



THE FLORIDA BAR

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Federal Trade Commission
Office of the Secretary
Room H-135 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Follow-up to FTC "Mortgage Assistance Relief Services" Rulemaking
Rule No. R911003, 75 Fed. Reg. 10707 (March 9, 2010)

Dear Ms. Sullivan:

This letter is written as follow-up to the telephone conference held on June 21, 2010 between the Florida Bar and Federal Trade Commission staff discussing discipline actions taken by Florida against attorneys engaged in loan modification or mortgage fraud and Florida's disciplinary process generally.

As of June 1, 2010, the membership of The Florida Bar totaled 88,935. We currently have 142 pending cases against 42 lawyers involving loan modification services and 13 pending cases involving loan modification advertisements involving 13 lawyers. In the past year, we have closed 85 cases involving 72 lawyers without discipline where the allegations related to loan modification services and 32 cases that resulted in discipline to 4 lawyers. Additionally, as to allegations concerning loan modification advertisements, there were 37 closed cases without discipline and 5 cases resulting in 4 disciplines. It should be noted that on minor violations, the resolution of a case may be diversion which is not considered a discipline but requires the accused lawyer to complete a Practice and Professionalism Enhancement Program. The percentage of disciplines for advertising violations is approximately 12% and for loan modification services is approximately 27%.

Additionally, we have 19 pending files involving 18 lawyers concerning mortgage fraud. Over the past year, we have closed 37 files involving 32 lawyers without discipline where the allegations related to mortgage fraud, and 40 cases involving 29 lawyers that have resulted in discipline. Approximately 52% of our mortgage fraud cases have resulted in discipline. The total number of attorneys who have been disciplined for mortgage fraud is 29 and the sanctions include 15 disbarments and 6 suspensions.

If there is any other information that would be helpful, please feel free to contact us.

Sincerely,

Kenneth L. Marvin
Staff Counsel
Director, Lawyer Regulation

KLM/mm