

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC08-686

v.

TFB File No. 2007-01,146(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 April 3, 2008, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. Additionally, on May 16, 2008, The Florida Bar filed a Conditional Guilty Plea and Stipulation for Entry of Consent Judgment. 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. In addition to membership in The Florida Bar, Respondent, at all times material hereto, had been admitted to both the Michigan and Arizona bars and was subject to the disciplinary authority of the Supreme Courts of both Michigan and Arizona.

B. Narrative Summary Of Case.

Respondent represented the plaintiff in a medical malpractice jury trial which resulted in a \$15 million verdict and judgment. The Michigan Court of Appeals vacated the trial court's judgment in favor of plaintiff concluding the evidence was legally insufficient to support the verdict. Respondent addressed the Court's decision in live comedy radio broadcasts of a show he hosted on CBS radio on August 23, 1999 and on August 25, 1999. In his remarks he mentioned the judges by name and addressed them in the following manner, "Hey Michael Talbot, and Bandstra and Markey, I declare war on you. You declared it on me, I declare it on you. Kiss my ass, too." He further called these same three judges "jackass Court of Appeals judges". Additionally, Respondent stated, "I know the only thing that's in their endo should be a large, you know, plunger about the size of, you know, my fist." As a result of these remarks, Respondent

conditionally agreed to a reprimand in Michigan reserving his right to pursue appeals based on the first amendment.

In addition, an attorney in Respondent's office used a version of an old firm letterhead for a contract for legal representation, which inaccurately stated that Mr. Fieger was admitted in good standing in Arizona, a violation of Rule 31(b) (Regulation of the Practice of Law: Authority to practice) of the Arizona Rules of the Supreme Court. Respondent further filed a *pro hac vice* application with the Arizona State Bar failing to cross out a pre-printed sentence that indicated he was in "good standing with all bars indicated" when, in fact, had been on administrative suspension in Arizona since 1993, for failing to keep current with CLE requirements, a violation of Rule 8.4(d) (Misconduct: Engage in conduct that is prejudicial to the administration of justice) of the Arizona Ethics Rules. His actions were found to be negligent, as opposed to intentional or knowingly false, thereby justifying censure rather than suspension in Arizona.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating Rule 4-8.4(d) 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:

Public Reprimand by Publication

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: 56
Date admitted to the Bar: May 19, 1980
Prior Discipline: None in Florida

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
Investigative Costs and Expenses	150.00
TOTAL	\$ 1,400.00

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 _____, 2008.

The Honorable N. Sanders Sauls
Circuit Judge/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 GEOFFREY NELS FIEGER, Respondent, whose record Bar address is Fieger, Fieger, Kenny & Johnson PA, 19390 W 10th Mile Road, Southfield, MI 48075-2458, on this _____ day of _____, 2008.

The Honorable N. Sanders Sauls, Referee