

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,
v.
RAYMOND E. LaPORTE,
Respondent.

CONFIDENTIAL

Case No. 63,527, 64,092,
85,817 and 66,083
(TFB #13B82H53) (TFB #13B83H68)
(TFB #13B82HD7) (TFB #13B84H73)
(TFB #13B83H41)

FILED

SID J. WHITE

MAY 13 1985

CLERK, SUPREME COURT

REPORT OF REFEREE

By _____
Chief 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 hearing was held on November 5, 1983 and November 13, 1984. The enclosed pleadings, orders, transcripts and exhibits, 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 Diane Victor Kuenzel

For The Respondent Respondent appeared en pro se

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, pertinent portions of which are commented upon below, I find:

1. Case No. 13B82H53 and 13B82HD7 (S.Ct. 63,527):

The facts are as set forth in the Complaint filed by The Florida Bar attached hereto.

2. Case No. 13B83H41 (S.Ct. 64,092):

The facts are as set forth in the Complaint filed by The Florida Bar attached hereto.

The referee finds that the problem in this case was caused by a lack of communication between respondent and his sole employee, i.e., his wife, secretary, and office manager. While respondent did not actively pursue his client's claim, he sought to remedy the problem once he became cognizant of the matter. Subsequently, the complainant pursued her remedies in the court system with the aid of another attorney.

3. Case No. 13B83H68 (S.Ct. 85,817):

The facts are set forth in the Complaint filed by The Florida Bar attached hereto.

Again, the referee finds that respondent's error was due to a lack of communication between respondent and his sole employee, i.e., his wife, secretary, and office manager. Mr. Baity has, by his own admission, been made whole in that respondent expended approximately twelve thousand dollars of his own funds to settle the matter.

4. Case No. 13B84H73 (S.Ct. 66,083):

The facts are set forth in the Complaint filed by The Florida Bar attached hereto.

III. Recommendation as to Whether or not the Respondent Should Be Found Guilty:

Case No. 13B82H53 and 13B82HD7 (S.Ct. 63,527):

I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Raymond E. LaPorte has violated Disciplinary Rules 9-102(A); Integration Rule, article XI, Rule 11.02(4) and 11.02(4)(a).

Case No. 13B83H41 (S.Ct. 64,092):

I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Raymond E. LaPorte has violated Disciplinary Rules 1-102(A)(1); DR 1-102(A)(4); DR 1-102(A)(6); DR 6-101(A)(3); DR 7-101(A)(3); and DR 7-102(A)(8).

Case No. 13B83H68 (S.Ct. 65,817):

I recommend that the respondent be found guilty of the following violations of the Code of Professional responsibility: That Raymond E. LaPorte has violated Disciplinary Rule 1-102(A)(4); DR 1-102(A)(5); DR 1-102(A)(6); DR 5-102(B); DR 6-101(A)(1); DR 6-101(A)(3); DR 6-102(A); DR 7-101(B); DR 7-102(A)(3); DR 7-102(A)(5); DR 7-102(A)(6); DR 7-102(A)(8); DR 9-102(A); DR 9-102(B)(1); DR 9-102(B)(2); DR 9-102(B)(3); and DR 9-102(B)(4).

Case No. 13B84H73 (S.Ct. 66,083):

I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Raymond E. LaPorte has violated Disciplinary Rule 1-102(A)(4) and Florida Bar Integration Rule, article XI, Rule 11.02(3)(A).

IV. Recommendation as to Disciplinary Measures to be Applied:

I recommend that the respondent receive a Public Reprimand with appearance before the Board of Governors. It is also the recommendation of this Referee that Mr. LaPorte be placed on a period of probation not to exceed two years, and during that period of time, The Florida Bar is to conduct unannounced inspections of Mr. LaPorte's law offices. If, at the end of a year, The Florida Bar is satisfied that Mr. LaPorte is properly managing his case load and also properly maintaining the requires trust accounts and proper financial practices, then the period of probation shall be terminated.

