

SUPREME COURT OF FLORIDA

Florida Board of Bar Examiners Re D.W.M.

157 So. 3d 255 (Fla. 2015) · Decided February 6, 2015

SUMMARY

The Supreme Court of Florida approved the Florida Board of Bar Examiners’ recommendation to admit D.W.M. to The Florida Bar subject to a two-year probationary period and specified mental-health monitoring conditions. The order also establishes residency, reporting, compliance, and potential suspension or disbarment consequences for violating the conditions.

CASE DETAILS

COURT	Supreme Court of Florida
JURISDICTION	Florida
DECIDED	February 6, 2015
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered the Florida Board of Bar Examiners' report and recommendation concerning D.W.M.'s admission to The Florida Bar.
PRECEDENTIAL VALUE	published

TOPICS

- administrative law
- agency adjudication
- judicial review of agency action

PRACTICE AREAS

- bar admission
- professional responsibility
- legal ethics
- administrative law

QUESTIONS PRESENTED

- Whether the Florida Board of Bar Examiners' report and recommendation should be approved.
- Whether D.W.M. should be admitted to The Florida Bar subject to the conditions stated in the Court's order.

HOLDINGS

- The Supreme Court of Florida approved the Florida Board of Bar Examiners' recommendation.

2. D.W.M. shall be admitted to The Florida Bar subject to a two-year probationary period and the conditions specified in the Court's order.

KEY QUOTATIONS

“it is ordered that the Board’s recommendation is approved by the Court and D.W.M. shall be admitted to The Florida Bar subject to the following conditions:” (255)

FACTUAL BACKGROUND

The opinion concerns an applicant for admission to The Florida Bar and the Florida Board of Bar Examiners' recommendation regarding that admission. The Court's order imposes conditions addressing mental-health treatment and monitoring, compliance reporting, residency, disclosure of criminal or disciplinary matters, and potential enforcement consequences.

PROCEDURAL HISTORY

The Florida Board of Bar Examiners filed a report and recommendation recommending conditional admission. The Supreme Court of Florida approved the recommendation and ordered that D.W.M. be admitted subject to a two-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 D.W.M. 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. 2. During the period of probation, the applicant shall: (a) continue to consult with Dr. Michael Maher, or other licensed mental health provider, at least, quarterly or more frequently as his mental health provider deems necessary; (b) follow promptly, diligently, and completely all instructions by his mental health provider including the taking of any medication in the recommended manner as may be prescribed by his mental health provider; (c) have his 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 his 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 probationary period attesting to his 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. 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. 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 regulations governing admission to The Florida Bar.

6. A failure to observe the conditions of the probation or a finding of probable cause 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 *256disbarment 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.

