

IN THE SUPREME COURT OF THE STATE OF FLORIDA
BEFORE A REFEREE

THE FLORIDA BAR,
Complainant,

v.

JOHN L. JAMES,
Respondent.

CASE NUMBERS:

62,951
63,852
65,143

FILED
SID J. WHITE
FEB 1 1985
CLERK, SUPREME COURT
Deputy Clerk

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, hearings were held on the following date:

In Tallahassee, Florida, on December 17, 1984.

The following attorneys appeared as counsel for the parties:

For the Florida Bar: James N. Watson, Jr.

For the Respondent: Judith K. Dougherty

II. It was agreed by the parties that the above numbered three cases would be consolidated for hearing.

Findings of Fact as to Each Item of misconduct of which the Respondent is charged: After considering all of the pleadings and evidence before me, pertinent portions of which are commented upon below, I find:

In Complaint number 62,951, the undersigned referee finds that the Complainant has presented clear and convincing evidence to substantiate the allegations of paragraphs numbers 1, 2, 3, 4, 5, 6 as Amended, 7, 9, 10, 11, 12, 14, and 15. The allegations in paragraph number 8 and 13 were not proven to the satisfaction of the undersigned referee.

I recommend that the Respondent be found guilty of the following violations of his oath as an attorney, the Integration Rules of The Florida Bar and Disciplinary Rules of the Code of Professional Responsibility, to-wit: DR 1-102 (A) (4,) DR5-107 (B), and DR7-101 (A) (3).

III. In Complaint number 63,652, the Respondent filed a Motion to Dismiss. The referee took that matter under advisement and agreed to hear it at the same time the fact finding hearing was to be conducted. At that fact finding hearing it was agreed that the referee would rule on that Motion to Dismiss after hearing testimony presented by the parties. The referee having considered that Motion to Dismiss the same is hereby denied. The undersigned referee finds that the Complainant has presented clear and convincing evidence to substantiate the allegations of all 15 paragraphs of this Complaint.

I recommend that the Respondent be found guilty of the following violations of his oath as an attorney, the Integration Rules of The Florida Bar and Disciplinary Rules of the Code of Professional Responsibility, to-wit: DR-1-102 (A) (2), (5) and (6), DR-7-104 (A) (1), DR-7-106 (C) (5) and (7), and DR-7-110 (B).

IV. In Complaint number 65,143, the undersigned referee finds that the Complainant has presented clear and convincing evidence to substantiate the allegations of paragraphs 1, 2, 3, 4, 5, 6, 7 as Amended, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 as Amended, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47. Paragraphs number 8 and 16 were not proven to the satisfaction of the undersigned referee.

I recommend that the Respondent be found guilty of the following violations of his oath as an attorney, the Integration Rules of The Florida Bar and Disciplinary Rules of the Code of Professional Responsibility, to-wit: Disciplinary Rule 3-101 (A) (aiding non-lawyer in the unauthorized practice of law), 3-102 (A) (sharing legal fees with a non-lawyer and 3-103 (forming a partnership with a non-lawyer when part of the partnership business is the practice of law.)

V. As to Count II of Complaint number 65,143, consisting of paragraphs 48 thru 66, the Respondent has admitted all of those allegations and should therefore be found guilty of the following violations of his oath as an attorney, the Intergration Rules of The Florida Bar, and Disciplinary Rules of the Code of Professional Responsibility, to-wit: Disciplinary Rules 1-102 (A) (5) (engaging in conduct prejudicial to the administration of justice), 1-102 (A) (6) (conduct which adversely reflects on his ability to practice law) and 7-101 (A) (3) (conduct which prejudices or damages a client in the course of the professional relationship).

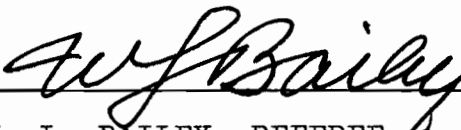
I recommend that the Respondent be suspended for a period of four (4) months and thereafter until he shall prove his rehabilitation as provided in Rule 11.10 (4). I further recommend that the Respondent be required to show proof of rehabilitation and to attend an ethics seminar or required to pass the ethics section of The Florida Bar exam.

In making the above recommendation I have considered the date that the Respondent was admitted to The Florida Bar, the delays of The Florida Bar in bringing to a conclusion the accumulated three (3) different Complaints, and the fact that all three (3) Complaints occurred shortly after Respondent was admitted to the practice of law and which was approximately four (4) years prior to this date.

VI. The referee does not make any recommendation as to costs since the costs of these proceedings have not been supplied to the referee. The transcript of the proceedings has not been transcribed and filed with the referee at this time but the referee presumes that they will be routinely transcribed and filed with this record and the referee has not been supplied by The Florida Bar with its expenses in connection with this proceeding. It is apparent that costs


have been expended and it is recommended that costs be assessed against the Respondent but this referee has no knowledge of what those costs should be at this time.

This the 31st day of January, 1985.



W. L. BAILEY, REFEREE

I HEREBY CERTIFY that a copy of the above report has been furnished by mail to Honorable James M. Watson, Jr. The Florida Bar, Tallahassee, Florida, 32301, and to Honorable Judith K. Daugherty, Attorney for Respondent, by mail at 906 Thomasville Road, P. O. Box 1175, Tallahassee, Florida, 32302-1175, this the 1st day of February, 1985.



W. L. BAILEY, REFEREE