

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2023-10,275 (20C)

v.

CLAUDIA M. E. ATKINSON,
AKA CLAUDIA M. E. PARSONS

Respondent.

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE AND
FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND
CONTEMPT**

On August 3, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Twentieth Judicial Circuit Grievance Committee "C" considered whether to issue a Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On December 13, 2022, The Florida Bar sent respondent a letter by regular U.S. Mail to respondent's record bar address advising of a complaint in this case and was requested to respond by December 28, 2022. A copy of the letter is attached hereto as "Exhibit A".
2. Respondent failed to respond to The Florida Bar as requested in the letter of December 13, 2022.
3. On January 6, 2023, respondent was sent another letter, by email to respondent's record bar address, advising of a complaint in this case and was

requested to respond in ten days to the letter. A copy of the letter is attached hereto as "Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of January 6, 2023.

5. On April 3, 2023, the bar sent respondent a third letter, via e-mail to respondent's record bar address, advising that the matter was moved to the Grievance Committee, that bar counsel was the investigating member and to contact bar counsel within ten days. A copy of the letter is attached hereto as "Exhibit C".

6. Respondent failed to respond to The Florida Bar as requested in the letter of April 3, 2023.

7. On June 19, 2023, respondent was contacted via e-mail to respondent's record bar address, advising of the complaint in this case and was requested to respond to the previous letters. A copy of the letter is attached hereto as "Exhibit D".

8. Respondent failed to respond to The Florida Bar as requested in the email dated June 19, 2023.

9. Respondent was given notice that on August 3, 2023, the Twentieth Judicial Circuit Grievance Committee "C" would hold a hearing on the Request for Issuance of Notice of Non-Compliance and Finding of Contempt. A copy of the

Notice of Hearing and the Request for Issuance of Notice of Non-Compliance and Finding of Contempt are attached hereto as "Exhibit E".

10. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.

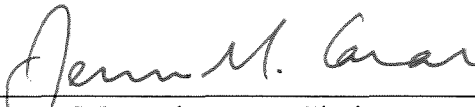
11. As of the date of the Request for Issuance of Notice of Non-Compliance and Finding of Contempt, respondent has failed to respond to the official bar inquiries dated December 13, 2022; January 6, 2023; April 3, 2023; and June 19, 2023.

12. The Grievance Committee found that respondent failed to show good cause for failing to respond to the official bar inquiries and that the non-compliance was willful.

13. The Grievance Committee found respondent to be in contempt and requested The Florida Bar to file a Petition for Contempt and Order to Show Cause with the Supreme Court.

Dated this 10th day of AUGUST, 2023.

Twentieth Judicial Circuit Grievance
Committee "C"



Jesus Manuel Casas, Chair

CERTIFICATE OF SERVICE

I certify that the foregoing Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt has been furnished to Claudie M.E. Atkinson, respondent, by regular U.S. Mail to her record bar addresses of Office of the Public Defender, PO Box 1980, Fort Myers, FL 33902-1980; by email to claudiaa@pd20.org; via regular mail and Certified Mail, No. 7019 0700 0002 2245 5534, Return Receipt Requested, to her alternate address of 15625 Ocean Walk Cir, Apt. 307, Fort Myers, FL 33908-1356; and via email to her alternate email address of officeofatkinson@gmail.com; with copies via e-mail to Laird Andrew Lile, Designated Reviewer, at llile@lairdalile.com, and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, at psavitz@floridabar.org, this 11th day of August, 2023.



Jennifer Robyn Dillon, Bar Counsel



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

December 13, 2022

VIA E-Mail to claudiaa@pd20.org,

Ms. Claudia M. E. Atkinson
Office of the Public Defender
PO Box 1980
Fort Myers, FL 33902-1980

Re: Complaint of Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Ms. Atkinson:

The attached inquiry/complaint and supporting documents, if any, submitted by the above-referenced complainant(s) require your response pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Your response is due in our office by December 28, 2022. Also, please furnish the complainant with a complete copy of your written response and any documents submitted. Please review the enclosed Notice of Grievance Procedures regarding submitting your response.

Pursuant to Rule 3-7.1(f), you are required to complete and return the enclosed Certificate of Disclosure form.

Please note that the filing of this complaint does not preclude communication between the attorney and the complainant(s).

Sincerely,

Evan D. Rosen
Bar Counsel

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint)

cc: Ms. Kathleen A. Smith, Complainant

Exhibit A

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and/or to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).

2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.

3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.

4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.

5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

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Joshua E. Doyle
Executive Director

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December 13, 2022

VIA E-Mail to claudiaa@pd20.org,

Ms. Claudia M. E. Atkinson
Office of the Public Defender
PO Box 1980
Fort Myers, FL 33902-1980

Re: Complaint of Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Ms. Atkinson:

Please be advised that this case was recently transferred to the Tampa Branch Office of The Florida Bar. Please send all correspondence in this matter, referencing the above case number to the attention of the undersigned, preferably by electronic mail or by U.S. Mail at the following address:

Evan D. Rosen
The Florida Bar
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
erosen@floridabar.org

Further, both the complainant and the respondent are directed to notify this office, in writing, of any pending civil, criminal, or administrative litigation which pertains to this grievance. Please note that this is a continuing obligation should new litigation develop during the pendency of this matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Evan D. Rosen, Bar Counsel

cc: Ms. Kathleen A. Smith, Complainant

**The Florida Bar
Inquiry/Complaint Form**

STOP - PLEASE DOWNLOAD THIS FORM TO YOUR COMPUTER BEFORE FILLING IT OUT.

