

SUPREME COURT OF FLORIDA

Florida Board of Bar Examiners re: G.E.M.T.

224 So. 3d 713 · Decided August 28, 2017

SUMMARY

The Florida Supreme Court approved the Florida Board of Bar Examiners' recommendation to admit G.E.M.T. to The Florida Bar subject to a three-year probationary period. The order imposed mental-health monitoring, reporting, residency, and compliance conditions, and authorized suspension or other disciplinary action for violations.

CASE DETAILS

COURT	Supreme Court of Florida
JURISDICTION	Florida
DECIDED	August 28, 2017
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered the Florida Board of Bar Examiners' Report and Recommendation concerning the applicant's admission to The Florida Bar and approved the recommendation.
PRECEDENTIAL VALUE	limited

TOPICS

administrative law agency adjudication judicial review of agency action

PRACTICE AREAS

bar admission professional licensing legal ethics conditional admission

QUESTIONS PRESENTED

1. Whether the Florida Board of Bar Examiners' recommendation for conditional admission should be approved.
2. What conditions should govern the applicant's admission and probationary license to practice law.

HOLDINGS

1. The Supreme Court of Florida approved the Florida Board of Bar Examiners' Report and Recommendation and admitted G.E.M.T. to The Florida Bar subject to a three-year probation and the

conditions specified in the order.

2. The applicant's license to practice law is subject to three years of probation and the detailed treatment, reporting, monitoring, residency, disclosure, and compliance conditions set forth in the Court's order.

KEY QUOTATIONS

“it is ordered that the Board’s recommendation is approved by the Court and G.E.M.T. shall be admitted to The Florida Bar subject to the following conditions:” (713)

FACTUAL BACKGROUND

The applicant sought admission to The Florida Bar. The Board's recommendation, apparently based on a consent agreement and the applicant's mental-health-related conditions, required conditional admission, monitoring, and compliance obligations. The Court approved the recommendation and imposed the stated probationary conditions.

PROCEDURAL HISTORY

The Florida Board of Bar Examiners filed a Report and Recommendation recommending the applicant's admission subject to conditions. The Supreme Court of Florida approved the recommendation and ordered the applicant admitted subject to a three-year probation and specified 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 G.E.M.T. 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 three (3) years. 2. During the period of probation, the Applicant shall: (a) continue to consult with Susan Scholz-Rubin, Ph.D., and Evelia F. Iglesi-as, M.D., or other licensed mental health provider, at least, monthly or more frequently as her mental health provider deems necessary; (b) 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 her mental health provider; (c) have her mental health provider submit monthly reports to The Florida Bar during the entire probationary period.

These reports shall confirm the Applicant’s consultations for the preceding month 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 monthly sworn statements to The Florida Bar 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), Rules Regulating The Florida Bar, and the costs thereof shall be paid by the Applicant. 4. To monitor effectively the provisions in this agreement, the Applicant shall reside within 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 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. *7146.

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 grievance 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. -

