

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

HUNTER DAVID PATTERSON,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2019-30,386 (11C)

**CONDITIONAL AGREEMENT FOR DIVERSION TO A
PRACTICE AND PROFESSIONALISM ENHANCEMENT PROGRAM**

Pursuant to rule 3-5.3(h)(1) the undersigned parties submit this conditional agreement for diversion to a practice and professionalism enhancement program.

I. RECOMMENDATION OF DIVERSION: Pursuant to Rule 3-5.3 of The Rules Regulating The Florida Bar, the undersigned agree to diversion of this matter to a practice and professionalism enhancement program under the terms and conditions stated herein.

The following program(s) are recommended:

- A. Completion of the Ethics School program within six months of the acceptance of this conditional agreement for diversion. Respondent shall pay the \$750.00 registration fee for this program prior to its attendance.

- B. Respondent shall be required to undergo an office procedures and record-keeping analysis by and under the direction of the Diversion/Discipline Consultation Service (“DDCS”). Respondent shall be required to contact DDCS staff within 30 days of acceptance of the diversion recommendation in order to schedule a DDCS review. Respondent shall fully comply with and implement, at respondent’s sole cost and expense, all recommendations made by DDCS within sixty (60) days of the recommendation. A final review by DDCS staff will be conducted to confirm compliance with, and implementation of, the recommendations of DDCS. DDCS may require such additional interviews or reviews as it may, in its sole discretion, deem necessary or advisable. DDCS will provide the Lawyer Regulation Department of The Florida Bar with status reports.
- C. Respondent shall pay all fees and expenses of DDCS incurred or required in connection with the conduct of its analysis. The minimum fees and costs to be associated with this DDCS review shall be \$5,000.00.
- D. Respondent shall pay The Florida Bar’s administrative costs of \$1,250.00, pursuant to Rule 3-7.6(q)(1)(l).

II. NARRATIVE SUMMARY:

The following allegations and rules provide the basis for this conditional agreement for diversion:

- A. During the relevant timeframe, respondent was an associate at The Strems Law Firm, P.A. ("SLF"). SLF predominantly represented homeowners in lawsuits against their insurance carriers.
- B. SLF represented Brenda Rodriguez in a lawsuit captioned *Rodriguez v. Am. Sec. Ins. Co.*, Case No. 2017-CA-2051 in the Circuit Court of the 10th Judicial Circuit in and for Polk County, Florida. The complaint in this case was filed before respondent was employed by the firm.
- C. Respondent entered his appearance in the Rodriguez lawsuit on November 9, 20217, and became counsel of record at that time.
- D. At the time respondent entered his appearance, discovery had been due from the plaintiff since August 20, 2017.
- E. On February 13, 2018, the insurer-defendant filed a motion to show cause as to why the case should not be dismissed due to plaintiff's failure to comply with discovery and failure to appear at her deposition. By this time, respondent had not provided any of the requested discovery.
- F. On September 25, 2018, respondent filed a motion to withdraw from plaintiff's representation, citing irreconcilable differences.
- G. Both the motion to show cause and the motion to withdraw were noticed for a hearing on October 3, 2018.
- H. The October 3, 2018 hearing was attended by counsel for the parties, but Ms. Rodriguez was not present.
- I. At the October 3, 2018 hearing, Judge Michael Raiden denied the motion to withdraw without prejudice, as respondent had not yet

submitted proof that the withdrawal was communicated to Ms. Rodriguez, as per the rules of court.

- J. That same date, the trial judge entered an order to show cause, directing Ms. Rodriguez to attend another hearing to be held on November 6, 2018.
- K. On October 25, 2018, respondent filed an affidavit in support of the motion to withdraw and efforts to notify Ms. Rodriguez regarding the same. The affidavit indicated that respondent personally communicated with Ms. Rodriguez in January and July 2018. The affidavit further indicated that the motion to withdraw was sent to her by regular mail, as opposed to registered mail.
- L. On October 31, 2018, the court entered an order granting the motion to withdraw.
- M. The court nonetheless proceeded with the November 6, 2018 hearing on the defendant's motion for order to show cause. Respondent and his firm were apprised of this hearing but no one attended on their behalf.
- N. Respondent intended to attend the November 6, 2018 hearing, but the hearing information was not successfully entered into his calendar.
- O. On or about November 14, 2018, the court entered an order imposing sanctions, assessing entitlement to attorney's fees and costs not against Ms. Rodriguez but against SLF.
- P. This order reflects that Ms. Rodriguez attended the November 6, 2018 hearing and gave testimony. According to Judge Raiden, Ms. Rodriguez testified that she did not personally retain SLF nor did she authorize them to pursue a lawsuit on her behalf. Ms. Rodriguez further testified that her signature on a SLF retainer agreement had been forged.
- Q. Respondent was not involved with the intake of Ms. Rodriguez's file in any way. Respondent began his employment at SLF the same month that Ms. Rodriguez's file was opened, at which time respondent's employment was limited to working those files to

which he had been assigned. In this case, respondent was not assigned to Ms. Rodriguez's case until November 2017, approximately one year later.

R. SLF unsuccessfully attempted to appeal the sanctions order in 2019, but the parties ultimately resolved the sanctions issue and filed a joint stipulation vacating that order on or about September 2, 2022.

S. On or about December 20, 2022, 11th Judicial Circuit Grievance Committee "C" found probable cause to prepare a formal complaint against respondent based upon potential violations of Rules 4-1.2 (Objectives and Scope of Representation), 4-1.3 (Diligence), 4-1.4 (Communication), and 4-3.2 (Expediting Litigation) of the Rules Regulating The Florida Bar. No such complaint has been filed at this time.

III. COSTS: The respondent shall pay the costs of this matter which are:

Administrative Fee	\$1,250.00
Ethics School	750.00
DDCS	5,000.00
TOTAL	\$7,000.00

Costs shall be due The Florida Bar within 30 days from acceptance of this diversion recommendation.

IV. EFFECT OF DIVERSION: Diversion to a practice and professionalism enhancement program shall close this disciplinary file without imposition of a disciplinary sanction and diversion shall not constitute a record of professional misconduct. If respondent successfully completes the diversion recommended hereunder, this disciplinary file shall remain closed.

V. EFFECT OF FAILURE TO COMPLY WITH DIVERSION

RECOMMENDATION: If respondent fails to fully comply with all requirements of this diversion, the bar may reopen its disciplinary file and conduct further proceedings under rule 3-5.3(k). Failure to complete the practice and professionalism enhancement program shall be considered a matter of aggravation when imposing a disciplinary sanction. If you do not pay the costs assessed against you within 30 days of acceptance of this diversion recommendation, you will be declared a delinquent member pursuant to rule 1-3.6 and you will become ineligible to practice law in Florida.

DATED this 26th day of April, 2024.



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DATED this 28 day of April, 2024.



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DATED this 29th day of April, 2024.



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