

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

CONFIDENTIAL  
Case No. 63,497  
(TFB No. 06A82H12)

vs.

LYDIA S. CASTLE,  
Respondent.

FILED  
NOV 19 1986

CLERK, SUPREME COURT

By

REPORT OF REFEREE Deputy Clerk

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the article XI of the Integration Rule of The Florida Bar, a final hearing was held on December 30, 1985 and a sanctions hearing on August 6, 1986. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties.

For The Florida Bar  
For the Respondent

Steve Rushing  
pro se

II. Findings of fact as to each item of misconduct of which the respondent is charged: After considering all the pleadings and the evidence before me, I find as follows:

- a. That in November, 1979, respondent was retained to represent Patricia Vaccaro in a civil suit, for \$250.00.
- b. That respondent filed a civil suit on behalf of her client and that thereafter, a default judgment was entered in favor of respondent's client.
- c. That on August 26, 1980, a hearing was set in the cause on a motion to vacate the default to which hearing the respondent failed to attend, resulting in an order vacating default being entered.
- d. That respondent set the case for trial for May 18, 1981, with a Pre-trial Conference set for April 22, 1981.
- e. That respondent failed to appear at the Pre-trial Conference on April 22, 1981, and as a result, the trial judge dismissed the case without prejudice on May 14, 1981. Respondent never refiled the cause.

By reason of the foregoing, I find the respondent guilty of neglecting a legal matter, prejudicing or damaging her client and failing to carry out a contract of employment.

III. Recommendation as to whether or not the respondent should be found guilty: I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: DR 1-102(A)(5) (conduct prejudicial to the administrative of justice); DR 1-102(A)(6) (conduct which reflects on fitness to practice law); DR 6-101(A)(3) (neglect of

legal matter); DR 7-101(A)(2) (failure to carry out contract of employment); and DR 7-101(A)(3) (prejudice or damage to client).

IV. Recommendation as to disciplinary measures to be applied:

I recommend that the respondent be brought before the Board of Governors of The Florida Bar for a Public Reprimand, that the respondent be required to make restitution to Patricia Vaccaro in the amount of \$595.00, (\$250.00 attorneys fees for reimbursement and \$345.00 auto repairs for reimbursement) that respondent be placed on eighteen (18) months probation under the supervision of an attorney and that respondent pay the costs of these proceedings.


V. Personal history and past disciplinary record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent to wit:

- (1) Age: 44
- (2) Date admitted to The Bar: 6/26/76
- (3) Past disciplinary record: None
- (4) Mitigating factors: No prior grievance record and respondent was remorseful
- (5) Aggravating factors: Respondent failed to respond to The Florida Bar's complaint against her; she failed to appear before the Sixth Judicial Grievance Committee A; she failed to appear for several referee hearings although duly notified; and she failed to answer requests for admissions.

VI. Statement of Costs and manner in which costs should be taxed: I find the following costs were reasonably incurred by The Florida Bar. (Costs-to-date)

A. Grievance Committee Level:	
Administrative Costs:	\$150.00
Court Reporter: Appearance Fee	30.00
B. Referee Level	
Administrative Costs	150.00
Bar Counsel Travel Costs	42.91
Court Reporter: Appearance Fees	195.00
Transcripts	370.26
TOTAL COSTS	<u>\$938.17</u>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent, and that interest at the statutory rate shall be accrued and be payable beginning thirty (30) days after the judgment in this case becomes final unless a waiver is granted by The Board of Governors of The Florida Bar.

  
Honorable Phillip L. Knowles  
Referee  
November 14, 1986

cc: Lydia Castle, Respondent  
Steve Rushing, Branch Staff Counsel  
John T. Berry, Staff Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

CONFIDENTIAL  
Case No. 63,497  
(TFB No. 06A82H12)

vs.

LYDIA S. CASTLE,  
Respondent.

STATEMENT OF COSTS

Grievance Committee Level:

- |  |          |
|--|----------|
| 1. Administrative costs at the Grievance Committee level, The Florida Bar Integration Rule, article XI, Rule 11.069(9) (a) | \$150.00 |
| 2. Betty M. Lauria (3/8/84) Hearing  | \$30.00  |

Referee Level


- |  |        |
|--|--------|
| 1. Administrative costs at the Referee Level Florida Bar Integration Rule, article XI, Rule 11.06(9) (a) | 150.00 |
| 2. Betty M. Lauria (5/6/85)  |        |
| a. Appearance Fee: \$30.00   | 30.00  |
| b. Transcript Fee: \$25.85   | 25.85  |
| c. Postage: \$0.56   | .56    |
| 3. Betty M. Lauria (9/11/85)   |        |
| a. Appearance Fee: \$30.00   | 30.00  |
| b. Transcript Fee: \$32.90   | 32.90  |
| 4. Morgan J. Morey & Associates (12/30/85)   |        |
| a. Attendance: \$45.00   | 45.00  |
| b. Transcript Fee: \$67.20 (24 pages @ \$2.80)   | 67.20  |
| c. Transcript Fee: \$24.00 (24 pages @ \$1.00)   | 24.00  |
| d. Postage: \$3.30   | 3.30   |
| 5. Betty M. Lauria (8/7/86)  |        |
| a. Appearance Fee: \$60.00   | 60.00  |
| b. Transcript Fee: \$138.65  | 138.65 |

6. Accurate Stenotype Reporters (3/13/85)		
a. Appearance Fee: \$30.00		30.00
b. Transcript Fee: \$57.20 (22 pages @ \$2.60)		57.20
c. Xerox: (56 pages of exhibits)		19.60
d. Postage:		6.00
7. Bar Counsel Expenses: Steve Rushing		
9/11/85 (20 miles @ \$.27)		5.40
(parking \$.75)		.75
12/30/85 (48 miles @ \$.27)		12.96
(parking \$.50)		.50
5/6/85 (20 miles @ \$.28)		5.20
(parking \$.50)		.50
8/6/85 (20 miles @ \$.28)		9.10
(parking \$3.50)		3.50
	TOTAL COSTS	<u>\$938.17</u>

The foregoing costs have been incurred in the above-styled cause at the Grievance Committee and Referee level by The Florida Bar.

Dated this 7<sup>th</sup> day of November, 1986.

Respectfully submitted,

  
 STEVE RUSHING  
 Bar Staff Counsel  
 The Florida Bar, Suite C-49  
 Tampa Airport, Marriott Hotel  
 Tampa, Florida 33607  
 (813) 875-9821

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs has been furnished by regular U.S. Mail, to Lydia S. Castle, respondent, Post Office Box 358, St. Petersburg, Florida, 33731; and a copy to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida, 32301-8226; this 10<sup>th</sup> day of November, 1986.

  
 STEVE RUSHING