

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

WILLIAM B. LACKLAND,

Respondent.

CONFIDENTIAL

Case No. 63,424  
(TFB #13B83H02)

**FILED**

SID J. WHITE

**AUG 29 1984**

CLERK, SUPREME COURT.

By \_\_\_\_\_  
Chief 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 the following proceedings occurred: On November 15, 1983, respondent tendered a Conditional Guilty Plea for Consent Judgment involving discipline by ninety (90) days suspension, one (1) year probation with alcohol rehabilitation and payment of costs. On May 17, 1984, the Referee had for consideration a hearing on the Conditional Guilty Plea. Despite proper notice, respondent failed to appear at said hearing. After considering general allegations by The Bar as to respondent's recent pattern of conduct relevant to respondent's problem of alcohol abuse, which is the subject matter of The Bar's original Complaint, the Referee rejected respondent's Conditional Guilty Plea. The Referee then recommended that any Conditional Guilty Plea for Consent Judgment thereafter entered by respondent involve discipline with a minimum of a ninety-one (91) day suspension and thereafter until he shall prove his rehabilitation as provided in Integration Rule 11.10(4) and payment of costs. Additionally, the Referee ordered that pursuant to Integration 11.12, the confidentiality of this matter no longer be maintained.

On July 23, 1984, respondent tendered a Conditional Guilty Plea for Consent Judgment involving a ninety one (91) day suspension with proof of rehabilitation and payment of costs. The Complaint, Guilty Pleas, and The Bar's recommendations as to discipline constitute the record in this case.

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all the pleadings and evidence before me, I find: The facts are as set forth in the Complaint filed by The Florida Bar. Respondent admitted to each count of this complaint through a guilty plea which can be found in the record. The body of the complaint filed by The Florida Bar is as follows:

1. Respondent is, and at all times hereinafter mentioned was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. On or about March 5, 1982, respondent was arrested by a Hillsborough County Sheriff at a bar located at 1518 East Fletcher Avenue, Tampa, Florida, and charged with two counts of aggravated assault.
3. Respondent was charged with threatening two individuals in the bar with a loaded .38 caliber revolver. According to the officer who made the arrest, respondent was quite intoxicated at the time of the accident.
4. On or about July 7, 1982, respondent entered a Nolo Contendre Plea to the aggravated assault charge. Adjudication of guilt was withheld on each count and respondent was placed on three years supervised probation, and was ordered by the Judge to seek and obtain alcoholic evaluation and treatment, if necessary.

5. By reason of the foregoing, respondent has violated Disciplinary Rule 1-102(A)(1)(violating a disciplinary rule); DR 1-102(A)(5) (engaging in conduct prejudicial to the administration of justice); and DR 1-102(A)(6)(engaging in conduct that adversely reflects on fitness to practice law).

COUNT II

6. Complainant realleges those matters set out in Paragraph one, above.

7. On April 28, 1982, respondent, his wife and another couple were having drinks at a restaurant, Victoria Station, in Tampa, Florida. The restaurant manager telephoned the police to report that respondent and his party were disorderly and that she wished the to leave the restaurant. Respondent left the restaurant and went out to the parking lot. The police officer followed respondent outside and observed him urinating in the parking lot, in front of the restaurant. Respondent was in plain view of traffic passing in the northbound lane of Dale Mabry, as well as of the patrons inside the restaurant. The police officer arrested respondent for indecent exposure.

8. Adjudication was withheld and respondent was fined \$100.00 and placed on six (6) months supervisory probation.

9. By reason of the foregoing, respondent has violated Disciplinary Rule 1-102(A)(1)(violating a disciplinary rule); DR 1-102(A)(5)(engaging in conduct prejudicial to the administration of justice); and DR 1-102(A)(6) (engaging in conduct that adversely reflects on fitness to practice law).

