

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

CASE NO. SC08-673

TFB NO. 2007-11,060(6E)

v.

ROBERT G. WALKER, JR.,

Respondent.

_____ /

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

- I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar. The Pleadings, Notices, Motions, Orders, Transcripts, and Exhibits are forwarded to The Supreme Court of Florida with this report and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Maria L. Torres

For The Respondent: Robert G. Walker, Jr., *Pro Se*

- II. Findings of Fact as to Each Item of Misconduct With Which the Respondent Is Charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find pursuant to the Conditional Guilty Plea for Consent Judgment that the facts of the Consent Judgment are admitted. The Conditional Guilty Plea for Consent Judgment and the Complaint are attached hereto and incorporated herein.
- III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: As to each count of the complaint I make the following recommendations as to guilt or innocence: Pursuant to the Conditional;

Guilty Plea for consent Judgment, I find the respondent guilty as admitted in the Conditional Guilty Plea for Consent Judgment.

IV. Recommendation as to Disciplinary Measures to Be Applied:

Pursuant to the Conditional Guilty Plea for Consent Judgment, I make the following recommendations as to the disciplinary measures to be applied:

(a) Respondent shall receive an **admonishment**.

(b) Within ninety (90) days after this consent judgment is accepted by the Supreme Court of Florida, Respondent must undergo a psychiatric, psychological and addiction evaluation by a psychiatrist who works with and is recommended by Florida Lawyers Assistance, Inc. If a psychiatric, psychological or addiction problem is noted, Respondent must enter into a contract with Florida Lawyers Assistance, Inc. and shall be placed on a three (3) year period of probation that shall run concurrently with any contract Respondent enters into with Florida Lawyers Assistance, Inc. Respondent hereby consents to open communication between all therapists and expressly waives any and all applicable patient/therapist privileges to the extent necessary to provide the Bar with evidence of his compliance or noncompliance of the terms of probation and of the terms of any contract with Florida Lawyers Assistance, Inc. During any period of probation, Respondent shall remain completely drug and alcohol free, other than drugs or medications prescribed by a duly licensed physician in the course of medical treatment.

(c) Respondent must attend The Florida Bar's Anger Management Workshop within six (6) months of the Supreme Court issuing its Order.

(d) Respondent agrees that any of the following events shall constitute a violation of the terms of this agreement or a violation of probation:

- (1) A finding by a grievance committee of probable cause against Respondent;
- (2) Respondent's default in performance of any terms and conditions of any contract with Florida Lawyers Assistance, Inc.;

(3) Respondent's default in performance of any terms and conditions of the Conditional Guilty Plea for Consent Judgment.

(e) Default, as defined for purposes of the plea agreement shall include, but not limited to, failure to timely pay any costs associated with any Florida Lawyers Assistance, Inc. contract, or with the plea agreement; or failure to abide by any of the other obligations imposed on the respondent under any Florida Lawyers Assistance, Inc. contract or the plea agreement.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to The Rules Regulating the Florida Bar 3-7.6(k)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Age: 60

Date Admitted to Bar: 10/29/1981

No prior disciplinary convictions.

List prior discipline: None

The referee notes that the Respondent is not certified in any area of practice.

A. Aggravating Factors Include: 9.22

(i) substantial experience in the practice of law.

B. Mitigating Factors Include: 9.32

(a) absence of a prior disciplinary record;

(d) timely good faith effort to make restitution or to rectify consequences of misconduct;

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

(k) imposition of other penalties or sanctions;

(l) remorse.

IV. Statement of costs and manner in which costs should be taxed: I find the following costs were reasonably incurred by The Florida Bar:

1. Administrative Costs	\$ 1,250.00
2. Court Reporter Expenses:	607.40
3. Assistant Staff Counsel Expenses:	29.44
4. Staff Investigator Expenses:	275.81

5. Witness Travel Expenses: 56.67
TOTAL AMOUNT DUE: \$2,219.32

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 the respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this _____ day of August, 2008.

Honorable Sam D. Pendino, Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

Maria L. Torres, Assistant Staff Counsel, The Florida Bar, 5521 W. Spruce Street, Suite C-49, Tampa, Florida 33607-5958;

Robert G. Walker, Jr., Respondent, 1421 Court Street, Suite F, Clearwater, Florida 33756-6172; and,

Kenneth Lawrence Marvin, Esquire, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300.