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: Kathleen Smith

Organization: Office of the Public Defender, 20th Judicial Circuit

Address: P.O. Drawer 1980

City, State, Zip Code: Fort Myers, FL 33902

Phone: 239-533-1814

Email: Kathleens@pd20.org

ACAP Reference No.: N/A

Does this complaint pertain to a matter currently in litigation? Yes _____ No X

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: Claudia Atkinson Florida Bar No. 95696

Address: 15626 Ocean Walk Circle, Apt. 307

City, State, Zip Code: Fort Myers, Florida 33908

Phone: 850-221-9307

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheet).

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: (attach additional sheet).

PART FIVE (See Page 1, PART FIVE – Acknowledge Oath and Signature.):



YOU MUST PLACE YOUR MARK IN THE BOX ACKNOWLEDGING THE OATH AND YOU MUST SIGN YOUR FULL NAME BELOW.

Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Kathleen Smith

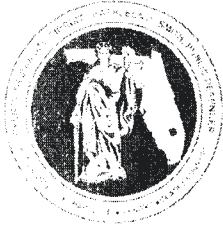
Print Name

Signature

11/28/2022

Date

***Having trouble? Download the form and open the document in Adobe Acrobat™.**



Law Offices of the
Public Defender

Twentieth Judicial Circuit of Florida
Lee, Collier, Charlotte, Hendry & Glades Counties

Lee County (Main Office) -
Mailing Address:
P.O. Drawer 1980
Fort Myers, Florida 33902
Physical Address:
2000 Main Street, 3rd Floor
Fort Myers, Florida 33901
Phone: (239) 533-2911
Fax: (239) 485-2525

KATHLEEN A. SMITH
PUBLIC DEFENDER

November 28, 2022

The Florida Bar
Attn: ACAP
651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Re: Violation of Florida Rules of Professional Conduct
Attorney Claudia Atkinson- Florida Bar # 95696

To Whom It May Concern:

During the week of August 8th, 2022, I was made aware that ongoing work and behavioral issues with attorney Claudia Atkinson had reached a crisis point. Ms. Atkinson's longtime assignment with the Public Defender for the 20th Judicial Circuit was to represent clients who are eligible for our treatment courts, including Drug Court, Mental Health Court, and Veterans' Court. The clients accepted into our treatment courts are some of our most vulnerable, as they attempt to recover from addiction and mental health disorders.

On Tuesday, August 9th, Ms. Atkinson's supervising attorney was called to court by the presiding Judge. The Assistant State Attorney met the supervisor outside the courtroom and shared that Ms. Atkinson was having a hard time with a client and that the Judge had moved into a Nelson Hearing to address whether Ms. Atkinson was providing competent and effective representation. When the supervisor entered the courtroom, the Judge went back on the record and asked the client to restate his complaints. The client said that Ms. Atkinson was "all over the place" and he could not understand her. The supervisor then spoke to Ms. Atkinson, who was very upset and rapidly trying to explain the situation. The supervisor had to tell Ms. Atkinson to take a seat and allow her to work without further interruption.

On Thursday, August 11th, at 11:28am, we discovered that Ms. Atkinson was a no call/no show to work, despite being instructed on many previous occasions to call the absence line for any unplanned late arrivals or absences. Eventually, her supervisor was able to reach her, and Ms. Atkinson relayed that she had been asleep. Ms. Atkinson stated she thought she had called the absence line early in the morning, and expressed shame and confusion via text for her actions. Ms. Atkinson asked if she should reach out to HR to discuss further and despite being told to do so, she failed to follow through.

On Friday, August 12th, Ms. Atkinson again did not show up to work and did not call. Around 11am, we reached her via text to discuss. When Ms. Atkinson arrived at work a bit later, her supervisor met her and asked Ms. Atkinson to go with her to the office of our Chief Operating Officer. This meeting lasted approximately 2 hours. Our observations of Ms. Atkinson's appearance and demeanor during this meeting included significant weight loss, rapid speech patterns, abnormal movements in her jaw and head, fidgeting, being covered with sores/bug bites, and picking at herself throughout the meeting. She was withdrawn and quiet at times, sitting with a slumped posture and disengaged, while other times she was heavily engaged, anxiously participating in the conversation with darting eyes and flailing hand gestures. She would go on long tangential explanations that weren't necessarily related to the topics at hand, and it became clear she was suffering greatly with some personal issues. Ms. Atkinson's supervisor and our C.O.O. suggested that she take some leave the following week instead of traveling with colleagues to a conference she was slated to attend. Ms. Atkinson agreed that some time was needed and her first official day out of the office was Monday, August 15th.

