

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CURTIS BARRY LEE,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2023-30,518 (10A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Curtis Barry Lee, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2023-30,518 (10A).

3. As to The Florida Bar File No. 2023-30,518 (10A), there has been a finding of probable cause by the grievance committee.

4. Respondent is acting freely and voluntarily in this matter and

tenders this plea without fear or threat of coercion. Respondent is not represented by counsel in this matter.

5. The disciplinary measures to be imposed upon respondent are as follows:

A. Public reprimand by publication.

B. Respondent shall attend Ethics School within six months of the Court's order. Respondent shall pay a \$750.00 fee for Ethics School.

C. Payment of the bar's disciplinary costs.

6. The following allegations provide the basis for respondent's guilty plea in this matter:

A. On or about March 3, 2023, the Honorable Judge Dalton of the Middle District of Florida entered an order to show cause against respondent for failing to comply with Federal Rule of Civil Procedure 11(b).

B. The court took the matter up *sua sponte* and entered an order stating that respondent failed to be reasonably diligent when making representations to the court that were not supported by the evidence in the record regarding a motion for a new trial.

C. The court found that respondent made repeated representations without examining the transcript or the testimony of the witness.

D. The court also advised that respondent was put on notice during the closing arguments because he made the same allegations and opposing counsel objected as to facts not in evidence.

E. Respondent was sanctioned by receiving a written admonishment which was posted on the website of the Middle District of Florida.

F. Respondent advised the court and the bar that his misrepresentations were unintentional.

G. Respondent stated that he was aware of a witness that had made a racist statement prior to the trial. He was also advised by his client and other witnesses that this specific witness had made the same racist statement during the trial.

H. Respondent had not reviewed the transcript prior to including the information in his motion regarding the racist statement during the trial.

I. Respondent advised that he normally does not practice in federal court and stated that he should have sought an extension in order to review the record.

J. Respondent is remorseful for his actions that led to the admonishment by Judge Dalton.

7. The following Rule Regulating The Florida Bar provides the basis for the discipline to be imposed in this matter: 4-8.4(d) Misconduct. A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

8. In mitigation, respondent has been a member of The Florida Bar since 1991 and does not have a prior disciplinary record [Florida Standards for Imposing Lawyer Sanctions 3.3(b)(1)]; respondent did not display a selfish motive [3.3(b)(2)]; respondent was fully cooperative with the bar proceedings [3.3(b)(5)]; respondent was already sanctioned by the court [3.3(b)(11)]; and he expressed sincere remorse for his misconduct

[3.3(b)(12)].

9. In aggravation, respondent has substantial experience in the practice of law, admitted in 1991 [3.2(b)(9)].

10. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

11. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,596.95. These costs are due within 30 days of the Court order. Respondent agrees that if the costs are not paid within 30 days of this Court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final Court order, unless deferred by the Board of Governors of The Florida Bar.

13. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

14. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 4 day of January, 2024.



Curtis Barryl Lee, Respondent
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Dated this 5th day of January, 2024.



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