

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,
Complainant,

vs.

ALISHA ELAINE GORDON,
Respondent.

**Supreme Court Case
No. SC25-0218**
The Florida Bar File
No. 2025-00, 086(2B)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as a referee to conduct disciplinary proceedings according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On February 14, 2025, The Florida Bar (“the bar”) filed its Complaint against Respondent in these proceedings. On February 18, 2025, the Supreme Court of Florida entered an order designating the Chief Judge of the Second Judicial Circuit of Florida to appoint a referee in this case. On February 18, 2025, the Honorable Francis J. Allman, Chief Judge, appointed the undersigned to serve as the referee.

On February 19, 2025, prior to obtaining counsel, respondent filed a *pro se* answer to the formal complaint. On March 7, 2025, respondent engaged counsel, David Bill Rothman. On March 24, 2025, a case

management conference was held. On May 29, 2025, the parties entered into a consent judgment as to all matters.

Throughout these proceedings, the bar was represented by Bar Counsel, Lauren Michelle Williams. From March 7, 2025, respondent was represented by David Bill Rothman. All the pleadings, responses, exhibits received in evidence, and this Report constitute the record in this case and are filed with the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during these proceedings was, a member of the bar subject to the jurisdiction and Rules Regulating The Florida Bar as adopted by the Supreme Court of Florida.

In addition to membership in the bar, respondent is also a member of the District of Columbia Bar, subject to the jurisdiction of the District of Columbia Court of Appeals.

B. Narrative Summary of Case. This is a reciprocal discipline action based on the District of Columbia Court of Appeals Opinion dated August 15, 2024. The Opinion, imposing a public censure and requiring respondent to complete six (6) hours of approved Continuing Legal Education, is based on the Report and Recommendation of the Board

on Professional Responsibility Hearing Committee Number Four Approving Amended Petition for Negotiated Discipline dated July 16, 2024. The public censure was based on respondent's misrepresentation to the court regarding notice to defendants of a request for a temporary restraining order.

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

1. In early 2022, respondent represented The Celeste Group LLC in connection with Chapter 11 bankruptcy proceedings in the United States Bankruptcy Court for the District of Columbia. Kim Cherry Burnett ("Mrs. Burnett") was the principle of The Celeste Group LLC.
2. Washington Capital Partners ("WCP") was a creditor in the bankruptcy case, specifically for two adjacent real properties located at 1705 and 1707 D Street SE, Washington, DC. WCP was represented by Maurice VerStandig ("Mr. VerStandig") in the bankruptcy proceedings. Russell Drazin ("Mr. Drazin") also represented WCP in matters related to 1705 D Street. and 1707

D Street. The bankruptcy proceedings were voluntarily dismissed in June 2022.

3. Mrs. Burnett had been living in, and had occasionally rented, 1707 D Street since September 1998.

4. In December 2019, The Celeste Group LLC, purchased 1707 D Street by way of WCP financing. Since then, Mrs. Burnett's family occupied 1705 D Street.

5. In September 2022, WCP foreclosed on 1707 D Street and 1705 D Street. WCP recorded the transaction in April 2023. Various members of Mrs. Burnett's family continued to live in both properties, and have remained there even after the foreclosure, paying rent to WCP.

6. On May 2, 2023, Jarrid Williams ("Mr. Williams"), a WCP employee, believed the properties were vacant and hired a contractor to change the locks. However, Mrs. Burnett and her family were still living in 1705 D Street.

7. When the contractor began changing the locks, Mrs. Burnett came out of the residence and confronted the contractor. The contractor called Mr. Williams to address the situation, and

Mr. Williams returned to the property to attempt to settle the dispute.

8. Mrs. Burnett provided Mr. Williams with respondent's phone number. During their phone conversation, respondent told Mr. Williams that Mrs. Burnett would be filing a Temporary Restraining Order ("TRO") the next day.

9. The next day, Mrs. Burnett filed a *pro se* complaint and motion for injunctive relief against Mr. Williams and WCP. Respondent entered her appearance in the case later the same day, and a hearing on the motion for injunctive relief was set for the following day, May 4, 2023.