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: 56
- (2) Dated Admitted to Bar: 1953
- (3) Designated: Criminal Law
Certified: National Board of Trial Advocacy

- (4) Married, two dependents
- (5) Sole Practitioner
- (6) Respondent has no prior disciplinary record.
- (7) Respondent has reorganized his law practice to solely criminal defense work. He now closely monitors his case load and the financial aspects of the practice.
- (8) Respondent is an attorney of high professional reputation who generally performs in an outstanding manner on behalf of his clients. He is not likely to be a recidivist.

VI. Statement of Costs and Manner in which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

Case No. 63,527 (TFB #13B82H53 and 13B82HD7)

Grievance Committee Level Costs	
Administrative Costs (2 counts)	\$ 150.00
Court Reporter	54.25
Typist Cost	45.00
Bank Expenses	38.40
Referee Level Costs	
Administrative Costs (2 counts)	\$ 300.00
Court Reporter	62.20
Court Reporter	352.94
Auditor's Hours and Expenses	396.98
Typist Costs	51.00
	\$1,600.77

Case No. 64,092 (TFB #13B83H41)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter	74.20
Referee Level	
Administrative Costs	150.00
Court Reporter	188.60
Court Reporter	92.40
Staff Counsel Costs (11/13/84)	16.48
	\$ 671.68

Case No. 65,817 (TFB #13B83H68)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter	191.45
Referee Level	
Administrative Costs	150.00
Copy Costs	10.00
Express Mail Costs	11.50
Bank Charges	64.25
	\$ 577.20

Case No. 66,083 (TFB #13B84H73)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter Costs	122.50
Referee Level	
Administrative Costs	150.00
	<hr/>
	\$ 422.50
Investigator's Expenses - All Cases	
41.2 hours at \$14.00 per	\$ 576.80
Expenses	128.06
	<hr/>
	\$ 704.86
Total Costs to Date	\$3,977.01

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 accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by The Board of Governors of The Florida Bar.

DATED this 8th day of May, 1985.


HONORABLE THOMAS E. PENICK, JR.

Copies furnished to:
Raymond E. LaPorte
Diane Victor Kuenzel, Bar Counsel
John T. Berry, Staff Counsel

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

RAYMOND E. LAPORTE,

Respondent.

CONFIDENTIAL

Case No. 63,527,
64,092, 65,817, 66,083
(TFB #13B82H53, 13B82HD7,
13B83H41, 13B83H68, and
13B83H73)

COST SUMMARY

COMES NOW The Florida Bar, by and through undersigned
counsel and states that the costs in these proceedings are as
follows:

Case No. 63,527 (TFB #13B82H53 and 13B82HD7)

Grievance Committee Level	
Administrative Costs (2 counts)	\$ 300.00
Court Reporter	54.25
Typist Cost	45.00
Bank Expenses	38.40

Referee Level	
Administrative Costs (2 counts)	300.00
Court Reporter	62.20
Court Reporter	352.94
Auditor's Hours and Expenses	396.98
Typist Costs	51.00

\$1,600.77

Case No. 64,092 (TFB #13B83H41)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter	74.20

Referee Level	
Administrative Costs	150.00
Court Reporter	188.60
Court Reporter	92.40
Staff Counsel Costs (11/13/84)	16.48

\$ 671.68

Case No. 65,817 (TFB #13B83H68)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter	191.45

Referee Level	
Administrative Costs	150.00
Copy Costs	10.00
Express Mail Costs	11.50
Bank Charges	64.25

\$ 577.20

Case No. 66,083 (TFB #13B84H73)

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter Costs	122.50
Referee Level	
Administrative Costs	150.00
	<hr/>
	\$ 422.50
Investigator's Expenses - All Cases	
41.2 hours at \$14.00 per	\$ 576.80
Expenses	128.06
	<hr/>
	704.86
Total Costs to Date	\$3,977.01

By: *Diane Victor Kuenzel*
DIANE VICTOR KUENZEL
Bar Counsel
The Florida Bar
Suite C-49
Tampa Aiport
Marriott Hotel
Tampa, Florida 33607
(813) 875-9821