As a result of this meeting, we looked further into Ms. Atkinson's work performance from a supervisory perspective. Notably, we discovered excessive absenteeism on Mondays and Fridays, reports to colleagues of self-harm and expressions of passive suicidal thoughts, missed appointments and trainings, failure to follow established office policy, overly emotional and inappropriate behavior in the office and in drug court staffings, and a deteriorating ability to effectively communicate with clients and the court.

Based on the above, we requested that Ms. Atkinson participate in a fitness for duty evaluation before returning to work, to which she agreed. The evaluation was at the expense of the employer. The appointment was scheduled for August 31st, 2022, by Human Resources with an out-of-town physician so as to respect Ms. Atkinson's privacy and professional reputation. The appointment was scheduled for 1pm to provide Ms. Atkinson sufficient time to travel. The morning of the appointment, Ms. Atkinson began communicating with our C.O.O. expressing great anxiety and a general inability to get on the road. Our C.O.O. patiently and calmly offered encouragement and assistance. Finally, around 12:30pm, Ms. Atkinson called back to say she had not gotten far, and asked if she should still bother going. As her arrival would now have been several hours late (she estimated 4:00 PM), we had no choice but to cancel the appointment.

By September 13th, we learned of some options through E.A.P. (the State Employees Assistance Program) and engaged with them for guidance. We asked if they could recommend a local doctor to perform a fitness for duty evaluation, as the original doctor had no availability to reschedule in a reasonable timeframe. They referred us to Psybar who helped us secure a new doctor. We invited Ms. Atkinson into the office to speak with us. She was apologetic and motivated to complete the process and return to work, so we scheduled another evaluation. We set a fitness for duty evaluation appointment with a local physician on October 12th, 2022. On the date of this appointment, Ms. Atkinson arrived over an hour late. Nevertheless, a thorough evaluation was conducted, and a report was issued to the employer on October 19, 2022. The findings were that Ms. Atkinson was not fit for duty, due to several issues impairing her ability to safely perform the essential functions of her position as an Assistant Public Defender. Several recommendations were made to address Ms. Atkinson's well-being.

Next, we asked Ms. Atkinson to come in for a meeting to discuss the findings of the report. Prior to the date of the scheduled meeting, we discovered another client concern while visiting clients at the Lee County Jail. After finishing a jail visit with one of our clients, Ms. Atkinson's supervisor was approached by another inmate who was a participant in Lee County Drug Court. This inmate said he was aware of a personal relationship that had developed between Ms. Atkinson and one of her clients, who is also a participant in Lee County Drug Court. This Public Defender client was currently in bench warrant status and was believed to have relapsed. Further complicating the situation, we learned through Facebook posts that Ms. Atkinson had recently lived with our client's mother for a period of time on Fort Myers Beach.

On October 26th, Ms. Atkinson arrived at the office on time and ready to discuss the fitness for duty evaluation and findings. Ms. Atkinson was informed that she had a right to a copy of the report as well as time to review the document prior to proceeding with the meeting. She declined both offers.

I began the meeting by making Ms. Atkinson aware that we were informed of a potentially inappropriate relationship between her and a Lee County Drug Court client who had been assigned to our office for representation. In fact, she was the assigned Assistant Public Defender. Ms. Atkinson's head dropped, she was silent for a moment, and then confirmed a relationship. She also confirmed that she indeed did live with our client's mother for a period of time prior to Hurricane Ian, but that our client was not living with his mother at that time. She denied a sexual relationship with our client, but revealed that there were lengthy conversations about starting a sexual relationship over the course of about 5-6 weeks. Ms. Atkinson stated there was an emotional connection. She had feelings for our client and knew he had feelings for her. Ms. Atkinson stated that she engaged in an inappropriate personal relationship with our client. She was partial to the attention and let the want for that attention "cloud the line" for her. Ms. Atkinson also disclosed that she lent our client approximately \$160. At this time, it is unclear to me whether this was before or after our client went into bench warrant status. I asked Ms. Atkinson if there were any texts or emails between her and our client that would confirm a relationship between them. She replied that there were many texts discussing "feelings and sexual things".

The meeting then moved to a discussion of the fitness for duty findings and recommendations. We discussed the conditions for returning to work which included following the recommendations outlined in the evaluation and self-reporting to Florida Lawyers Assistance. I explained to Ms. Atkinson that if she did not follow through with the conditions, I would report her to the Florida Bar for action. We understand that Ms. Atkinson had a discussion with someone at FLA, but never returned the intake form. She then stopped communicating with us. Days later, Ms. Atkinson resigned by dropping off a letter at our reception area.

