

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ROBIN PETER JUNG,

Respondent.

CASE NO. SC09-1005

TFB NO. 2009-11,348 (6A) (HFC)

REPORT OF REFEREE

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, a Conditional Guilty Plea for Consent Judgment was signed September 11, 2009. Any 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: Karen Boroughs Lopez, Esq.

For The Respondent: Robin Peter Jung, Esq.

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, I adopt as my findings those facts set forth in the Consent Judgment which is incorporated herein by reference.

III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: Respondent pleads guilty to violating the following Rules Regulating The Florida Bar:

Rule 3-4.4 (Criminal Misconduct).

IV. Recommendation as to Disciplinary Measures to Be Applied:

a. Suspension from the practice of law for a period of two (2) years; nunc pro tunc back to the effective date of the Supreme Court's prior order of suspension, July 15, 2009.

b. As a condition of the two year suspension, Respondent will enter into an FLA contract and Respondent shall consent to open communication between all therapists and expressly waive 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 any contract with Florida Lawyers Assistance, Inc.

c. During the period of suspension, Respondent shall follow the treatment plan and medication requirements recommended by his treating doctors.

d. Respondent agrees that failure to adhere to the terms contained within this consent judgment shall constitute a violation of the terms of this agreement and will be considered a default.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(m)(l), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Year of Birth: 1963

Date Admitted to Bar: October 5, 1990

Prior Disciplinary convictions and Disciplinary

Measures Imposed Therein: None

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

Aggravating Factors: none

Mitigating Factors:

(a) Respondent voluntarily entered into and successfully completed a

residential treatment program.

(b) Respondent voluntarily limited his practice of law and has not practiced since January of 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 pursuant to Rule 3-7.6(q)(1)(I)	\$1,250.00
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The Florida Bar Expenses:

Investigator Costs	\$ 65.00
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Investigator Expenses	29.95
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Court Reporter	<u>85.00</u>
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TOTAL:	<u>\$1,429.95</u>
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It is recommended that all costs and expenses 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 September, 2009.

The Honorable Cheryl K. Thomas, Referee

Copies:

Karen B. Lopez, Bar Counsel, The Florida Bar, 4200 George J. Bean Pkwy., Suite 2580, Tampa, Florida 33607

Robin Peter Jung, Respondent, c/o Sean Keith McQuaid, Esq., Battaglia, Ross, Discus, Et. Al., P.O. Box 41100, St. Petersburg, FL 33743-1100

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