10. At the hearing, respondent and Mrs. Burnett both appeared; however, neither defendant appeared.

11. The court asked respondent if the defendants had been served with notice of the hearing and respondent said they had, and stated: "Yes, Your Honor. And Defendant has been put on notice, and the Defendants --we were hoping that someone that he knew could help represent him, but, yes, they are on notice."

There has also been certified mail and phone calls, and I have spoke (sic) with the Defendant.”

12. The court asked respondent what type of notification she gave the defendant and when it was given. Respondent stated: “Verbal notification on the phone yesterday, and the certified mail, your Honor, from the complaint --or the motion that was filed by my client.”

13. In fact, respondent had not spoken to Mr. Williams since the initial call when she stated that Mrs. Burnett would be seeking a preliminary injunction. Nor had respondent spoken to counsel or a representative of WCP.

14. Based in part on respondent’s representations, the court concluded that Mr. Williams had notice of the hearing. The court reiterated these findings in the written ruling and added: “[Respondent] provided USPS mailing receipts showing that she

attempted to serve Defendants via certified mail return receipts; however, the mail has not been delivered.”

15. A copy of the order granting the TRO was emailed to respondent on May 4, 2023.

16. On May 8, 2023, respondent forwarded the TRO to Mr. Williams and Mr. Drazin.

17. Mr. Drazin responded by pointing out to respondent that she had not provided Mr. Williams notice of the hearing because she had only spoken to him on May 2, 2023, before the case was filed. Mr. Drazin requested that respondent correct her misstatement with the court.

18. Respondent failed to correct her representations to the court.

19. Based on the foregoing, the committee found that respondent violated the following D.C. Rules of Professional Conduct: 3.3(a) in that respondent knowingly made a false statement of fact to a tribunal and failed to correct a false statement of material fact previously made to the tribunal; 8.4(c) in that respondent engaged in conduct involving dishonesty or misrepresentation; and 8.4(d) in that respondent engaged in

conduct that seriously interfered with the administration of justice.

III. RECOMMENDATIONS AS TO GUILT

I recommend respondent be found guilty of violating the following D.C. Rules of Professional Conduct: 3.3(a) in that respondent knowingly made a false statement of fact to a tribunal and failed to correct a false statement of material fact previously made to the tribunal; 8.4(c) in that respondent engaged in conduct involving dishonesty or misrepresentation; and 8.4(d), in that respondent engaged in conduct that seriously interfered with the administration of justice.

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 22, 2004

Prior Discipline: None in Florida.

V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Florida Standards for Imposing Lawyer Sanctions prior to recommending discipline:

6.1 False Statements, Fraud, and Misrepresentation

- (b) Suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld and takes no remedial action.

7.1 Deceptive Conduct or Statements and Unreasonable or Improper

Fees

- (b) 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 a client, the public or the legal system.

I find the following aggravating factors:

(2) dishonest or selfish motive; *respondent made a misrepresentation to the court regarding notice or service of process to the opposing party; and*

(9) substantial experience in the practice of law; *respondent was admitted to the bar on September 22, 2004.*

I find the following mitigating factors:

(1) absence of a prior disciplinary record; *respondent has no prior discipline in Florida;*

(3) personal or emotional problems; *respondent was caring for her gravely ill father during the time in which the misconduct occurred; in addition, respondent's conduct was the result of her sincere empathy for her client, albeit misdirected, which clouded her judgment; respondent was concerned for the safety of her client's family, which included young children and the client's elderly mother-in-law, and was seeking to preserve the status quo until the matter could be fully litigated and determined by the court;*

(5) full and free disclosure to the bar or cooperative attitude towards the proceedings; *respondent has provided candid and complete disclosures to the Bar and has cooperated fully throughout these proceedings;*

(7) character or reputation; *respondent provided character letters attesting to her character and reputation;*

(8) physical or mental disability or impairment or substance-related disorder; *respondent suffers from anxiety and depression both which she receives treatment for; during the time the misconduct occurred, respondent was suffering from an exacerbation of her symptoms which was related to the stress of helping to care for her gravely ill father in Florida while also trying to remotely maintain her practice in Washington, D.C.; and*

(12) remorse; *respondent expressed her remorse in the Washington, D.C. disciplinary proceeding and this proceeding.*

VI. CASE LAW

The Fla. Bar v. Clement, 662 So. 2d 690 (Fla. 1995), Referee in Bar discipline case can consider any evidence Referee deems relevant to resolving a factual question.