Therefore, pursuant to Rule 4-8.3 REPORTING PROFESSIONAL MISCONDUCT (a) Reporting Misconduct of Other Lawyers, I believe attorney Claudia Atkinson has committed a violation of the Rules of Professional Conduct raising a substantial question as to her current fitness as a lawyer. Additionally, the reported "emotional" relationship potentially violates Rule 4-8.4 (a) and 4-8.4 (i) of the Rules of Professional Conduct, if the relationship between the attorney and the client compromised the attorney-client relationship or impaired the attorney's ability to exercise independent professional judgement.

I regret having to write this, but Ms. Atkinson needs assistance and appears unwilling to obtain assistance voluntarily. Additionally, the public must be protected from someone who is presently unfit to practice law. Should you require any additional information, please reach out to me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Smith". The signature is written in a cursive, flowing style.

Kathleen Smith
Public Defender

PART FOUR – WITNESSES

The witnesses identified below would be able to directly testify to all the facts shared in Ms. Smith's letter in Part Three.

Kathleen Smith – Public Defender for the 20th Judicial Circuit

Katie Downey – Chief Operations Officer .

Nicole Calderone – FCMD Chief and direct supervisor of Ms. Atkinson

Jessica Robinson – Human Resources Generalist

Our contact information is as follows:

Mailing Address:

**Office of the Public Defender, 20th Judicial Circuit
P.O. Drawer 1980
Fort Myers, Florida 33902-1980**

Telephone Number:

239-533-2911

Received Tue 12/13/2022 10:00AM
From Rosen, Evan D
Subject The Florida Bar File No. 2023-10,275 (20C) Atkinson
To claudiaa@pd20.org
cc Smith,Kathleen; Serralta, Yra
bcc

Letter to Respondent.pdf	Branch Acknowledgment Letter.pdf	Initial Complaint.pdf
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Good morning,

Please find the attached correspondence requesting a response on or before December 28, 2022, as well as a certificate of disclosure required by Rule 3-7.1(f).

Thank you,

Evan Rosen
Bar Counsel
The Florida Bar, Tampa Branch
2002 North Lois Avenue, Suite 300
Tampa, Florida 33607
(813) 875-9821 ext. 4304
erosen@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 6, 2023

VIA E-Mail to claudiaa@pd20.org,

Ms. Claudia M. E. Atkinson
Office of the Public Defender
PO Box 1980
Fort Myers, FL 339021980

Re: Complaint of Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Ms. Atkinson:

Enclosed you will find correspondence dated December 13, 2022, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

If a response is not received by January 17, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

Evan D. Rosen
Bar Counsel

EDR/edr

Enclosure

Exhibit B



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
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Bar Counsel

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint)

cc: Ms. Kathleen A. Smith, Complainant

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CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and/or to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

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Claudia M. E. Atkinson

CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).

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**The Florida Bar
Inquiry/Complaint Form**

STOP - PLEASE DOWNLOAD THIS FORM TO YOUR COMPUTER BEFORE FILLING IT OUT.

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: Kathleen Smith

Organization: Office of the Public Defender, 20th Judicial Circuit

Address: P.O. Drawer 1980

City, State, Zip Code: Fort Myers, FL 33902

Phone: 239-533-1814

Email: Kathleens@pd20.org

ACAP Reference No.: N/A

Does this complaint pertain to a matter currently in litigation? Yes _____ No X

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: Claudia Atkinson Florida Bar No. 95696

Address: 15626 Ocean Walk Circle, Apt. 307

City, State, Zip Code: Fort Myers, Florida 33908

Phone: 850-221-9307

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheet).

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: (attach additional sheet).

PART FIVE (See Page 1, PART FIVE – Acknowledge Oath and Signature.):



YOU MUST PLACE YOUR MARK IN THE BOX ACKNOWLEDGING THE OATH AND
YOU MUST SIGN YOUR FULL NAME BELOW.

Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Kathleen Smith

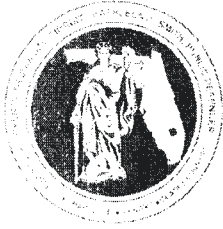
Print Name

Signature

11/28/2022

Date

*Having trouble? Download the form and open the document in Adobe Acrobat™.



Law Offices of the
Public Defender

Twentieth Judicial Circuit of Florida
Lee, Collier, Charlotte, Hendry & Glades Counties

Lee County (Main Office) -
Mailing Address:
P.O. Drawer 1980
Fort Myers, Florida 33902
Physical Address:
2000 Main Street, 3rd Floor
Fort Myers, Florida 33901
Phone: (239) 533-2911
Fax: (239) 485-2525

KATHLEEN A. SMITH
PUBLIC DEFENDER

November 28, 2022

The Florida Bar
Attn: ACAP
651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Re: Violation of Florida Rules of Professional Conduct
Attorney Claudia Atkinson- Florida Bar # 95696

To Whom It May Concern:

During the week of August 8th, 2022, I was made aware that ongoing work and behavioral issues with attorney Claudia Atkinson had reached a crisis point. Ms. Atkinson's longtime assignment with the Public Defender for the 20th Judicial Circuit was to represent clients who are eligible for our treatment courts, including Drug Court, Mental Health Court, and Veterans' Court. The clients accepted into our treatment courts are some of our most vulnerable, as they attempt to recover from addiction and mental health disorders.

