

SUPREME COURT OF FLORIDA

In re C.S.V.

In re C.S.V., 275 So. 3d 1171 (Fla. 2019) · Decided August 22, 2019

SUMMARY

In re C.S.V., 275 So. 3d 1171 (Fla. 2019): The Florida Supreme Court approved a consent agreement placing a bar applicant on five years' probation with conditions including abstinence from alcohol and controlled substances, participation in Florida Lawyers Assistance and AA/NA, random drug testing, quarterly compliance reports, and residency in Florida. The order details monitoring by The Florida Bar, consequences for violations (including suspension or disbarment), and provisions for extending probation. Key topics: conditional admission to the bar, attorney discipline, substance abuse monitoring, and probation terms.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	CANADY, C.J.; POLSTON, J.; LABARGA, J.; LAWSON, J.; LAGOA, J.; LUCK, J.; MUÑIZ, J.
JURISDICTION	Florida
DECIDED	August 22, 2019
DISPOSITION	approved
PRECEDENTIAL VALUE	published

TOPICS

- sanctions
- administrative law
- civil procedure

KEY QUOTATIONS

“The Applicant's license to practice law shall be placed on probation for a period of five years from September 30, 2018.” (1171)

FACTUAL BACKGROUND

The applicant applied for admission to the Florida Bar and entered into a consent agreement for conditional admission with probation.

DISPOSITION

approved

OPINION

PER CURIAM.

2. During the period of probation, the Applicant shall: (a) abstain from the consumption of alcoholic beverages; (b) abstain from the use of controlled substances except as prescribed by a duly licensed medical physician and approved by Florida Lawyers Assistance (FLA); (c) participate actively in the program offered by Florida Lawyers Assistance during the entire probationary period by complying with the rehabilitation contract with that organization executed on July 16, 2019, and by extending the contract to cover the entire period of probation if necessary; (d) participate actively in Alcoholics/Narcotics Anonymous by attending, at least, weekly meetings or such greater frequency as required by Florida Lawyers Assistance; practice AA/NA principles in all of his affairs; and carry the AA/NA message to other individuals with a substance use disorder; (e) attend attorney support meetings at least monthly, or at such greater frequency as required by Florida Lawyers Assistance; (f) submit to and pay for a minimum of eight (8) random urine drug/alcohol screens annually, as well as any other hair, blood, sweat, or other substance screening tests determined to be appropriate by Florida Lawyers Assistance; and (g) submit quarterly sworn statements to The Florida Bar by March 31, June 30, September 30, and December 31 during the probationary period attesting to his compliance with the conditions set forth in 2 (a), (b), (c), (d), (e), and (f) above.

3. The Florida Bar shall monitor the conditions set forth in the Consent Agreement. To the extent that The Florida Bar or its designated monitoring agency requires that the Applicant pay any monitoring costs, the Applicant agrees to pay such costs. 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 his license to practice law in Florida and if the Applicant fails to do so, the Supreme Court of Florida shall terminate his license.

5. The Applicant shall immediately inform The Florida Bar of any criminal arrest or prosecution and the filing of any grievance or complaint related to the Applicant's practice of law. 6. If the Applicant's license is surrendered or terminated during the probationary period, the Applicant shall resume the practice of law in the State of Florida only upon full compliance with the rules and *1172regulations governing admission to The Florida Bar.

7. 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.

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.

The Applicant acknowledges that an uninterrupted period of documented sobriety for a minimum period of time must be established prior to admission to The Florida Bar on an unconditional basis. Should the period of probation be extended pursuant to either paragraph 7 or 8 above, the Applicant, therefore, further agrees that such extension shall be for a minimum of three up to five years.

10. 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. A True Copy Test: John A. Tomasino Clerk, Supreme Court CANADY, C.J., and POLSTON, LABARGA, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur.