

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CURTIS LEE ALLEN,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2022-10,018 (13B)
2022-10,348 (13B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Curtis Lee Allen, 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. This consent judgment is related to two Florida Bar discipline matters which have been assigned The Florida Bar File Nos. 2022-10,018 (13B) and 2022-10,348 (13B).

3. As to The Florida Bar File Nos. 2022-10,018 (13B) and 2022-10,348 (13B), 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 represented in this matter by Lansing C. Scriven.

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

A. Respondent will receive a ten (10) day suspension from the practice of law;

B. Respondent will be placed on a one-year probation period with special conditions. During the probation period, respondent will be supervised by an attorney acceptable to The Florida Bar. Respondent shall submit the name of the supervising attorney to The Florida Bar for approval within ten days of the Court approving this consent judgment. The supervising attorney shall provide continuous monitoring of respondent's pleadings and provide quarterly reports informing The Florida Bar if respondent is handling his client files in a professional manner. The reports shall describe the number of current cases respondent is handling, the nature of the cases, what action was taken on those cases, and include respondent's demeanor and professionalism while handling those cases during the quarter. Respondent is responsible for submission of the quarterly

reports to the headquarters office of The Florida Bar. The quarters are March 31, June 30, September 30, and December 31.

During the probation period, respondent will pay a quarterly monitoring fee of \$100.00 to The Florida Bar. All quarterly monitoring fees must be remitted no later than the end of each respective quarter in which the monitoring fee is due. All fees must be paid to the Bar's headquarters office in Tallahassee. Failure to pay shall be deemed cause to revoke probation.

C. Within 60 days of the Court approving this consent judgment, respondent shall attend Ethics School. *Respondent shall pay the \$750.00 workshop fee prior to attendance;*

D. Within 60 days of the Court approving this consent judgment, respondent will complete the following Continuing Legal Education courses:

- i. The Florida Bar's CLE: Civil Trial Update & Board Certification Review 2023; Online Seminar
Course Number: 6086
Original Program Date: February 9, 2023
Duration: 12 hours 39 minutes
Online Access: <https://tfb.inreachce.com/Details/Information/dce73ac1-f651-41ea-9ddc-ea1a560a7d7c>
Available for 90 days after purchase
- ii. NBI: Demonstrating Civility and Professionalism in Emotionally Charged Situations
On Demand Video \$199.00

Date Available: This course will be accessible by September 5, 2023

Product ID: 97007SVDM

Duration: 1 Hour

Online Access: https://www.nbi-sems.com/ProductDetails/Demonstrating-Civility-and-Professionalism-in-Emotionally-Charged-Situations/OnDemand-Video/97117SVDM_3958872

Expires 6 months from when the course is made available.

iii. NBI: The Crossroads of Civility, Professionalism, and Zealous Advocacy

On Demand Video \$199.00

Copyright date: February 2023

Product ID: 96292SVDM

Duration: 1 Hour

Online Access: https://www.nbi-sems.com/ProductDetails/The-Crossroads-of-Civility-Professionalism-and-Zealous-Advocacy/OnDemand-Video/96292SVDM_3882861

Expires 6 months from the date of purchase.

iv. NBI: Legal Professionalism in a Post-Pandemic World: 2023 Update

On Demand Video \$199.00

Copyright date: June 2023

Product ID: 96846SVDM

Duration: 58 minutes

Online Access: https://www.nbi-sems.com/ProductDetails/Legal-Professionalism-in-a-Post-Pandemic-World-2023-Update/OnDemand-Video/96846SVDM_3932278

Expires 6 months from date of purchase.

Should these courses no longer be offered, respondent agrees to take equivalent courses approved by The Florida Bar prior to registering for the courses. These courses/hours are in addition to

respondent's current Continuing Legal Education cycle and shall not count toward the required 33 hours needed pursuant to 6-10.3(b), Rules Regulating The Florida Bar.

E. Respondent shall pay the costs of the disciplinary proceedings in this matter.

6. During the period of suspension, respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

a. In The Florida Bar File No. 2022-10,018(13B), on June 25, 2021, the Fifth District Court of Appeal published an opinion in which the court included its concerns with respect to respondent's conduct during examinations under oath he conducted in 2017 in a case styled, *SafePoint Insurance Company v. Gary Hallet and Francesca Hallet*. The court found that respondent made argumentative and unprofessional remarks to both the insureds and their counsel during the examinations under oath.

