

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR

Supreme Court Case
No. SC07-2037

IN RE:
THE REINSTATEMENT OF
CHRISTOPHER LAING CLARK,

The Florida Bar File No.
2008-50,611(17F) FRE

Petitioner

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The undersigned was appointed to preside in the above disciplinary action by an Order of the Supreme Court of Florida, dated October 31, 2007, and by the subsequent Order of the Chief Judge of the Fifteenth Judicial Circuit dated November 6, 2007.

On or about October 22, 2007, Christopher Laing Clark served his petition for reinstatement to membership in good standing in The Florida Bar. Pursuant to a Florida Supreme Court Order dated September 23, 2006, the petitioner was suspended for 91 days, with such suspension requiring proof of rehabilitation.

The pleadings and all other papers filed with the undersigned, which are forwarded to the Court herewith, constitute the entire record for this case. Based upon the Petition for Reinstatement submitted by Christopher Laing Clark, the stipulations made by counsel for the respective parties and by any testimony

presented to me, and after due deliberation, I have determined to recommend that petitioner be reinstated to the practice of law in Florida forthwith.

During the course of these proceedings, the petitioner was represented by Kevin P. Tynan, Esquire, and The Florida Bar was represented by Juan Carlos Arias, Bar Counsel.

II. FINDINGS OF FACT AS TO EACH CRITERIA FOR ESTABLISHMENT OF REINSTATEMENT:

After considering all of the pleadings and evidence before me, as well as the Stipulation submitted by the parties, I find as follows:

1. The parties are in agreement that had a full evidentiary hearing been held the Petitioner would have been able to establish the following as required by R. Regulating Fla. Bar 3-7.10(f) and relevant case law:

A. strict compliance with the specific conditions of any disciplinary, judicial, administrative, or other order, where applicable;

B. unimpeachable character and moral standing in the community;

C. good reputation for professional ability where applicable;

D. lack of malice and ill feeling by the petitioner toward those who brought about the disciplinary proceedings;

E. personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;

F. restitution of funds or property, where applicable; and

G. positive action showing rehabilitation by such things as a person's occupation, religion or community and civil service. Petitioner has been an active member of the community by participating in multiple charitable events through his employer, the Memorial Healthcare System, which programs have included the HERO program, toy drives, and has also participated in the Big Brother/Big Sister program, church based activities and to some extent the political process as his uncle is a city commissioner.

2. The Parties have agreed that after completing discovery and other due diligence in which each and every item of The Florida Bar's standard reinstatement procedures were followed, The Florida Bar has found no issues that required resolution or that formed the basis for a denial of reinstatement.

3. Based upon the foregoing, I find that petitioner has met the criteria set forth in the applicable R. Regulating Fla. Bar.

III. RECOMMENDATIONS AS TO WHETHER OR NOT PETITIONER SHOULD BE REINSTATED TO THE PRACTICE OF LAW IN FLORIDA

Having carefully reviewed the party's stipulation, I find that petitioner has established his fitness to practice law in Florida.

I recommend that petitioner's Petition for Reinstatement be granted upon the conditions that he pay all costs incurred with respect to this Petition for Reinstatement.

IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Age: 48

Date admitted to The Florida Bar: October 31, 1994

Prior Discipline: The petitioner seeks reinstatement from a 91 day suspension which was ordered by the Supreme Court of Florida on September 23, 2006. The petitioner had been previously suspended for 15 days (March 15, 2001) and thirty days (January 26, 2006) related to different client neglect matters.

V. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following reasonable costs have been incurred by The Florida Bar:

1.	Administrative Costs, (pursuant to Rule 3-7.10(m)(1)(I), Rules of Discipline)	\$ 1,250.00
2.	Court Reporter Costs	\$ - 0 -
3.	Bar Counsel Travel Costs	\$ - 0 -
4.	Investigative Cost and Expenses	\$ 209.00
5.	Staff Auditor	\$
6.	Daily Business Review	\$ 184.91
7.	Comprehensive, Criminal and Bankruptcy Search	\$ 73.25
8.	Witness Mileage	\$ - 0 -
	SUBTOTAL	\$
	Less Cost Deposit	<u>-500.00</u>

TOTAL COST DUE

\$ 1,217.16

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses, together with the foregoing itemized costs, be charged to petitioner, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment of this case becomes final, unless otherwise deferred by the Board of Governors of The Florida Bar.

DATED this 28th day of January, 2008.

HON. TIMOTHY P. MCCARTHY, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been furnished by regular U.S. mail to The Honorable Thomas D. Hall, Clerk, The Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927; and true copies furnished to Kenneth Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; Juan Carlos Arias, Bar Counsel, 5900 N. Andrews Ave., Suite 900, Ft. Lauderdale, 33309; and Kevin P. Tynan, Esquire, attorney for petitioner, 8142 N. University Drive, Tamarac, Florida 33321, on this 28th day of January, 2008.

HON. TIMOTHY P. MCCARTHY, REFEREE