

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

FILED  
THOMAS D. HALL  
2010 MAY -6 AM 10:26  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

THE FLORIDA BAR

Case No. SC09-1797  
TFB File No. 2010-00,275(4C)NRE

IN RE:  
PETITION FOR REINSTATEMENT OF  
DANIEL O. PALMER,

Petitioner.

\_\_\_\_\_ /

**REPORT OF REFEREE**

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as Referee to hear, conduct, try, and determine matters presented in this case, on December 21, 2009, and again on March 4, 2010, the court held telephonic case management conferences with the parties. A third case management conference was scheduled for May 3, 2010, to determine the status of this matter. However, in the meantime, Respondent informed The Florida Bar that he had passed the MPRE as was required prior to his reinstatement and The Florida Bar has confirmed this fact. In light of the foregoing and given the current agreed posture of this matter, the May 3, 2010, telephonic status conference is cancelled.

On April 15<sup>th</sup>, 2010, Bar Counsel submitted a proposed Report of Referee, a Joint Stipulation for Reinstatement for Summary Proceedings, as well as an Affidavit of Costs.

The pleadings, notices, stipulation and affidavit of costs, all of which are forwarded to the Supreme Court of Florida, constitute the record in this case.

II. FINDINGS OF FACT AS TO EACH CRITERIA FOR ESTABLISHMENT OF REINSTATEMENT

After considering all of the pleadings and the stipulation, I find that all of the elements for reinstatement as required under the Supreme Court's decision, In Re: Petition of Wolf, 257 So.2d 547 (Fla. 1972) and In re: Inglis, 471 So.2d 38 (Fla. 1985), have been met as follows:

1. The Petitioner has complied with the disciplinary order and has paid all costs of that order as ordered.
2. Petitioner has presented evidence of good character and moral standing in the community to The Florida Bar.
3. Petitioner, as confirmed by The Florida Bar, has a good reputation for professional ability.
4. Petitioner has no malice or ill feeling toward those who by duty were compelled to bring about the disciplinary proceedings.

5. Petitioner has made personal assurances to The Florida Bar, supported by corroborating evidence, which reveal a sense of repentance as well as a desire and intention of the Petitioner to engage in exemplary conduct in the future.

6. This case does not involve misappropriation of funds.

7. Petitioner has presented evidence to The Florida Bar of personal community conduct to justify a conclusion that by virtue of Petitioner's active participation in his work, in his church, and in the lives of his clients at Prisoners of Christ and their activities, Petitioner has demonstrated positive action showing rehabilitation.

8. The Florida Bar has stipulated for summary proceedings. Based upon the record and the stipulation, I find that the Petitioner has been rehabilitated and does possess good moral character.

III. RECOMMENDATIONS AS TO WHETHER OR NOT PETITIONER SHOULD BE REINSTATED TO THE PRACTICE OF LAW IN FLORIDA:

Having carefully reviewed the evidence in the petition itself and the stipulation of The Florida Bar, I find that Petitioner has established his fitness to practice law by clear and convincing evidence.

I recommend that Petitioner's Petition for Reinstatement be granted when he becomes eligible upon the following condition: that Petitioner shall pay all costs incurred with respect to this Petition for Reinstatement.

IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Age: 62

Dated admitted to the Bar: December 19, 1973

Prior Discipline:

A. SC 58,937 / TFB File No. 1980-02,294(02) resulted in Petitioner being placed on the inactive list for incapacity not related to misconduct on May 6, 1980;

B. SC 59,770 / TFB File No. 1981-02,684(02) resulted in Petitioner being reinstated and placed on probation for 2 years on April 2, 1981; and,

C. SC 69,115 / TFB File No. 1985-10,716(4C) resulted in Petitioner being suspended for a period of 8 months on March 26, 1987.

V. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

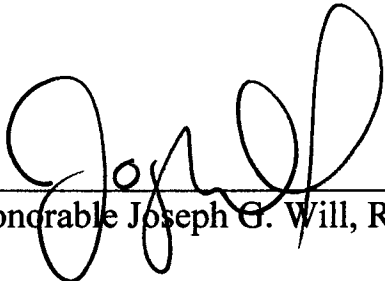
I find the following costs were reasonably incurred:

Administrative Costs, pursuant to	
Rule 3-7.10(m)(1)(I), Rules of Discipline	\$ 1,250.00
Advertisement Costs	439.50
LESS Cost deposit	<u>-500.00</u>
TOTAL	\$ 1,189.50

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 Petitioner, and that interest at the statutory rate shall accrue and be payable beginning

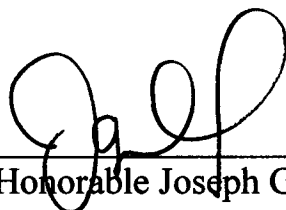
30 days after the judgment of this case becomes final unless deferred by the Board of  
Governors of The Florida Bar.

DATED this 3<sup>rd</sup> day of May, 2010.

  
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Honorable Joseph G. Will, Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee regarding Supreme Court Case No. SC09-1797, TFB File No. 2010-00,275(4C)NRE, has been furnished by regular U.S. mail to The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927; *copies to* Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; Carlos Alberto Leon, Bar Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; and Daniel O. Palmer, Petitioner, at his record Bar address of Post Office Box 275, Orange Park, FL 32067-0275, on this 3<sup>rd</sup> day of May, 2010.

  
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Honorable Joseph G. Will, Referee