

# Supreme Court of Florida

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No. 68,115

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THE FLORIDA BAR, Complainant,

v.

BRIAN J. FOGARTY, Respondent

[March 27, 1986]

PER CURIAM.

Upon the filing of the Unconditional Guilty Plea and Consent Judgment for Discipline this Court appointed a referee to conduct a hearing regarding Fogarty's alleged misconduct. The unconditional plea for consent judgment,\* acknowledges his violation of Florida Bar Code of Professional Responsibility, Disciplinary Rules 1-102(A)(1), (4), (5) and (6), and 6-101(A)(3). The referee recommended that Fogarty be found guilty in accordance with his unconditional plea and that he be suspended from the practice of law for a period of six (6) months and continuing thereafter until proof of rehabilitation; and further that respondent shall refund legal fees in the amount of Two Thousand Dollars and No Cents (\$2,000.00) to his former client, Vickie L. Bennett.

Neither side contests the referee's report which we hereby adopt. Accordingly, Brian J. Fogarty is hereby suspended from the practice of law for a period of six (6) months effective

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\*We feel it unnecessary to publish the full text of the plea. The Court file is open for inspection.

thirty (30) days from the filing of this opinion and continuing thereafter until proof of rehabilitation; and further is directed to refund legal fees in the amount of Two Thousand Dollars and No Cents (\$2,000.00) to his former client, Vickie L. Bennett.

Judgment for costs in the amount of \$521.23 is hereby entered against respondent, for which sum let execution issue.

It is so ordered.

ADKINS, Acting Chief Justice, and OVERTON, EHRLICH, SHAW and BARKETT, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS SUSPENSION.

Original Proceeding - The Florida Bar

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Staff Counsel, Tallahassee, Florida; and Richard B. Liss,  
Bar Counsel, Ft. Lauderdale, Florida,

for Complainant

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for Respondent