Respondent admits as a result of his conduct described above, he is guilty of violating the following Rules Regulating The Florida Bar: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-4.4 (Respect For Rights of Third Persons); and Rule 4-8.4(d) (Misconduct).

b. In The Florida Bar File No. 2022-10,348(13B), respondent was the attorney for SafePoint Insurance Company in a case styled, *Dry Pros Restoration Service, LLC a/a/o Carlos Roman v. Safepoint* (herein known as *Roman v. SafePoint*). On January 5, 2022, respondent filed a Renewed Motion for Attorney Fees and Costs ("Renewed Motion") in *Roman v. SafePoint*. During a hearing on the Renewed Motion on March 30, 2022, the trial court expressed concern with the tone and length of the Renewed Motion. By way of example, Respondent stated in the Renewed Motion that "‘Outrageous’ does not begin to describe the conduct of Plaintiff and its lawyers" and that "While Plaintiff and its lawyers attempted to play SafePoint for the fool, SafePoint was not about to be further duped." During the aforementioned March 30th hearing, the trial court granted respondent leave to refile the Renewed Motion limited to no more than 10 pages. Respondent filed an Amended Renewed Motion for

Attorney Fees and Costs on April 28, 2022 (“Amended Renewed Motion”). In the Amended Renewed Motion, respondent removed the verbiage regarding the opposing counsel and their client’s actions which were not consistent with the high standards of professionalism. During an ensuing hearing on July 27, 2022, the trial court orally granted a motion in which it determined that SafePoint was entitled to attorneys’ fees.

Respondent admits as a result of his conduct described above, he is guilty of violating the following Rules Regulating The Florida Bar: Rule 3-4.3 (Misconduct and Minor Misconduct); Rule 4-4.4 (Respect For Rights of Third Persons); and Rule 4-8.4(d) (Misconduct).

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

9. 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.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with these cases pursuant to Rule 3-7.6(q) in the amount of \$1,450.10. 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.

11. Respondent will reimburse the bar for the costs of supervision pursuant to Rule 3-5.1. Respondent may be punished for contempt on petition by The Florida Bar, as provided elsewhere in these Rules Regulating The Florida Bar, on failure of the respondent to comply with the conditions of the probation or a finding of probable cause as to conduct of the respondent committed during the period of probation. An order of the court imposing sanctions for contempt under this rule may also terminate the probation previously imposed.

12. The following aggravating factors set forth in the Standards for Imposing Lawyer Sanctions, Standard 3.2(b) are applicable:

(1) prior disciplinary history. In February 2021, respondent was publicly reprimanded for similar unprofessional misconduct that occurred between 2016 - 2019.

(3) pattern of misconduct;

(4) multiple offenses; and

(9) substantial experience in the practice of law.

13. The following mitigating factors set forth in the Standards for Imposing Lawyer Sanctions, Standard 3.3(b) are applicable:

(2) absence of a dishonest or selfish motive;

(3) personal or emotional problems (respondent was going through a contested and stressful divorce during the same time frame as the referenced examinations under oath in The Florida Bar File No. 2022-10,018(13B)).

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

(12) remorse.

14. As stated previously, respondent's conduct in The Florida Bar File No. 2022-10,018(13B) occurred in 2017 during the same period of time for which respondent was previously disciplined and was experiencing some personal and emotional issues. Since that case was brought to the

bar's attention, respondent has voluntarily taken steps to ensure that his conduct at all times will be professional and comply with The Rules Regulating the Florida Bar. Those steps include respondent working with two supervising lawyers at his firm who have been reviewing all motions for attorney's fees and/or sanctions and, on some occasions, motions to compel or responses to discovery-related disputes, on cases for which respondent has primary responsibility. Those same two lawyers also meet with respondent on a regular basis to determine whether there are any matters for which respondent needs additional assistance.

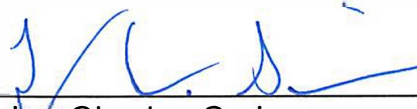
15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of The Rules Regulating The Florida Bar.

Dated this 8th day of December, 2023.



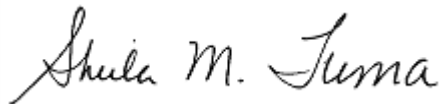
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Dated this 12th day of December, 2023.



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Dated this 12th day of December, 2023.



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