

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

Supreme Court Case
No. SC17-1008

The Florida Bar File
No. 2016-30,879(19A)

REGINALD BERNARD SESSIONS,

Respondent.

_____ /

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Reginald Bernard Sessions, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter by Barry William Rigby.
3. There has been a finding of probable cause by the grievance committee.
4. The disciplinary measures to be imposed upon respondent are as follows:

A. Suspension from the practice of law for 20 days with automatic reinstatement at the end of the period of suspension as provided in R. Reg. Fla. Bar 3-5.1(e).

B. Upon automatic reinstatement to the practice of law, respondent shall be placed on probation for a period of nine months. The terms and conditions of probation are as follows:

1) Nine-month period of non-reporting probation is to commence on the date of the issuance of the order of the Supreme Court of Florida during which time respondent will undergo an office procedures and record-keeping analysis by and under the direction of the Diversion/Discipline Consultation Service (hereinafter DDCCS) of The Florida Bar. Respondent shall cooperate with DDCCS in the conduct thereof. Respondent shall fully comply with and implement, at respondent's sole expense, all recommendations made by DDCCS, which recommendations shall be in accordance with the Office Procedures and Record Keeping Guidelines of DDCCS.

2) Respondent shall be required to contact DDCCS staff within 30 days from the date of the court's order to schedule a review. A final review by DDCCS staff shall be conducted not less than 45 days prior to the termination of probation. This final review shall confirm compliance with, and implementation of, the recommendations of DDCCS. DDCCS may require such

additional interviews or reviews as it may, in its sole discretion, deem necessary or advisable.

3) Respondent shall pay all fees and expenses of DDCCS incurred or required in connection with the conduct of its analysis. The minimum fees and costs to be associated with this DDCCS review shall be \$2,000.00. Please check with DDCCS regarding the fee to be assessed as there is a sliding scale depending on the size of the firm. Respondent shall be responsible for any additional fees and/or costs associated with this review. DDCCS shall provide the Lawyer Regulation Department of The Florida Bar with status reports as to the ordered analysis.

C. Payment of the discipline costs.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Respondent, the court-appointed attorney, failed to provide diligent representation and failed to communicate adequately to his client in a termination of parental rights case and the subsequent appellate matter.

B. While respondent timely filed a notice of appeal, he failed to file a designation to the court reporter and directions to the clerk of court as required by the appellate rules. The appellate court dismissed the appeal due to lack of prosecution and entered several orders stating that respondent failed to sufficiently clarify the status of his representation of appellant at either the trial or appellate level.

C. The Office of the Statewide Guardian ad Litem filed a motion to get a lawyer appointed for appellate purposes because respondent failed to ensure his client received representation. As a result of respondent's failure to withdraw or ensure his client received representation, the appeal was delayed by six months.

7. Based upon the foregoing, respondent violated the following Rules Regulating The Florida Bar: 4-1.1 Client-Lawyer Relationship; Competence, 4-1.3 Diligence, 4-1.4(a)(1)-(4), Informing Client of Status of Representation; and, 4-8.4(d) Misconduct.

8. In aggravation, respondent has two public reprimands (2011 and 2015) and a prior admonishment (2006) [9.22(a)]; and he has substantial experience in the practice of law, admitted since 1996 [9.22(i)].

9. In mitigation, respondent did not display a dishonest or selfish motive [9.32(b)]; full and free disclosure to disciplinary board or cooperative attitude toward the proceedings [9.32(e)]; and respondent displayed remorse for his misconduct [9.32(l)].

10. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

11. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$2,585.11. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate.

Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law


pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

13. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

14. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 24 day of Oct 24, 2017.



REGINALD BERNARD SESSIONS

Respondent

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Florida Bar ID No. 98922

sessionslawfirm@aol.com

Dated this 24 day of October, 2017.



BARRY WILLIAM RIGBY

Counsel for Respondent

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Dated this 24th day of October, 2017.

A handwritten signature in cursive script that reads "Carrie C. Lee".

CARRIE CONSTANCE LEE
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