

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

THE FLORIDA BAR,

Complainant,

CASE NO. SC10-1308

TFB NO. 2009-11,071 (6C)

v.

JAMES DANIEL ECKERT,

Respondent.

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 on December 11, 2010. 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

For The Respondent: George Marshall Osborne, Jr., Esq.

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 Guilty Plea for Consent Judgment as my findings of fact as follows:

On or about July 9, 2009, Respondent wrote a letter to a complainant threatening to sue him for defamation and damages unless he withdrew his Bar complaint and issued a letter of apology within five days.

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 4-8.4(d) (Conduct prejudicial to the administration of justice).

IV. Recommendation as to Disciplinary Measures to Be Applied:

A Public Reprimand administered by service of a copy of the Order of the Court approving the Consent Judgment.

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:

Age: 70

Date Admitted to Bar: October 15, 1965

Prior disciplinary convictions and disciplinary measures imposed therein: Admonishment received July 18, 2008 in The Florida Bar Case No. 2007-11,711 (6D).

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
---	------------

<u>Bar Counsel Costs:</u> 31.50	
------------------------------------	--

<u>Court Reporter Costs:</u>	<u>85.00</u>
------------------------------	--------------

TOTAL:	<u>\$1,366.50</u>
---------------	--------------------------

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 December, 2010.

Honorable Christine K. Vogel, Referee

Copies:

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

James Daniel Eckert, Respondent, c/o George M. Osborne, Esq., 611 Druid
Road East, Ste. 512, Clearwater, FL 33756 - 3938

Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson
Street, Tallahassee, Florida 32399-2300