

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,

Complainant,

vs.

**Case No. SC09-1126
TFB No. 2008-11,248 (6D)**

JOSEPH THOMAS HOBSON,

Respondent.

_____ /

**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 the diversion is to assist the respondent in the future avoidance of the situations summarized below.

The following program(s) are recommended: Ethics School and Professionalism Workshop, to be completed within six (6) months of the date of the Supreme Court Order finalizing this matter.

III. **NARRATIVE SUMMARY:** Mr. Hobson represented a criminal defendant in a post conviction issue. He was court appointed and the client was appealing a county court conviction to circuit court. He delayed in filing the brief to the point that the final ruling criticized him for delaying so much in filing the brief. The client was not injured by the delay, as the appeal was not dismissed and the trial court was upheld so no jail time was changed as a result of the Respondent's

conduct. Respondent was not sanctioned by the court. He has since apologized to the court and to the Bar for his actions.

IV. COSTS: The respondent shall pay the costs of this matter in the amount of:

Administrative fee	\$1,250.00
Ethics School	
and Professionalism Workshop	<u>\$1,000.00</u>
Total costs:	\$2,250.00

VI. ATTENDANCE AT ETHICS SCHOOL: Respondent shall attend the ethics school and Professionalism Workshop within 6 months of the Supreme court approving this order.

VII. 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.

VIII. 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:

- (a) constitute a waiver of the right to an evidentiary hearing herein;
- (b) result in the entry of a finding of minor misconduct predicated upon the facts set forth in section I above;
- (c) constitute a waiver of any right to reject or appeal the imposition of minor misconduct; and
- (d) require respondent, upon reasonable notice, to appear before the board of governors for imposition of the admonishment of minor misconduct and payment of costs stated herein.

DATED this _____ of August, 2009.

Honorable Anthony K. Black, Referee

Copies:

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