

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

ALYSCHA LAUREN JOHNSON,

Respondent.

Supreme Court Case No.
SC17-1271

The Florida Bar File Nos.
2017-00,431(4C) & 2017-00,448(4C)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **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 April 26, 2017, Respondent stipulated to probable cause in this case. On June 6, 2017, The Florida Bar filed its Complaint against Respondent. Thereafter the parties submitted a Consent Judgment which the Court has reviewed and now rarifies. All of the aforementioned pleadings, responses thereto, exhibits received in 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.

1. In February 2017, a Judge before whom Respondent was to appear advised the Bar that Respondent had missed court appearances and could not be located.

2. Once the Bar located Respondent, she admitted that she was struggling with personal stress and needed to withdraw, for the time being, from further legal work and court appearances.

3. The Bar referred Respondent to Florida Lawyer's Assistance, Inc. for an evaluation and treatment if necessary and that process is underway.

4. In the meantime, the Bar has endeavored to advise the courts of the situation and to help her clients to the extent possible.

III. RECOMMENDATIONS AS TO GUILT

Based on the foregoing, Respondent's stipulation, and the parties' Consent Judgment, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.3(diligence), 4-1.4(communication), and 4-8.4(a)(misconduct).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

7.0 VIOLATIONS OF OTHER DUTIES OWED AS A PROFESSIONAL

7.3 Public reprimand is appropriate when a lawyer negligently 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.

9.3 MITIGATION

- (a) absence of a prior disciplinary record;
- (b) absence of dishonest or selfish motive;
- (c) personal or emotional problems;
- (d) timely good faith effort to make restitution or to rectify consequences of misconduct;
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- (f) remorse.

V. CASE LAW

I considered the following case law prior to recommending discipline:

Fla. Bar v. Martocci, 791 So. 2d 1074 (Fla. 2001) - Public Reprimand, two-year period of probation, FLA for help with mental health challenges and costs for neglect.

Fla. Bar v. Greenspan, 708 So. 2d 926 (Fla. 1998) - Public Reprimand, one year of conditional probation, and costs for neglect.

Fla. Bar v. Grigsby, 641 So.2d 1341 (1994) - Public Reprimand and three years of conditional probation. The respondent was also required to continue therapy for depression, be supervised by an attorney to monitor case files, and to reimburse all monitoring and case-related costs to The Bar.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

A. Public Reprimand by service of the Supreme Court's Order,

B. 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 agrees to be placed on probation for the period of the FLA contract, but such probationary period shall not exceed five years.

C. Respondent will pay a Florida Lawyers Assistance, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 a month to The Florida Bar's headquarters office. All monthly monitoring fees must be remitted no later than the end of each respective month in which the monitoring fee is due. All fees must be paid to the Bar's headquarters office in Tallahassee. Failure to pay shall be deemed cause to revoke probation.

D. Respondent is required to pay restitution to Kevin Radford in the amount of \$1000.00 and Ronald Norvelle in the amount of \$2500.00 within six

months of the Supreme Court Order in this case. Respondent shall provide verifiable proof of payment to the Bar's headquarters office after each restitution payment made. Verifiable proof of payment shall consist of a copy (front and back) of the negotiated check or a copy of the check and certified return receipt.

E. Payment of The Bar's costs.

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: 36

Date admitted to the Bar: September 17, 1980

Prior Discipline: None

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	\$342.48
Administrative Fee	\$1,250.00

TOTAL	\$1,592.48
-------	------------

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 4th day of December, 2017.

/s/ J. Michael Traynor
Honorable John Michael Traynor
Circuit Court Judge and Referee
St. Johns County Judicial Center
4010 Lewis Speedway Ste 305
St. Augustine, FL 32084-8637

Original To:

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

Conformed Copies to:

Alyscha Lauren Johnson, lawofficeaj@gmail.com

Carlos Alberto Leon, cleon@flabar.org

Adria E. Quintela, Staff Counsel, The Florida Bar, aquintel@flabar.org