

Supreme Court of Florida

TUESDAY, APRIL 23, 2019

CASE NO.: SC17-1234

Lower Tribunal No(s):
2016-70,337 (11M)

THE FLORIDA BAR

vs. RAUL ENRIQUE GARCIA, JR.

Complainant(s)

Respondent(s)

Upon consideration of the report of referee and the briefs filed in this case, the report of the referee is approved in part and disapproved in part. The referee's recommendation that respondent be found guilty of violating Rules Regulating the Florida Bar 3-4.3, 4-1.4(a), 4-8.4(a), 4-8.4(c), 5-1.1(b), 5-1.1(e), 5-1.2(b), and 5-1.2(d) is hereby approved. The referee's findings in mitigation are approved except for the finding of remoteness of prior offenses, which is disapproved. The Court also finds that the record supports the following findings in aggravation under Florida Standard for Imposing Lawyer Sanctions 9.22: (1) a pattern of misconduct and (2) multiple offenses. The referee's recommended discipline of a ninety-day suspension is hereby disapproved, and respondent Raul Enrique Garcia, Jr., is suspended from the practice of law for three years, effective thirty days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is

no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an order making the suspension effective immediately.

Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). In addition, respondent shall accept no new business from the date this order is filed until he is reinstated. Respondent is further directed to comply with all other terms and conditions of the report.

Upon reinstatement, respondent is further placed on probation for one year under the terms and conditions set forth in the report.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Raul Enrique Garcia, Jr., in the amount of \$30,127.93, for which sum let execution issue.

Not final until time expires to file motion for rehearing and, if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

LABARGA, LAGOA, LUCK, and MUÑIZ, JJ., concur.
CANADY, C.J., concurs in part and dissents in part with an opinion, in which POLSTON and LAWSON, JJ., concur.

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CANADY, C.J., concurring in part and dissenting in part.

I concur with the majority except that I would impose the sanction of
disbarment.

POLSTON and LAWSON, JJ., concur.

A True Copy
Test:



John A. Tomasino
Clerk, Supreme Court



as
Served:

HERMAN JOSEPH RUSSOMANNO
WILLIAM MULLIGAN
HERMAN JOSEPH RUSSOMANNO, III
ADRIA E. QUINTELA
HON. ALBERTO MILIAN, JUDGE