

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

vs.

TFB File No.2008-10,042 (6D)

Rock O'Neal,

Respondent.

**AMENDED REFEREE'S REPORT RECOMMENDING
DIVERSION TO A PRACTICE AND PROFESSIONALISM
ENHANCEMENT PROGRAM**

I. RECOMMENDATION: Pursuant to Rules Regulating The Florida Bar 3-5.3(h)(1), the referee adopts the parties conditional agreement for diversion to a practice and professionalism enhancement program, a copy of which is attached hereto and incorporated herein.

II. PURPOSE AND PROGRAMS WHICH ARE RECOMMENDED: The purpose of diversion is to assist the respondent in the future avoidance of the situations summarized below. The following program(s) is recommended: Respondent shall attend the next scheduled ethics school within six (6) months of the date of acceptance of this report or when designated by The Florida Bar.

III. NARRATIVE SUMMARY: Respondent undertook the administration of a Trust for a friend that required disbursements upon the friend's death. Respondent took longer than expected to finalize the accounting and disbursements. The beneficiaries of the Trust filed a grievance with The Florida Bar and Respondent ultimately finished the accounting. Respondent charged a total fee of \$1000.00 for his work.

IV. FEES AND COSTS: The respondent shall pay the fees and costs in this matter which are:

Workshop Fee	\$	750.00
Other Actual Costs:	\$	1250.00
Total costs:	\$	2000.00

V. ATTENDANCE: Respondent shall attend Ethics School within six (6) months of the date of the order finalizing this matter.

V. EFFECT OF DIVERSION: Diversion to a practice and professionalism enhancement program shall close this file without the imposition of a disciplinary sanction and diversion shall not constitute a record of professional misconduct. If respondent successfully completes the diversion recommended hereunder, this file shall remain closed.

VI. EFFECT OF FAILURE TO COMPLETE DIVERSION PROGRAM: Failure of the respondent to successfully complete all requirements of the practice and professionalism enhancement program(s) to which the respondent is referred may result in entry of a finding of minor misconduct, predicated on the facts set forth in section III, above, with the requirement that the admonishment for minor misconduct be administered by the personal appearance of the respondent before the Board of Governors of The Florida Bar.

DATED this ____ day of _____, 2008

Honorable Emily A. Peacock, Referee

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