On Tuesday, August 9th, Ms. Atkinson's supervising attorney was called to court by the presiding Judge. The Assistant State Attorney met the supervisor outside the courtroom and shared that Ms. Atkinson was having a hard time with a client and that the Judge had moved into a Nelson Hearing to address whether Ms. Atkinson was providing competent and effective representation. When the supervisor entered the courtroom, the Judge went back on the record and asked the client to restate his complaints. The client said that Ms. Atkinson was "all over the place" and he could not understand her. The supervisor then spoke to Ms. Atkinson, who was very upset and rapidly trying to explain the situation. The supervisor had to tell Ms. Atkinson to take a seat and allow her to work without further interruption.

On Thursday, August 11th, at 11:28am, we discovered that Ms. Atkinson was a no call/no show to work, despite being instructed on many previous occasions to call the absence line for any unplanned late arrivals or absences. Eventually, her supervisor was able to reach her, and Ms. Atkinson relayed that she had been asleep. Ms. Atkinson stated she thought she had called the absence line early in the morning, and expressed shame and confusion via text for her actions. Ms. Atkinson asked if she should reach out to HR to discuss further and despite being told to do so, she failed to follow through.

On Friday, August 12th, Ms. Atkinson again did not show up to work and did not call. Around 11am, we reached her via text to discuss. When Ms. Atkinson arrived at work a bit later, her supervisor met her and asked Ms. Atkinson to go with her to the office of our Chief Operating Officer. This meeting lasted approximately 2 hours. Our observations of Ms. Atkinson's appearance and demeanor during this meeting included significant weight loss, rapid speech patterns, abnormal movements in her jaw and head, fidgeting, being covered with sores/bug bites, and picking at herself throughout the meeting. She was withdrawn and quiet at times, sitting with a slumped posture and disengaged, while other times she was heavily engaged, anxiously participating in the conversation with darting eyes and flailing hand gestures. She would go on long tangential explanations that weren't necessarily related to the topics at hand, and it became clear she was suffering greatly with some personal issues. Ms. Atkinson's supervisor and our C.O.O. suggested that she take some leave the following week instead of traveling with colleagues to a conference she was slated to attend. Ms. Atkinson agreed that some time was needed and her first official day out of the office was Monday, August 15th.

As a result of this meeting, we looked further into Ms. Atkinson's work performance from a supervisory perspective. Notably, we discovered excessive absenteeism on Mondays and Fridays, reports to colleagues of self-harm and expressions of passive suicidal thoughts, missed appointments and trainings, failure to follow established office policy, overly emotional and inappropriate behavior in the office and in drug court staffings, and a deteriorating ability to effectively communicate with clients and the court.

Based on the above, we requested that Ms. Atkinson participate in a fitness for duty evaluation before returning to work, to which she agreed. The evaluation was at the expense of the employer. The appointment was scheduled for August 31st, 2022, by Human Resources with an out-of-town physician so as to respect Ms. Atkinson's privacy and professional reputation. The appointment was scheduled for 1pm to provide Ms. Atkinson sufficient time to travel. The morning of the appointment, Ms. Atkinson began communicating with our C.O.O. expressing great anxiety and a general inability to get on the road. Our C.O.O. patiently and calmly offered encouragement and assistance. Finally, around 12:30pm, Ms. Atkinson called back to say she had not gotten far, and asked if she should still bother going. As her arrival would now have been several hours late (she estimated 4:00 PM), we had no choice but to cancel the appointment.

By September 13th, we learned of some options through E.A.P. (the State Employees Assistance Program) and engaged with them for guidance. We asked if they could recommend a local doctor to perform a fitness for duty evaluation, as the original doctor had no availability to reschedule in a reasonable timeframe. They referred us to Psybar who helped us secure a new doctor. We invited Ms. Atkinson into the office to speak with us. She was apologetic and motivated to complete the process and return to work, so we scheduled another evaluation. We set a fitness for duty evaluation appointment with a local physician on October 12th, 2022. On the date of this appointment, Ms. Atkinson arrived over an hour late. Nevertheless, a thorough evaluation was conducted, and a report was issued to the employer on October 19, 2022. The findings were that Ms. Atkinson was not fit for duty, due to several issues impairing her ability to safely perform the essential functions of her position as an Assistant Public Defender. Several recommendations were made to address Ms. Atkinson's well-being.

Next, we asked Ms. Atkinson to come in for a meeting to discuss the findings of the report. Prior to the date of the scheduled meeting, we discovered another client concern while visiting clients at the Lee County Jail. After finishing a jail visit with one of our clients, Ms. Atkinson's supervisor was approached by another inmate who was a participant in Lee County Drug Court. This inmate said he was aware of a personal relationship that had developed between Ms. Atkinson and one of her clients, who is also a participant in Lee County Drug Court. This Public Defender client was currently in bench warrant status and was believed to have relapsed. Further complicating the situation, we learned through Facebook posts that Ms. Atkinson had recently lived with our client's mother for a period of time on Fort Myers Beach.

