

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC08-2440

v.

TFB File No. 2007-01,301(2A)

2008-00,261(2A)

CHARLES EDWARD HOBBS, II,

2008-00,295(2A)

2008-00,357(2A)

Respondent.

2008-01,029(2A)

**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 December 22, 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 which was filed with the Referee. 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. Respondent was appointed appellate conflict attorney in 5 matters that are the subject of the complaint in this proceeding. Due to Respondent's lack of diligence and competence and failure to expedite litigation, in Counts I, III, IV and V of this complaint and in 16 cases total, an order was entered relinquishing jurisdiction to the lower tribunal to hold a hearing on the ability of Respondent to continue representation. The order stated in part: "Upon review of the above cases, the court notes that Charles Hobbs, II, has not responded adequately, if at all to court orders. In other cases, appeals have been dismissed as a result of failure to respond to court orders. Such inaction severely prejudices the criminal defendants and is a mark of unprofessionalism." A copy of the order is attached hereto as Exhibit A. In Count III, an additional order was entered allowing Respondent to withdraw. The order further stated that Respondent was to receive no further appointments for appellate conflict interest by the Second Judicial Circuit. A copy of that order is attached hereto the complaint as Exhibit B. In Count II, the First District Court of Appeal entered an order to show cause, requiring the initial brief be filed within 10 days or the case would be dismissed. No response was received and the case was

dismissed. Although the case was subsequently reinstated, Respondent was discharged and new counsel was appointed. In all 5 counts, Respondent failed to timely file an initial brief, and in all but one count, the court struck both the briefs as deficient. Count I was initially closed, however, upon additional allegations of neglect and lack of communication made by the complainant, it was reopened. Respondent was noticed, but neglected to respond to The Florida Bar.

### III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating Rules 4-1.1 (Competence); 4-1.3 (Diligence); 4-1.4 (Communication); 4-3.2 (Expediting Litigation) and 4-8.4(g) (Misconduct: Failure to Respond to Bar Inquiry), of the Rules Regulating The Florida Bar.

### IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by: the imposition of a Public Reprimand, not requiring an appearance before the Board of Governors, and attendance at a Professionalism Workshop.

### 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: 37  
Date admitted to the Bar: April 14, 2000  
Prior Discipline: Admonishment-March 2007

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

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

**Grievance Committee Level**

Court Reporter Fees and Transcripts	\$	150.00
Investigative Costs and Expenses		56.25
Subtotal	\$	206.25

**Referee Level**

Administrative Costs, pursuant to to Rule 3-7.6(q)(1)(I), Rules of Discipline	\$	1,250.00
Subtotal	\$	1,250.00

**TOTAL**                    \$    **1,456.25**

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\_\_\_\_.

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Thomas Britt Coleman, Referee

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 CARDEN SACKETT, Bar Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; and CHARLES EDWARD HOBBS, II, Respondent, whose record Bar address is 1315 E. Lafayette St., Suite C, Tallahassee, FL 32301-4726, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Thomas Britt Coleman, Referee