

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Daniel Miguel v. In re: Sonia Miguel, etc.

Miguel · No. 3D25-0361 · Decided December 17, 2025

SUMMARY

The Third District Court of Appeal of Florida reversed a guardianship-court order imposing attorney’s fees and expert-witness costs as sanctions against Daniel Miguel. The court held that, before imposing an inherent-authority bad-faith sanction, the trial court was required to conduct an evidentiary hearing providing notice and an opportunity to present witnesses and other evidence. The case was remanded for further proceedings.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	SCALES, C.J.; MILLER, J.; LOBREE, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 17, 2025
DOCKET	3D25-0361
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Daniel Miguel appealed a guardianship court order imposing attorney's-fee and expert-witness sanctions for alleged bad-faith litigation conduct.
PRECEDENTIAL VALUE	Published
PARTIES	Daniel Miguel v. In re: Sonia Miguel, etc.

TOPICS

- guardianship procedure
- guardianships
- appellate procedure
- remedies

PRACTICE AREAS

- Guardianship
- Probate
- Appellate procedure
- Sanctions and remedies

QUESTIONS PRESENTED

- Whether a guardianship court may impose attorney's-fee sanctions under its inherent authority for alleged bad-faith litigation conduct without first providing notice of and conducting an evidentiary

hearing.

2. Whether due process requirements governing inherent-authority sanctions apply in guardianship proceedings.

HOLDINGS

1. Before imposing an attorney's-fee sanction under its inherent authority for alleged bad-faith conduct, a trial court must provide notice and conduct an evidentiary hearing that affords the accused party and counsel an opportunity to present witnesses and other evidence.
2. The due-process obligation governing inherent-authority sanctions applies to probate and guardianship proceedings.

KEY QUOTATIONS

“Moreover, such a sanction is appropriate only after notice and an opportunity to be heard – including the opportunity to present witnesses and other evidence.” (at 3)

“The guardianship court was required to take the additional step of noticing and conducting an evidentiary hearing on Daniel Miguel and his counsel’s purported bad faith filing before imposing a sanction, if any.” (at 3)

FACTUAL BACKGROUND

Daniel Miguel filed an emergency motion in a guardianship proceeding concerning his mother, Sonia Miguel, seeking information about her whereabouts. The guardianship court determined that the motion was not an emergency and sought relief outside its jurisdiction, then later imposed sanctions based on purported bad faith by Daniel and his counsel. The sanctions included attorney's fees and expert-witness fees.

PROCEDURAL HISTORY

Daniel Miguel filed an emergency motion seeking to determine the whereabouts of his mother, Sonia Miguel. After finding that the motion was not an emergency and that it sought relief beyond the court's jurisdiction, the guardianship court reserved jurisdiction to impose sanctions. Following a sanctions hearing, the court entered an order awarding \$31,046 in attorney's fees to counsel for Jorge Miguel and \$5,250 to an expert witness. The Third District Court of Appeal reversed and remanded because the guardianship court did not conduct an evidentiary hearing concerning the alleged bad faith before imposing sanctions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The guardianship court must provide notice of and conduct an evidentiary hearing regarding Daniel Miguel and his counsel's purported bad-faith filing before imposing any sanction.

CASES CITED

- Barbara Moakley v. Sheri Smallwood, Moakley v. Smallwood, 826 So. 2d 221, 226-227 (Fla. 2002)
- Goldman v. Est. of Goldman, 166 So. 3d 927, 929 (Fla. 3d DCA 2015)
- Buechele v. In re: Est. of Buechele, 366 So. 3d 1165, 1169 (Fla. 3d DCA 2023)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0361 Lower Tribunal No. 23-7605-MH-02 _____ Daniel Miguel, Appellant, vs. In re: Sonia Miguel, etc., Appellee. An Appeal from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge.

Dieguez & Associates, PLLC, and Anthony Dieguez and Rebekah E. Guerrero, for appellant. Paul M. Cowan & Associates, P.A., and Paul M. Cowan and Manuel A. Celaya, for appellee. Before SCALES, C.J., and MILLER and LOBREE, JJ. SCALES, C.J. In this case related to the guardianship of Sonia Miguel,¹ appellant Daniel Miguel appeals a January 15, 2025 order awarding, as a sanction, attorney's fees in the amount of \$31,046.00 payable to counsel for his brother Jorge Miguel; and \$5,250 payable to an expert witness (the "Sanction Order").

Because the guardianship court did not conduct an evidentiary hearing before exercising its inherent authority to sanction Daniel Miguel for the presumed bad faith of his counsel, we reverse. Seeking to determine the whereabouts of his mother Sonia, Daniel Miguel, on December 13, 2023, filed an emergency motion in the guardianship court. At a December 28, 2023 hearing on the emergency motion, the guardianship court determined that the motion was not an emergency, and that Daniel Miguel had sought relief the guardianship court had no jurisdiction to grant at that point.

The guardianship court entered a post-hearing order on January 22, 2024, memorializing its observations at the emergency hearing and reserving jurisdiction to impose sanctions upon the filing of a motion by counsel for Jorge Miguel. Four days later, Jorge 1 The nominal appellee in this case is Sonia Miguel, an alleged incapacitated person. Our record indicates that, after the events from which this appeal arises, the trial court determined that Sonia Miguel is incapacitated and appointed a limited guardian.

Jorge Miguel is an interested non-party to this appeal. 2 Miguel filed a motion seeking attorney's fees and costs in the amount of \$10,411.50. Daniel Miguel responded to this motion merely by calling it "premature." Approximately a year later, on January 9, 2025, the guardianship court conducted a hearing on the sanctions motion, which Jorge Miguel by then had supplemented to

seek additional fees for his counsel's legal work during the previous year, including an award of fees on fees.

Subsequently, the guardianship court found in favor of Jorge Miguel and entered the Sanction Order. Daniel Miguel timely appealed the Sanction Order, arguing that he was entitled to an evidentiary hearing as to whether he filed the emergency motion in bad faith.

We have jurisdiction. See Fla. R. App. P. 9.170(b)(23) (providing appellate jurisdiction to review a guardianship court order that "grant[s] an award of attorneys' fees or costs"). A trial court may exercise inherent authority to impose an attorney's fee sanction for bad faith litigation conduct. *Moakley v. Smallwood*, 826 So. 2d 221, 226 (Fla. 2002). With the exercise of inherent authority comes a due process obligation.

Id. at 227 ("[W]e conclude that the trial court's exercise of the inherent authority to assess attorney's fees against an attorney must be based upon an express finding of bad faith conduct and must be supported by detailed factual findings describing the specific acts of bad faith conduct that resulted in the unnecessary incurrence of attorneys' fees....

Moreover, such a sanction is appropriate only after notice and an opportunity to be heard – including the opportunity to present witnesses and other evidence."); *Goldman v. Est. of Goldman*, 166 So. 3d 927, 929 (Fla. 3d DCA 2015). This due process obligation applies as well to probate and guardianship proceedings. See *Buechele v. In re: Est. of Buechele*, 366 So.

3d 1165, 1169 (Fla. 3d DCA 2023). Both the guardianship court's January 22, 2024 order and the Sanction Order make what amounts to bad faith findings, but these findings proceed from the arguments of counsel at the emergency hearing.

The guardianship court was required to take the additional step of noticing and conducting an evidentiary hearing on Daniel Miguel and his counsel's purported bad faith filing before imposing a sanction, if any.² Reversed and remanded. ² We express no opinion as to whether Daniel Miguel's counsel filed the emergency motion in bad faith. ⁴