On October 26th, Ms. Atkinson arrived at the office on time and ready to discuss the fitness for duty evaluation and findings. Ms. Atkinson was informed that she had a right to a copy of the report as well as time to review the document prior to proceeding with the meeting. She declined both offers.

I began the meeting by making Ms. Atkinson aware that we were informed of a potentially inappropriate relationship between her and a Lee County Drug Court client who had been assigned to our office for representation. In fact, she was the assigned Assistant Public Defender. Ms. Atkinson's head dropped, she was silent for a moment, and then confirmed a relationship. She also confirmed that she indeed did live with our client's mother for a period of time prior to Hurricane Ian, but that our client was not living with his mother at that time. She denied a sexual relationship with our client, but revealed that there were lengthy conversations about starting a sexual relationship over the course of about 5-6 weeks. Ms. Atkinson stated there was an emotional connection. She had feelings for our client and knew he had feelings for her. Ms. Atkinson stated that she engaged in an inappropriate personal relationship with our client. She was partial to the attention and let the want for that attention "cloud the line" for her. Ms. Atkinson also disclosed that she lent our client approximately \$160. At this time, it is unclear to me whether this was before or after our client went into bench warrant status. I asked Ms. Atkinson if there were any texts or emails between her and our client that would confirm a relationship between them. She replied that there were many texts discussing "feelings and sexual things".

The meeting then moved to a discussion of the fitness for duty findings and recommendations. We discussed the conditions for returning to work which included following the recommendations outlined in the evaluation and self-reporting to Florida Lawyers Assistance. I explained to Ms. Atkinson that if she did not follow through with the conditions, I would report her to the Florida Bar for action. We understand that Ms. Atkinson had a discussion with someone at FLA, but never returned the intake form. She then stopped communicating with us. Days later, Ms. Atkinson resigned by dropping off a letter at our reception area.

Therefore, pursuant to Rule 4-8.3 REPORTING PROFESSIONAL MISCONDUCT (a) Reporting Misconduct of Other Lawyers, I believe attorney Claudia Atkinson has committed a violation of the Rules of Professional Conduct raising a substantial question as to her current fitness as a lawyer. Additionally, the reported "emotional" relationship potentially violates Rule 4-8.4 (a) and 4-8.4 (i) of the Rules of Professional Conduct, if the relationship between the attorney and the client compromised the attorney-client relationship or impaired the attorney's ability to exercise independent professional judgement.

I regret having to write this, but Ms. Atkinson needs assistance and appears unwilling to obtain assistance voluntarily. Additionally, the public must be protected from someone who is presently unfit to practice law. Should you require any additional information, please reach out to me directly.

Sincerely,

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Kathleen Smith
Public Defender

PART FOUR – WITNESSES

The witnesses identified below would be able to directly testify to all the facts shared in Ms. Smith's letter in Part Three.

Kathleen Smith – Public Defender for the 20th Judicial Circuit

Katie Downey – Chief Operations Officer .

Nicole Calderone – FCMD Chief and direct supervisor of Ms. Atkinson

Jessica Robinson – Human Resources Generalist

Our contact information is as follows:

Mailing Address:

Office of the Public Defender, 20th Judicial Circuit
P.O. Drawer 1980
Fort Myers, Florida 33902-1980

Telephone Number:

239-533-2911

Received Fri 01/06/2023 10:48AM
From Rosen, Evan D
Subject The Florida Bar File No. 2023-10,275 (20C) Atkinson
To claudiaa@pd20.org
cc Serralta, Yra
bcc

Letter to Respondent.pdf

Dear Ms. Atkinson:

Enclosed you will find correspondence dated December 13, 2022, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

If a response is not received by January 17, 2023, this matter will be forwarded to the grievance committee for further investigation.

Evan Rosen
Bar Counsel
The Florida Bar, Tampa Branch
2002 North Lois Avenue, Suite 300
Tampa, Florida 33607
(813) 875-9821 ext. 4304
erosen@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

April 3, 2023

Via Email to jesus.m.casas@usdoj.gov

Jesus Manuel Casas, Chair
2110 First Street, Suite 3-137
Fort Myers, FL 33901

Re: Complaint by Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Mr. Casas:

I am forwarding this matter to your committee for further investigation and disposition. I will serve as the Investigating Member and will report to the committee when my investigation is complete. I have enclosed a copy of the Notice of Assignment of Investigating Member.

As always, if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Evan D. Rosen
Bar Counsel

Enclosure

cc: Claudia M. E. Atkinson, Respondent
Kathleen A. Smith, Complainant

Exhibit C

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

IN RE: Complaint by Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

NOTICE OF ASSIGNMENT OF INVESTIGATING MEMBER

TO:

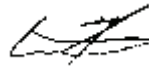
Kathleen A. Smith
Office of the Public Defender
P.O. Drawer 1980
Fort Myers, FL 33902
(239) 533-1814
Kathleens@pd20.org

Claudia M. E. Atkinson
Office of the Public Defender
P.O. Box 1980
Fort Myers, FL 33902-1980
(239) 533-1813
claudiaa@pd20.org

Notice is given that this matter will be considered by the committee and that I will be serving as investigating member.

