47. In November 2019, they met with Mr. Williams and the birth mother in Ocala, Florida prior to the child's birth. Mr. Williams told Mr. Clark that he was planning on changing jobs, and that respondent would be taking over the case.

48. On November 28, 2019, the child was born and respondent assumed responsibility for the case shortly after the birth.

49. On August 25, 2020, the Clarks provided notarized affidavits to respondent, attesting that the child lived in their home.

50. The Clarks paid the remaining fee balance of \$1,500.00 to respondent.

51. According to the Clarks, respondent told them a zoom hearing was scheduled for July 16, 2021, before Judge DeThomasis.

52. Mr. Clark stated that during the zoom hearing, he and his wife could not see either the judge or respondent. The judge could not hear them, but respondent said he could hear both the Clarks and the judge.

53. Mr. Clark further stated that after a few minutes' respondent told them that their part was over and that the case was finished.

Respondent also told them that the final judgment would come in the mail.

54. After a few months, Mr. Clark attempted to contact respondent via phone and texts to no avail.

55. When Mr. Clark was finally able to contact him, respondent stated that he was out of state on a family emergency and that he would find out what was going on when he returned.

56. After several more months passed, Mr. Clark began asking for the case number so that he could request a copy of the final judgment. Respondent never provided the case number.

57. Approximately fourteen months after the zoom meeting, Mr. Clark went to the Alachua County Courthouse and was advised they had no record of an adoption case involving the Clarks.

58. Mr. Clark again contacted respondent who then told him the case was filed in Bradford County. Mr. Clark visited the Bradford County Courthouse and was told they had no record of any case involving him.

59. Mr. Clark again contacted respondent, who said that he would contact the judge and find out what was going on.

60. About a week later, respondent informed Mr. Clark that the judge had forgotten to sign some paperwork and that was why the court had no record of a case. Respondent also told Mr. Clark that, due to the

passage of time, they now had to appear in front of the judge to verify that the adoption was still their intent.

61. Respondent called the Clarks the day before the hearing date and said that he had a family emergency and would have to reschedule. Respondent provided Mr. Clark with a new hearing date.

62. The morning of the rescheduled hearing, Mr. Clark called respondent who told him that the date had been cancelled by the judge.

63. Respondent also stated that he now had to send another letter to the biological mother for her to again waive her rights. Respondent promised that this would be completed within thirty to forty-five days.

64. Mr. Clark went to the Bradford County Courthouse to see if he had been on the docket for that day. He was advised that there had been no docket for that day as Judge DeThomasis was scheduled to be in Alachua County the entire week, and that an email had been sent to all lawyers two weeks prior.

65. Mr. Clark contacted the birth mother, who informed him that she had not received any paperwork from respondent or the court.

66. Mr. Clark asserted that on June 28, 2023, respondent stated to him, "I know this is my fault. I'll get on it and get it done before the end of summer."

67. On July 25, 2023, The Florida Bar sent respondent a copy of the complaint and a 15-day letter, requesting a response by August 9, 2023. Respondent failed to respond.

68. On August 24, 2023, The Florida Bar sent respondent a 10-day reminder letter, requesting a response by September 5, 2023. Respondent failed to respond.

69. On September 18, 2023, The Florida Bar sent respondent the Notice of Assignment of Investigating Member, requesting that respondent respond within 10 days. Respondent failed to contact the investigating member.

### III. RECOMMENDATIONS AS TO GUILT

As a result of the default entered against respondent on August 18, 2025, I find respondent guilty of violating the following Rules Regulating The Florida Bar:

In The Florida Bar File No. 2022-00,130(4D), 4-1.2(a) (Objectives and Scope of Representation); 4-1.3 (Diligence); and 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct).

In The Florida Bar File No. 2022-00,253(4D), 4-1.2 (Objectives and Scope of Representation); 4-1.3 (Diligence); 4-1.4 (Communication); 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct).

In The Florida Bar File No. 2023-00,252(4A), 3-4.3 (Misconduct and Minor Misconduct), 4-1 .1 (Competence), 4-1.3 (Diligence), 4-1.4

(Communication), 4-3.2 (Expediting Litigation), 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.).

