

Jimmy Patronis irate over Florida Bar President's letter

"I'm not mad. I'm incensed."



By [Michael Moline](#) on March 12, 2019

How peeved is Chief Financial Officer **Jimmy Patronis** at The Florida Bar?

Considerably.

"You talking about the form letter they sent me?" Patronis said Tuesday, in response to a reporter's question. "I'm not mad. I'm incensed."

The state's **CFO** referred to the reply by Bar President [Michelle Suskauer](#) to Patronis' own [letter](#) last week seeking the professional organization's help against lawyers he suspects of ginning up dubious lawsuits under assignment of benefits agreements.

In her letter, dated Friday, Suskauer essentially said Patronis might want to contemplate filing ethics complaints against such lawyers.

"Investigations into attorney misconduct are primarily complaint-driven and The Florida Bar encourages anyone who has information regarding possible unethical conduct by an attorney to submit a Florida Bar Inquiry/Complaint Form," Suskauer wrote.

She did offer to talk to Patronis directly.

"I look forward to meeting with you in person to discuss the Bar's grievance system and our common goal of protecting Floridians," Suskauer wrote.

In fact, Patronis said, he has conferred with officials in the Bar's Tallahassee headquarters by telephone.

He sought "a very proactive approach that will get the word out, that will communicate, will inform our members of the concerns and solutions," Patronis said. "What I got is a form letter that, if you had contacted them with the same concerns, you'd get the same letter."

In that letter, Suskauer noted that the Bar acts as an arm of the Florida Supreme Court in investigating professional misconduct and recommending sanctions to the justices.

“In fact, in recent years the justices, based on the Bar’s findings and the charges filed, have in many cases imposed more severe disciplinary measures than recommended by the court’s referees who hear the cases,” she wrote.

Patronis specifically sought the Bar’s help in targeting lawyers he accused of “weaponizing” the state’s one-way attorney fee statute. That law requires insurance companies to pay legal costs for policyholders who successfully challenge claims handling in court. Critics see the fee as an incentive to file dodgy lawsuits.

Patronis’ [Department of Financial Services](#) oversees insurance regulators and fields consumer complaints concerning the industry.

The Senate Banking and Insurance has advanced [compromise legislation](#) restricting access to the one-way attorney fee to policyholders only. Third parties, like contractors, could recover fees only if judges pronounce them prevailing parties.

It’s not clear whether a lawyer could be sanctioned for bringing litigation that the counterparty or third parties, including state officials, consider abusive.

In his letter, Patronis cited the Bar’s stated mission to “ensure the highest standards of legal professionalism in Florida; and protect the public by prosecuting unethical attorneys and preventing the unlicensed practice of law.”

Florida’s [Rules of Professional Conduct](#) for lawyers do hold: “A lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others.”

It makes for one unhappy Cabinet member.

“I know they’re an extension of the Supreme Court and all that goes along with it. But there is an outright exploitation and perversion of the assignment of benefits process in the state of Florida and there are a handful of firms that are dealing with this,” Patronis said.

“It is incredibly troubling to me that the solution The Florida Bar has is, ‘Please go to our website and file a complaint.’

“I was trying to be proactive. To get a letter back that was auto-penned by a laser printer sent back to me on this response, I think they’re trying to run the clock out because they would rather let the Legislature deal with this and they want to stay out of it.”

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