Respondent and complainant shall contact me within ten days from the date of this notice to discuss the investigation of this matter.

DATED this 3rd day of April, 2023.



Evan D. Rosen, Bar Counsel
The Florida Bar, Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821
erosen@floridabar.org

Copies furnished to:

Jesus Manuel Casas, Chair, Twentieth Judicial Circuit Grievance Committee "C"

Received Mon 04/03/2023 1:42PM

From Serralta, Yra

Subject ATKINSON - TFB#2023-10,275 (20C) - NEW FILE TO GRIEVANCE COMMITTEE & NOTICE OF ASSIGNMENT OF INVESTIGATING MEMBER

To Casas, Jesus

cc Smith,Kathleen; claudiaa@pd20.org; Rosen, Evan D

bcc

Atkinson - Letter to GCC - Bar Counsel is Investigating Member.pdf	Atkinson - Notice of Assignment of Investigating Member - Bar Counsel is IM.pdf
--	---

Good Afternoon,

On behalf of Evan D. Rosen, Bar Counsel, please find enclosed correspondence forwarding matter to the grievance committee for further investigation and notice of assignment of investigating member, bar counsel being the investigating member.

Thank you.

Yra Serralta, Legal Assistant to:

Evan D. Rosen, Bar Counsel

Courtney L. Thomas, Bar Counsel

Chris Phillips, Bar Counsel

The Florida Bar, Tampa Branch Office

2002 North Lois Avenue, Suite 300

Tampa, Florida 33607

(813) 875-9821

yserralta@floridabar.org



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Joshua E. Doyle
Executive Director

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www.FLORIDABAR.org

January 6, 2023

VIA E-Mail to claudiaa@pd20.org,

Ms. Claudia M. E. Atkinson
Office of the Public Defender
PO Box 1980
Fort Myers, FL 339021980

Re: Complaint of Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Ms. Atkinson:

Enclosed you will find correspondence dated December 13, 2022, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

If a response is not received by January 17, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

Evan D. Rosen
Bar Counsel

EDR/edr

Enclosure



The Florida Bar

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December 13, 2022

VIA E-Mail to claudiaa@pd20.org,

Ms. Claudia M. E. Atkinson
Office of the Public Defender
PO Box 1980
Fort Myers, FL 33902-1980

Re: Complaint of Kathleen A. Smith against Claudia M. E. Atkinson
The Florida Bar File No. 2023-10,275 (20C)

Dear Ms. Atkinson:

The attached inquiry/complaint and supporting documents, if any, submitted by the above-referenced complainant(s) require your response pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Your response is due in our office by December 28, 2022. Also, please furnish the complainant with a complete copy of your written response and any documents submitted. Please review the enclosed Notice of Grievance Procedures regarding submitting your response.

Pursuant to Rule 3-7.1(f), you are required to complete and return the enclosed Certificate of Disclosure form.

Please note that the filing of this complaint does not preclude communication between the attorney and the complainant(s).

Sincerely,

Evan D. Rosen
Bar Counsel

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint)

cc: Ms. Kathleen A. Smith, Complainant

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and/or to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-10,275 (20C).

Claudia M. E. Atkinson

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).

2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.

3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.

4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.

5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.

**The Florida Bar
Inquiry/Complaint Form**

STOP - PLEASE DOWNLOAD THIS FORM TO YOUR COMPUTER BEFORE FILLING IT OUT.

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: Kathleen Smith

Organization: Office of the Public Defender, 20th Judicial Circuit

Address: P.O. Drawer 1980

City, State, Zip Code: Fort Myers, FL 33902

Phone: 239-533-1814

Email: Kathleens@pd20.org

ACAP Reference No.: N/A

Does this complaint pertain to a matter currently in litigation? Yes _____ No X

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: Claudia Atkinson Florida Bar No. 95696

Address: 15626 Ocean Walk Circle, Apt. 307

City, State, Zip Code: Fort Myers, Florida 33908

Phone: 850-221-9307

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheet).

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: (attach additional sheet).

PART FIVE (See Page 1, PART FIVE – Acknowledge Oath and Signature.):



YOU MUST PLACE YOUR MARK IN THE BOX ACKNOWLEDGING THE OATH AND
YOU MUST SIGN YOUR FULL NAME BELOW.

Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Kathleen Smith

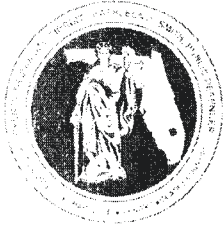
Print Name

Signature

11/28/2022

Date

*Having trouble? Download the form and open the document in Adobe Acrobat™.



