

SUPREME COURT OF FLORIDA

Florida Board of Bar Examiners re S.D.H.

209 So. 3d 1238 · Decided February 8, 2017

SUMMARY

The Supreme Court of Florida approved the Florida Board of Bar Examiners' recommendation to admit S.D.H. to The Florida Bar subject to a two-year probationary period. The order imposed mental-health monitoring, reporting, residency, and compliance conditions and authorized suspension or other disciplinary consequences for violations.

CASE DETAILS

COURT	Supreme Court of Florida
JURISDICTION	Florida
DECIDED	February 8, 2017
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered the Florida Board of Bar Examiners' report and recommendation concerning S.D.H.'s admission to The Florida Bar.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion approving conditional bar admission

TOPICS

agency adjudication administrative law judicial review of agency action

PRACTICE AREAS

bar admission legal ethics and professional responsibility attorney discipline administrative law

QUESTIONS PRESENTED

1. Whether the Florida Board of Bar Examiners' recommendation for S.D.H.'s conditional admission to The Florida Bar should be approved.
2. What conditions should govern S.D.H.'s admission and two-year probationary period.

HOLDINGS

1. The court approved the Florida Board of Bar Examiners' recommendation and admitted S.D.H. to The Florida Bar subject to a two-year probationary period and the conditions specified in the order.

KEY QUOTATIONS

“Upon consideration of the Report and Recommendation filed by the Florida Board of Bar Examiners, it is ordered that the Board’s recommendation is approved by the Court and S.D.H. shall be admitted to The Florida Bar subject to the following conditions:” (1238)

FACTUAL BACKGROUND

The Florida Board of Bar Examiners recommended that S.D.H. be admitted to The Florida Bar subject to conditions reflected in a Consent Agreement. The conditions concern ongoing mental-health-provider consultations, compliance with treatment instructions, reporting and monitoring by The Florida Bar, residence in Florida during probation, and disclosure of specified legal or disciplinary events.

PROCEDURAL HISTORY

The Florida Board of Bar Examiners filed a Report and Recommendation with the Supreme Court of Florida. The court approved the recommendation and conditionally admitted S.D.H. to The Florida Bar, subject to a two-year probation and specified monitoring and compliance conditions.

DISPOSITION

approved

OPINION

PER CURIAM.

Upon consideration of the Report and Recommendation filed by the Florida Board of Bar Examiners, it is ordered that the Board’s recommendation is approved by the Court and S.D.H. shall be admitted to The Florida Bar subject to the following conditions: 1.

The applicant’s license to practice law shall be placed on probation for a period of two years. *12392. During the period of probation, the applicant shall: (a) continue to consult with Reginald Deaton, LHMC, or other licensed mental health provider, at least, quarterly or more frequently as her mental health provider deems necessary; (b) follow promptly, diligently and completely all instructions by her mental health provider including the taking of any medication in the recommended manner as may be prescribed by mental health provider; (c) have her mental health provider submit quarterly reports to The Florida Bar during the entire probationary period.

These reports shall confirm the Applicant’s consultations for the preceding quarter and shall advise The Florida Bar of the Applicant’s continuing ability to engage in the active practice of law; (d) obtain an agreement from her mental health provider stating that the mental health provider will

immediately notify The Florida Bar if the Applicant misses a scheduled appointment without prior rescheduling; and (e) submit quarterly sworn statements to The Florida Bar by March 31, June 30, September 30, and December 31 during the entire probationary period attesting to her compliance with the conditions set forth in 2 (a), (b), (c), and (d) above.

3. The Florida Bar shall monitor the conditions set forth in the Consent Agreement pursuant to Rule 1-3.2(b) of the Rules Regulating The Florida Bar, and the costs thereof shall be paid by the applicant to The Florida Bar or its designated monitoring agency. 4.

To monitor effectively the provisions in this agreement, the applicant shall reside within the State of Florida during the entire period of probation. Any business or pleasure trips outside Florida that exceed ten days shall occur only with the advance approval of The Florida Bar. If the applicant relocates outside the State of Florida during the probationary period for any reason, the applicant shall surrender her license to practice law in Florida and if the applicant fails to do so, the Supreme Court of Florida shall terminate her license.

5. If the applicant's license is surrendered or terminated during the probationary period, the applicant shall resume the practice of law in Florida only upon full compliance with the rules and regulations governing admission to The Florida Bar. 6. A failure to observe the conditions of the probation or a finding of probable cause by The Florida Bar as to conduct of the applicant committed during the period of probation may terminate the probation and subject the applicant to all available grievance procedures and disciplinary sanctions including disbarment under the Rules of Discipline.

Upon receiving notice of a violation of the Court's order of conditional admission, The Florida Bar may immediately petition the Court for an order of suspension. The applicant shall have ten days to file a response. If no response -is timely filed by the applicant, then the Court shall issue an order suspending the applicant. If a response is filed, the matter shall be disposed of as the Court directs.

Unless terminated by the Court, an order of suspension shall remain in effect until final disposition of the grievance procedures commenced by The Florida Bar against the applicant. 7. The Applicant shall immediately inform The Florida Bar of any criminal arrest or prosecution or the filing of any *1240grievance or complaint related to the Applicant's practice of law.

8. If circumstances so warrant it, the applicant and The Florida Bar may stipulate to an extension of the period of probation or The Florida Bar may petition the Court for such an extension with a final decision to be made by the Court. 9. By executing this Agreement, the applicant specifically consents to and authorizes the release of any and all materials in the applicant's file to The Florida Bar that the Bar may request from the Board' to enable the Bar to fulfill its responsibilities under this Consent Agreement.

