

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

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THE FLORIDA BAR

THE FLORIDA BAR
FORT LAUDERDALE OFFICE

Case No. SC12-1362
[TFB No. 2013-50,047(15C)(FRE)]

IN RE: PETITION FOR REINSTATEMENT OF

MARY ALICE GWYNN.
_____ /

REPORT OF REFEREE ON PETITION FOR REINSTATEMENT

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct reinstatement proceedings herein according to the Rules Regulating The Florida Bar, on or about October 29, 2012, the parties entered into a stipulation regarding the reinstatement of the petitioner. The stipulation states that a summary procedure will be conducted in this matter pursuant to Florida Bar Rule 3-7.10(h)(4). The pleadings, which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Michael C. Greenberg

For the petitioner - Joel M. Klaitz

II. Findings of Fact: After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find:

1. The Supreme Court of Florida suspended petitioner for a period of 91 days by order dated February 16, 2012 in *The Florida Bar v. Mary Alice Gwynn*,

Case No. SC08-622, [TFB Case Nos. 2004-51,111(15C), 2004-51,254(15C) and 2006-51,409(15C)].

2. Petitioner filed her Petition for Reinstatement attaching all pertinent documents on July 3, 2012.

3. Petitioner has assisted the bar in its investigation of petitioner's rehabilitation and fitness for reinstatement.

III. Stipulation for Summary Proceedings: The petitioner and The Florida Bar stipulate to the issue of reinstatement, including conditions thereon and costs, as permitted by R. Regulating Fla. Bar 3-7.10(h)(4) and state:

- (A) That The Florida Bar completed its discovery of the Petition for Reinstatement of Mary Alice Gwynn and was unable to discover any evidence on which denial of reinstatement may be based;
- (B) That no person has provided any evidence to The Florida Bar for the denial of reinstatement;
- (C) That the designated reviewer and staff counsel have approved a stipulation for reinstatement, including conditions to be imposed thereon, and the statement of costs to be paid by petitioner; and
- (D) That all of the elements for reinstatement, as required under the decision of the Supreme Court of Florida in Petition of Wolf, 257 So. 2d 547 (Fla. 1972), have been met, which include: (1) strict

compliance with the specific conditions of the disciplinary order, such as payment of costs, as was required in this instance; (2) evidence of unimpeachable character and moral standing in the community; (3) clear evidence of a good reputation for professional ability; (4) evidence of a lack of malice and ill feeling by the petitioner toward those who by duty were compelled to bring about the disciplinary proceeding; (5) personal assurances, supported by corroborating evidence, revealing a sense of repentance, as well as a desire and intention of the petitioner, to conduct herself in an exemplary fashion in the future.

IV. Recommendations as to Whether the Petitioner Should Be Reinstated:

After completion of discovery, and after independent verification of the information presented by the petitioner's Petition for Reinstatement, The Florida Bar's counsel having been unable to discover any evidence upon which denial of reinstatement may be based, and no other person having come forward with contrary evidence in response to The Florida Bar's publications, and, in further consideration of The Florida Bar's counsel having gained the approval of the designated reviewer and staff counsel to The Florida Bar, the stipulation of the parties is hereby accepted. The referee, therefore, recommends reinstatement of the petitioner.

V. Personal History and Past Disciplinary Record:

Age: 57

Date admitted to bar: April 26, 1991

Prior disciplinary convictions and disciplinary measures imposed therein:
Petitioner was suspended for 91 days. It is this suspension from which she petitions for reinstatement.

VI. Recommendation as to Special Conditions or Probation:

Petitioner agrees that, if reinstated, she will be placed on probation for a period of 2 years. As a condition of her probation, petitioner will continue to receive counseling monthly through Florida Lawyers Assistance, Inc. Petitioner shall pay a \$100.00 a month probation monitoring fee to The Florida Bar headquarters office in Tallahassee, Florida. All monthly monitoring fees must be remitted no later than the end of each respective month in which the monitoring fee is due.

Dated this _____ day of _____, 20__.

JOHN B. BOWMAN

DEC 17 2012

A True Copy

John B. Bowman
Circuit Court Judge and Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

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