

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED
JOHN A. TOMASINO
DEC -5 2014
CLERK, SUPREME COURT
BY _____

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC14-1371

v.

The Florida Bar File Nos.
2013-31,291 (05B)
2013-31,350 (05B)
2014-30,098 (05B)

JOHN CHRISTOPHER CARVER,
Respondent.

REPORT OF REFEREE RECOMMENDING DIVERSION TO A
PRACTICE AND PROFESSIONALISM ENHANCEMENT PROGRAM

I. **RECOMMENDATION:** Pursuant to Rule 3-5.3(h)(1) of The Rules Regulating The Florida Bar, 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 diversion is to assist the respondent in the future avoidance of the situations summarized below. The following program(s) is recommended:

III. Attendance at the next Professionalism Workshop scheduled after entry of the order of the Florida Supreme Court accepting this agreed diversion and a letter of apology within 20 days of the approval of the instant recommendation to

General Magistrate Brenda Coleman, Fifth Judicial Circuit, in and for Sumter County, Florida. Respondent shall also provide a copy of his letter of apology to The Florida Bar's headquarters office, 651 E. Jefferson Street, Tallahassee, Florida 32399.

IV. NARRATIVE SUMMARY: Respondent represented his client in an acrimonious dissolution proceeding. During the representation of his client, respondent engaged in conduct wherein he failed at times to act professionally before General Magistrate Brenda Coleman. Respondent also made several comments during hearings before the court that did not constitute legal argument. Rather, the comments disparaged the opposing counsel and opposing counsel's client.

V. FEES AND COSTS: The respondent shall pay the fees and costs of this matter which are:

Investigative Costs	\$988.35
Bar Counsel Costs	\$96.84
Administrative Fee	\$1,250.00
Professionalism Workshop Fee	\$750.00

TOTAL	\$3,085.19
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Failure to pay the above costs will render Respondent delinquent and ineligible to practice law, pursuant to Rule 1-3.6 of The Rules Regulating The

Florida Bar, unless costs are deferred by the Board of Governors of The Florida Bar.

VI. ATTENDANCE AT ETHICS SCHOOL: Respondent shall attend the next scheduled Professionalism Workshop or other professional enhancement program recommended by The Florida Bar scheduled after the date of the order of the Florida Supreme Court accepting this agreed diversion.

VII. EFFECT OF DIVERSION: Diversion to a practice and professionalism enhancement program shall close this disciplinary 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 disciplinary 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 to which the respondent is referred and sending the required letters of apology shall:

- 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 3rd day of December, 2014.


James Matthew Colaw
Referee

Original To: 12/3/14 WT

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927 e-file@flcourts.org

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