III. Recommendation as to Whether or not the Respondent should be found Guilty: I hereby accept respondent's Conditional Guilty Plea and recommend that respondent be found guilty of the following violations:

The Florida Bar Code of Professional Responsibility Disciplinary Rule 1-102(A)(1)(violating a disciplinary rule); DR 1-102(A)(5)(engaging in conduct prejudicial to the administration of justice); and DR 1-102(A)(6) (engaging in conduct that adversely reflects on fitness to practice law).

IV. Recommendation as to Disciplinary Measure to be Applied: I recommend that respondent be suspended from the practice of law for a period of ninety-one (91) days and thereafter pending proof of rehabilitation, as provided in Integration Rule 11.10(4) including but not limited to proof of alcohol rehabilitation which relates directly to the matters in The Bar's Complaint and respondent's fitness to resume the practice of law under Rule 11.10(4). It is further recommended that respondent pay costs in this matter.

V. Personal History and Past Disciplinary Record: After finding respondent guilty and prior to recommending discipline, I considered the following:

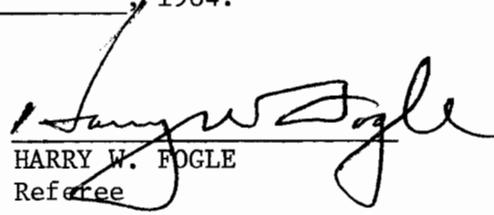
- (1) Admitted to The Bar: 1973
- (2) Age: 36 years
- (3) Prior Discipline: None
- (4) Respondent is currently serving a three-year supervised probation stemming from charges of aggravated assault and was ordered to seek and obtain alcoholic evaluation and treatment, if necessary.

VI. Statement of Costs and Manner in Which Costs Should be Taxed: It is recommended that the following costs reasonably expended by The Florida Bar in this proceeding be taxed against respondent. The breakdown of costs is as follows:

1. Grievance Committee Level	
Administrative Costs	\$150.00
Florida Bar Integration Rule, Article XI, Rule 11.06(9)(a)	
Court Reporter Costs	140.25

2. Referee Level	
Administrative Costs	150.00
Florida Bar Integration Rule, Article XI, Rule 11.06(9)(a)	
Court Reporter Costs	30.00
3. Investigative Costs	75.00
Typing Costs	22.11
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Total Costs	\$567.36

Dated this 24~~th~~ day of August, 1984.

  
HARRY W. FOGLE  
Referee

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By \_\_\_\_\_  
Chief Deputy Clerk

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT  
INVOLVING DISCIPLINE BY NINETY-ONE (91) DAY SUSPENSION,  
AND THEREAFTER PENDING PROOF OF REHABILITATION AND PAYMENT OF COSTS

COMES NOW, the undersigned accused and states that having been advised of the nature of the charges against him, it is his present intention pursuant to Florida Bar Integration Rule, Article XI, Rule 11.13(6)(a) to tender a conditional plea of guilty in exchange for the agreement of The Florida Bar to recommend that respondent be disciplined by a ninety-one (91) day suspension and thereafter pending proof of rehabilitation. Respondent further agrees to the payment of costs in this disciplinary matter.

Costs in this matter equal:

Administrative Costs - Grievance Committee Level	\$150.00
Court Reporter Costs	140.25
Administrative Costs - Referee Level	150.00
Court Reporter	30.00

Total Costs to Date \$470.25

Respondent hereby agrees to pay these costs within thirty (30) days following the order of final discipline.

COMES NOW, the respondent in this matter and affirms that it is his present intent to tender a conditional guilty plea for consent judgment involving discipline by a ninety-one (91) day suspension and thereafter pending proof of rehabilitation.

*Diene Victor Kuenzel*

DIANE VICTOR KUENZEL  
Bar Counsel

Aug 9, 1984  
DATE

*William B. Roubel*  
RESPONDENT

7/23/84  
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Diane V. Lutes, Bar Counsel, at The Florida Bar, Suite C-49, Tampa Airport Marriott Hotel, Tampa, Florida 33607, by hand delivery on this 23<sup>rd</sup> day of July, 1984.

William B. Lackland  
WILLIAM B. LACKLAND