Law Offices of the
Public Defender

Twentieth Judicial Circuit of Florida
Lee, Collier, Charlotte, Hendry & Glades Counties

Lee County (Main Office) -
Mailing Address:
P.O. Drawer 1980
Fort Myers, Florida 33902
Physical Address:
2000 Main Street, 3rd Floor
Fort Myers, Florida 33901
Phone: (239) 533-2911
Fax: (239) 485-2525

KATHLEEN A. SMITH
PUBLIC DEFENDER

November 28, 2022

The Florida Bar
Attn: ACAP
651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Re: Violation of Florida Rules of Professional Conduct
Attorney Claudia Atkinson- Florida Bar # 95696

To Whom It May Concern:

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Public Defender

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**Office of the Public Defender, 20th Judicial Circuit
P.O. Drawer 1980
Fort Myers, Florida 33902-1980**

Telephone Number:

239-533-2911

Received Mon 06/19/2023 2:47PM
From Rosen, Evan D
Subject The Florida Bar File No. 2023-10,275 (20C) Atkinson
To claudiaa@pd20.org
cc Serralta, Yra
bcc

Letter to Respondent.pdf

Good afternoon Ms. Atkinson,

Please find prior correspondence requesting a response regarding this matter attached. A response is required pursuant to Rule 4-8.4(g) of The Florida Bar. The matter will be set for a vote regarding non-compliance on July 20, 2023 should I not hear from you prior to June 29, 2023.

Thank you,

Evan Rosen
Bar Counsel
The Florida Bar, Tampa Branch
PO Box 270729
Tampa, FL 33688
(813) 875-9821 ext. 4304
erosen@floridabar.org

From: Rosen, Evan D
Sent: Friday, January 06, 2023 10:48 AM
To: claudiaa@pd20.org
Cc: Serralta, Yra <YSerralta@floridabar.org>
Subject: The Florida Bar File No. 2023-10,275 (20C) Atkinson

Dear Ms. Atkinson:

Enclosed you will find correspondence dated December 13, 2022, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

If a response is not received by January 17, 2023, this matter will be forwarded to the grievance committee for further investigation.

Evan Rosen
Bar Counsel
The Florida Bar, Tampa Branch
2002 North Lois Avenue, Suite 300
Tampa, Florida 33607
(813) 875-9821 ext. 4304
erosen@floridabar.org

Exhibit D

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2023-10,275 (20C)

v.

CLAUDIA M. E. ATKINSON,

Respondent.

_____ /

**REQUEST FOR ISSUANCE OF NOTICE OF NON-COMPLIANCE
AND FINDING OF CONTEMPT**

Pursuant to Rule 3-7.11(f)(2), Rules Regulating The Florida Bar, the undersigned Bar Counsel requests that on August 3, 2023, the Twentieth Judicial Circuit Grievance Committee C, hear the issue of whether respondent shall be found in contempt for failure to respond to an official bar inquiry without good cause shown and states the following:

1. On December 13, 2022, respondent was sent a letter by regular U.S. Mail to respondent's record bar address advising of a complaint in this case and was requested to respond by December 28, 2022. A copy of the letter is attached hereto as "Exhibit A".

2. Respondent failed to respond to The Florida Bar as requested in the letter of December 13, 2022.

Exhibit E

3. On January 6, 2023, respondent was sent another letter, via e-mail to respondent's record bar address, advising of a complaint in this case and was requested to respond in ten days to the letter. A copy of the letter is attached hereto as "Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of January 6, 2023.

5. On April 3, 2023, respondent was sent another letter, via e-mail to respondent's record bar address, advising that the matter was moved to the Grievance Committee, that bar counsel was the investigating member and to contact bar counsel within ten days. A copy of the letter is attached hereto as "Exhibit C".

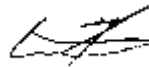
6. Respondent failed to respond to The Florida Bar as requested in the letter of April 3, 2023.

7. On June 29, 2023 respondent was contacted via e-mail to respondent's record bar address, advising of the complaint in this case and was requested to respond to the previous letters. A copy of the letter is attached hereto as "Exhibit D".

8. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the respondent has willfully failed to respond to an official bar inquiry without good cause.

WHEREFORE, the undersigned bar counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent has willfully failed to respond to an official bar inquiry and whether respondent should be held in contempt for failure to respond to an official bar inquiry.

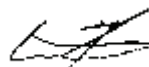
Respectfully submitted,



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Florida Bar No.: 106640
erosen@floridabar.org

CERTIFICATE OF SERVICE

I certify this document has been furnished by regular U.S. Mail and email to respondent, Claudia M. E. Atkinson, Office of the Public Defender, PO Box 1980, Fort Myers, FL 339021980; claudiaa@pd20.org; and via email to Jesus Manuel Casas, Chair at Off of the U S Atty - Middle District of Fl, 2110 First St Ste 3-137, Fort Myers, FL 339013011; jesus.m.casas@usdoj.gov; Laird Andrew Lile, Designated Reviewer, at , 3033 Riviera Dr Ste 104, Naples, FL 341032746; llile@lairdalile.com and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 via email at psavitz@floridabar.org, dated this 19 day of July, 2023.



Evan D. Rosen, Bar Counsel