In The Florida Bar File No. 2023-00,420(4A), 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.)

In The Florida Bar File No. 2024-00,017(4A), 3-4.3 (Misconduct and Minor Misconduct), 4-1.1 (Competence), 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.5(a) (Illegal, Prohibited, or Clearly Excessive Fees and Costs), 4-3.2 (Expediting Litigation), 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.)).

#### 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: 48

Date admitted to the Bar: September 16, 2004

Prior Discipline: In Supreme Court Case No. SC15-591, respondent was suspended for 60 days, required to take The Florida Bar's Trust Account Workshop, complete an additional 10 hours of trust accounting continuing legal education, and placed on probation for two years upon reinstatement by court order dated May 21, 2015.

In Supreme Court Case No. SC16-2282, respondent received a public reprimand and was ordered to contact Florida Lawyers Assistance, Inc. for an evaluation, by court order dated February 2, 2017.

## V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards for Imposing Lawyer Sanctions before recommending discipline:

### 4.4 Lack of Diligence

Suspension is appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to the client.

### 4.6 Lack of Candor

Suspension is appropriate when a lawyer knowingly deceives a client and causes injury or potential injury to the client.

### 5.1 Failure to Maintain Personal Integrity

Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included elsewhere in this subdivision or other conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

### 7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees.

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 the client, the public or the legal system.

## VI. AGGRAVATING AND MITIGATING FACTORS

I find the following aggravating factors under standard 3.2:

- (1) prior disciplinary offenses;
- (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;
- (7) refusal to acknowledge the wrongful nature of the conduct;
- (9) substantial experience in the practice of law; and
- (10) indifference to making restitution.

I find the following mitigating factors under standard 3.3:

- (3) personal or emotional problems.

## VII. CASE LAW

I considered the following case law before recommending discipline:

In The Florida Bar v. Sliger, 2021 WL 5371206 (Fla. Nov. 18, 2021) – The Court suspended the lawyer for three years and ordered him to pay restitution to three separate clients. The lawyer engaged in a serious pattern of neglect and lack of communication involving multiple clients. He also made misrepresentations to some clients and failed to timely respond to bar inquiries.

In The Florida Bar v. Centurion, 801 So.2d 858 (Fla. 2000) - The Court held a one-year suspension was the appropriate sanction for a failure to file all required documents, failure to comply with court orders, failure to act with reasonable diligence in representing client, failure to keep client reasonably informed, and failure to respond to inquiries from bar concerning such matters.

In The Florida Bar v. Johnson, 2019 WL 3043943 (Fla. July 11, 2019) - The Court suspended the lawyer for six months in SC18-32 and one year in SC18-1168. The underlying misconduct in SC18-32 concerned the lawyer's representation of a convicted inmate in postconviction relief matters. In SC18-1168, the lawyer represented a client in a dissolution of marriage case. The lawyer failed to handle the matter in a diligent manner,

misrepresented to the client that the case was progressing, and failed to maintain adequate communication with the client.

In The Florida Bar v. Fredericks, 731 So.2d 1249 (Fla. 1999) - The Court held a six-month suspension was appropriate for a lawyer who made misrepresentations to a client regarding the status of a nonexistent wrongful termination lawsuit, failed to act with reasonable diligence to file the lawsuit, and failed to communicate with the client.

VIII. 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. Two-year suspension;

B. Respondent must pay restitution to Jeffrey Lancaster in the amount of \$4,500.00. Respondent must pay restitution to Jesus Navarro in the amount of \$2,250.00. Respondent must submit verifiable proof of payment and its receipt to The Florida Bar at its headquarters address in Tallahassee, within 180 days, once approved by the Supreme Court of Florida. Verifiable proof of payment consists of a copy of the front and back of the negotiated check or a copy of the check and certified return receipt. If respondent does not pay restitution within the time frame, respondent is deemed delinquent and ineligible to practice law under R. Regulating Fla. Bar 1-3.6(d); and

C. Payment of The Florida Bar's costs in these proceedings.

IX. 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 Reporters' Fees	\$180.00

