

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC08-2196

v.

TFB File No. 2008-00,975(2B)

GEOFFREY NELS FIEGER,

Respondent.

_____ /

REPORT OF THE REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On November 11, 2008, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. The parties later entered into a consent judgment and filed the appropriate documents. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case. On May 23, 2008, in an attorney disciplinary action the Indiana Supreme Court entered an order In the Matter of Geoffrey N. Fieger, barring Respondent from applying for temporary admission to the Indiana bar for 2 years. The Indiana Supreme Court found:

A. On December 17, 2005, Respondent executed an application for temporary admission to the St. Joseph Circuit Court (“Indiana trial court”), subjecting him to the disciplinary authority of the Indiana Supreme Court.

B. On his application, Respondent asserted under oath that no “formal disciplinary proceedings” were currently pending against him. He intentionally added the word “formal” to the form question.

C. On January 6, 2006, Respondent filed and the Indiana court granted his application.

D. Respondent did not inform the Indiana court that, as of May 27, 2005, a disciplinary action that had been dismissed had been appealed by bar counsel. On July 31, 2006, by way of an Application for Leave to Appeal, the

Michigan Supreme Court remanded the case for imposition of the previously agreed order of reprimand.

E. Respondent notified the Indiana trial court of the formal discipline imposed by Michigan Supreme Court on August 22, 2006.

F. Respondent did not inform the Indiana court that on December 30, 2005, the Arizona bar filed a formal complaint, alleging several ethical violations.

G. Respondent notified the Indiana trial court of the Arizona proceeding on November 6, 2006.

H. Although Respondent disclosed in his application that he was admitted to practice in Michigan, he neglected to mention his admission in Florida or that he had been administratively suspended in Arizona since 1993.

I. Respondent was found by the Indiana Supreme Court to have violated Rules 3.3(a)(1) (Knowingly making a false statement of fact to a tribunal and failing to correct a false statement of material fact previously made to the tribunal); 3.3(a)(3) (Failing to take reasonable remedial efforts after becoming aware that the lawyer offered false material evidence) and 8.4(c) (Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation) of the Indiana Rules of Professional Conduct.

III. RECOMMENDATIONS AS TO GUILT

By operation of Rule 3-4.6, Rules Regulating The Florida Bar, the Indiana order is a final adjudication of guilt in that state and, shall be considered as conclusive proof of such misconduct in this disciplinary proceeding.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be placed on probation for 2 years, during which time he is to accept no new business in any Florida state court. In addition, Respondent agrees to file quarterly reports with The Florida Bar affirming that he is abiding by the terms of the probation. Respondent agrees to remit the \$100 monitoring fee associated with each quarterly report.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1), I considered the following personal history of Respondent, to wit:

Age: 59
Date admitted to the Bar: May 19, 1980
Prior Discipline: Public Reprimand, June 2008

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

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Costs	\$ 1,250.00
TOTAL	\$ 1,250.00

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this _____ day of _____, 20_____.

N. Sanders Sauls
Circuit Court Judge/Referee
Wakulla County Courthouse
3056 Crawfordville Highway
Crawfordville, FL 32327

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to THE HONORABLE THOMAS D. HALL, Clerk, Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32399-1927, and that copies were furnished by regular U.S. Mail to KENNETH LAWRENCE MARVIN, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; ALLISON C. SACKETT, Bar Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; and GEOFFREY NELS FIEGER, Respondent, whose record Bar address is c/o John A. Weiss, 2937 Kerry Forest Parkway, Suite B-2, Tallahassee, FL 32309, on this _____ day of _____, 20_____.

N. Sanders Sauls, Referee