

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Supreme Court Case No.
SC17-1514

v.

The Florida Bar File No.
2017-00,154(4A)

ANTHONY WAYNE BLACKBURN,

Respondent.

/

AMENDED¹ REPORT OF REFEREE
ACCEPTING CONSENT JUDGMENT

BY SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as Referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On August 10, 2017, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. Thereafter the parties reached an agreement and submitted a Consent Judgment for the court's approval. The court has reviewed the Consent Judgment and hereby approves the disposition. All of the aforementioned pleadings, responses thereto, exhibits received in

¹To correct date of admission and add language recommending suspension to begin in the new year.

FILED
JOHN A. TOMASINO
NOV -1 2017
CLERK, SUPREME COURT

evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case. Pursuant to the parties' Consent Judgment, I find:

1. On September 16, 2016, respondent was arrested in Duval County and charged with battery [Fla. Stat. §783.04(1)(a)] following incidents with two female clients he represented in criminal matters -- Kristina A. Dillman and Jesmyr Mulero-Garces.

2. According to the Arrest Warrant Affidavit, respondent visited Ms. Dillman and Ms. Mulero-Garces on September 3, 2016, while they were incarcerated at the Pre-Trial Detention Facility.

3. While in adjacent interview rooms at the detention facility, respondent and the two female inmates engaged in sexual activities initiated by respondent.

4. Respondent solicited the sexual conduct with Ms. Mulero-Garces by depositing money into her personal bank account and with Ms. Dillman

by promising free or discounted legal services designed to achieve a reduced jail sentence.

5. Respondent subsequently entered into a plea agreement on May 25, 2017, pleading no contest to Misdemeanor Battery.

6. Respondent's adjudication was withheld, he was sentenced to one day in jail, credit for time served, unsupervised probation, and ordered to pay costs. All other charges were dismissed.

7. In addition to the foregoing, respondent voluntarily sought treatment with Florida Lawyer's Assistance, Inc.

III. RECOMMENDATIONS AS TO GUILT

Based on the parties' Consent Judgment, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.4 (criminal misconduct), 4-8.4(a) (violate or attempt to violate the Rules of Professional Conduct), 4-8.4(b) (commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), and 4-8.4(i) (engage in sexual conduct with a client or a representative of a client that exploits or adversely affects the interests of the client or the lawyer-client relationship).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY

5.12 Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included within Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

7.0 VIOLATIONS OF OTHER DUTIES OWED AS A PROFESSIONAL

7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

9.2 AGGRAVATION

- (a) prior disciplinary offenses;
- (d) multiple offenses;
- (h) vulnerability of victim;

9.3 MITIGATION

- (c) personal or emotional problems;
- (l) remorse.

V. CASE LAW

I considered the following case law prior to recommending discipline:

TFB v. Boone, SC10-194, 67 So. 3d 200 (Fla. 2011). Attorney suspended for one year via consent judgment for engaging in unwanted sexual conduct with a client that adversely affected the client's interests.

TFB v. Bryant, SC94-965, 813 So. 2d 38 (Fla 2002). Attorney suspended for one year, ordered to attend ethics school prior to reinstatement, and two years' probation for engaging in sexual conduct with a client that adversely affected the client's interests.

TFB v. Samaha, SC72-835, 557 So. 2d 1349 (Fla. 1990). Attorney suspended for one year for taking seminude photographs of female client and touching of client on back and thighs.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

Based on the parties' Consent Judgment, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. Suspension from the practice of law for 18 months; Respondent has requested, without objection, that his suspension be ordered to begin in January or February 2018.

B. Respondent shall complete The Florida Bar's Ethics School as a condition precedent to reinstatement;

C. Respondent will contact Florida Lawyers Assistance, Inc. (FLA, Inc.), at 800-282-8981 for an evaluation within 30 days of the order of the Supreme court of Florida. At the end of the 60-day period, respondent will provide the Bar's headquarters office with proof that respondent has scheduled an evaluation. Respondent will abide by all recommendations made by FLA, Inc. including, but not limited to, entering into a rehabilitation contract. Should a rehabilitative contract result from the FLA, Inc. evaluation, Respondent shall enter into the contract within 30 days of the recommendation. FLA, Inc. will monitor Respondent's compliance with the rehabilitation contract.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent:

Age: 46

Date admitted to the Bar: September 24, 2005

Prior Discipline: Respondent was suspended for 30 days via Supreme Court Order dated September 4, 2014, in SC14-1429, TFB File No. 2013-00,913(4A).

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

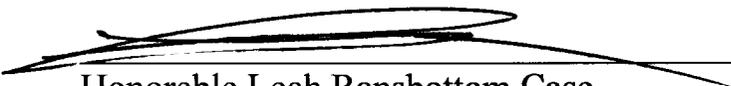
I find the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$417.67
Bar Counsel Costs	\$65.84

Administrative Fee	\$1250.00
TOTAL	\$1,688.51

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 31 day of October, 2017.



Honorable Leah Ransbottom Case
Circuit Court Judge and Referee
251 N Ridgewood Ave
Daytona Beach, FL 32114-3275

Original To:

Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

Carlos Alberto Leon, Bar Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida, 32399-2300, cleon@floridabar.org

Dale C. Carson, Dale C. Carson Attorney PA, 233 East Bay Street, Suite 1101 Jacksonville, Florida, 32202-3461, DCarson@dalecarsonlaw.com

Adria E. Quintela, Staff Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida, 33323, aquintel@floridabar.org