The Fla. Bar v. Tobkin, 944 So. 2d 219 (Fla. 2006), *The Fla. Bar v. Centurion*, 801 So. 2d 858 (Fla. 2000), because attorney disciplinary proceedings are quasi-judicial rather than civil or criminal, the Referee is not bound by the technical rules of evidence; consequently, a Referee has wide latitude to admit or exclude evidence and may consider any relevant evidence including hearsay, transcripts, and judgments in a civil proceeding.

The Florida Bar v. Hagendorf, 921 So. 2d 611 (Fla. 2006), even when attorney disciplinary proceedings are premised upon an adjudication of guilt in another state, the State Supreme Court is free to impose a more severe punishment than the punishment imposed by a sister state.

The Florida Bar v. Mogil, 763 So. 2d 303 (Fla. 2003), a foreign jurisdiction's adjudication of guilt is conclusive proof of guilt of the attorney misconduct charged; the burden then rests with the attorney to demonstrate

why the foreign judgment is not valid or why Florida should not accept it and impose sanctions based thereon.

The Florida Bar v. Mary Alice Gwynn, SC08-0622, imposing a 91-day rehabilitative suspension rather than the referee's recommended 90-day suspension where respondent's misconduct in a bankruptcy case was found to be "intentional, serious and repeated, despite and in defiance of warnings issued to her, and sanctions imposed against her, by a sitting federal judge." Referee recommended respondent be found guilty of fifteen separate rule violations, including making false statements, conduct involving dishonesty, deceit, and misrepresentation, making frivolous claims, using means with no other purpose but to delay or harass, failing to provide competent representation, failing to reasonably expedite litigation, and conduct prejudicial to the administration of justice. Rules violated: 4-3.4(c), 4-3.5(a), 4-8.4(a), 4-8.4(d).

The Florida Bar v. Norwood Sherman Wilner, SC21-0373, the court approved the Report of Referee recommending acceptance of a Conditional Guilty Plea for Consent Judgment for a 91-day suspension. In April of 2011, respondent had approximately 2,900 *Engle*-progeny (tobacco) complaints pending in federal court. Upon inquiry, respondent assured the court that he could certify in accordance with Rule 11 of the Federal Rules of Civil Procedure that those complaints were viable. However, this proved to be false, and, by 2013, the court had dismissed over 1,800 complaints for various reasons. In aggravation, respondent had substantial experience in the practice of law. In mitigation, respondent had no prior disciplinary history, suffered the imposition of other penalties or sanctions, and was remorseful. Rules violated: 4-1.1, 4-1.3, 4-1.4, 4-3.1, 4-3.3, and 4-8.4(c).

The Florida Bar v. Tracy N. Davis, SC22-0105, by court order dated February 3, 2022, respondent received a 91-day suspension. In the first matter, respondent improperly notarized documents that were filed with the court. Respondent represented the father in a paternity action. During discussions at the hearing, respondent stated that the mother was involved in the revisions of the parenting plan, and then signed the agreement and had it notarized before sending it back to the respondent. Upon review of the document, it was determined that respondent was the one who notarized the mother's signature. Respondent stated that she did, in fact, notarize the mother's signature, but that the mother sent her the signed copy and a text authorizing her to notarize the mother's signature. Respondent had no prior

discipline as well as additional mitigation. Rules violated: 3-4.3, 4-1.3, 4-1.6(a), 4-8.4(c), and 4-8.4(d).

