

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

CASE NO. SC10-1290

TFB NO. 2010-10,052 (6C)

Complainant,

v.

COLLEEN MEGHAN BRATCHER,

Respondent.

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**REPORT OF REFEREE**

I. Summary of Proceedings: The undersigned was duly appointed as Referee to conduct disciplinary proceedings. The parties have agreed to a Conditional Guilty Plea for Consent Judgment, which I recommend that the Court accept. 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: Cynthia Lois Miller

For The Respondent: *Pro se*

II. Findings of Fact as to Each Item of Misconduct With Which the Respondent Is Charged: I adopt the stipulated facts as set forth in the Conditional Plea for Consent Judgment as my findings of fact, as follows:

The Florida Bar was notified by Respondent's bank that a check written on her IOTA trust account had been returned for insufficient funds. In response to the Bar's inquiries into the matter, Respondent produced trust accounting records that were not in compliance with the Rules Regulating The Florida Bar pertaining to attorney trust accounts.

III. Recommendations as to Whether or Not the Respondent Should Be Found Guilty: I recommend that the Conditional Guilty Plea be accepted and that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Rule 5-1.2 (Trust Accounting Records and Procedures).

IV. Recommendation as to Disciplinary Measures to Be Applied:

- a. Probation for a period of 18 months.
- b. Quarterly Trust Account Audits. Respondent shall submit to quarterly audits of her trust account during the period of probation. Respondent shall maintain her trust account in compliance with the Rules Regulating The Florida Bar. Respondent shall provide to The Florida Bar auditor all trust accounting records required to be maintained by Chapter 5, Rules Regulating The Florida Bar on a quarterly basis beginning 90 days after the date of the Order approving the Report of Referee. Respondent shall submit her trust accounting records to The Florida Bar auditor every 90 days thereafter until the end of the probationary period.
- c. Trust Accounting Workshop. Respondent shall be required to attend The Florida Bar's Trust Accounting Workshop within 6 months of the date of the Order approving the Report of Referee. Respondent shall pay the fee for attending the workshop in the amount of \$750.00.

V. Personal History and Past Disciplinary Record: After the finding of guilt 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: 1969

Date Admitted to Bar: April 13, 2000

Prior Disciplinary Convictions and Disciplinary Measures Imposed Therein:  
None

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

In making this recommendation, I have considered the following Florida Standards for Imposing Lawyer Sanctions:

## 2.7 Probation

Probation is a sanction that allows a lawyer to practice law under specified conditions. Probation can be imposed alone or in conjunction with any other disciplinary measure; probation can also be imposed as a condition of readmission or reinstatement.

Aggravating Factors: None

Mitigating Factors:

- 9.32(a) absence of a prior disciplinary record
- 9.32(b) absence of a dishonest or selfish motive
- 9.32(e) cooperative attitude toward proceedings

VI. Statement of Costs and Manner in Which Costs Should Be Taxed: I grant The Florida Bar's Motion to Tax Costs in the amount of \$1,250.00, and approve the assessment of these costs against Respondent.

### Administrative Costs

Pursuant to Rule 3-7.6(q)(1)(I)	\$1,250.00
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TOTAL COSTS	<u>\$1,250.00</u>
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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 become final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Honorable James D. Arnold, Referee

Copies:

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