The Florida Bar v. Erik Russel Fenniman, SC24-0155, by Court order dated June 6, 2024, the Court suspended respondent for 90 days and required him to attend Ethics School and Professionalism Workshop within 6 months. At all times material, respondent was general counsel for the Florida Department of Transportation. The Office of Inspector General issued a report that found that respondent signed two employee's names, without their knowledge or consent, on outgoing department letters in March 2020. Rules violated: 3-4.3, 4-8.4(a), and 4-8.4(c).

The Florida Bar v. Suzanne Mandich, SC25-0515, by Court order dated April 24, 2025, the Court approved a consent judgment and suspended respondent for 91-days and required her to attend Ethics School for 6 months. Respondent represented an indigent father in a custody suit. The client, who was technologically handicapped, was unable to complete the required parenting course despite trying twice. Respondent enlisted her assistant to take the course for the client. Respondent then filed a certification that the client completed the course, which was false. When the father was deposed, respondent allowed him to testify falsely that he had personally completed the course. Respondent failed to correct the record until disciplinary proceedings were initiated against her by the bar. In mitigation, respondent suffered from emotional and personal problems and was remorseful. She had also engaged in interim rehabilitation. Rules: 4-3.3, 4-3.4, 4-4.1, 4-5.3, 4-8.4(a), and 4-8.4(c).

VII. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE IMPOSED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

- A. Suspension from the practice of law in Florida for 90 days, effective 30 days from the date of the Supreme Court of Florida's order approving the consent judgment so that respondent can close out respondent's practice and protect the interests of existing clients.

1. On entry of the Supreme Court of Florida's order, in Florida the respondent must immediately:
 - a) accept no new Florida clients from the date of the order;
 - b) initiate no litigation on behalf of Florida clients from the date of the order; and
 - c) provide a copy of the suspension order to all courts, tribunals, or adjudicative agencies before which respondent is counsel of record; all state, federal, or administrative bars of which respondent is a member; all Florida clients; all co-counsel in Florida; and all opposing counsel in Florida client matters, as required by Rule 3-5.1(h).

2. Within 30 days from the date of the Supreme Court of Florida's order, in Florida respondent must:
 - a) cease all practice of law in Florida;
 - b) cease holding respondent out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;
 - c) wind down all pending matters in Florida;
 - d) cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation in Florida;

- e) not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation in Florida; and
 - f) provide the bar's headquarters office in Tallahassee with an affidavit listing all of the following that respondent notified of the suspension order: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all Florida clients; all co-counsel in Florida; and all opposing counsel in Florida client matters.
- B. Respondent must attend Ethics School and Professionalism Workshop, in person, where scheduled by the bar, within six months of acceptance of this consent judgment and shall pay the required associated fees totaling \$1,000.00 before attendance.
- C. Respondent must fully comply with Rules Regulating the Florida Bar 3-5.1(h).
- D. Respondent must also fully comply with Rule Regulating the Florida Bar 3-6.1, if applicable.
- E. Payment of the bar's costs.

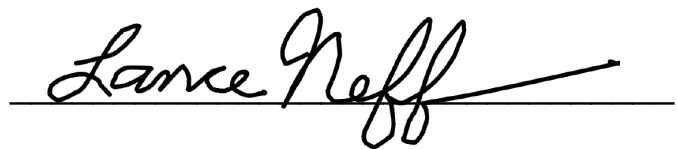
VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee:	\$1,250.00
Investigative Costs:	\$7.95
Court Reporter Fees:	<u>\$180.00</u>
TOTAL:	\$1,437.95

I recommend that the above costs be charged to respondent and that interest accrue at the statutory rate. If respondent does not satisfy the costs judgment within 30 days of the judgment becoming final, respondent will be delinquent and ineligible to practice law under R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 3rd day of June, 2025.

A handwritten signature in black ink that reads "Lance Neff". The signature is written in a cursive style and is positioned above a solid horizontal line.

Honorable LANCE E. NEFF, Referee
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301-1861

Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

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