

FILED

SID J. WHITE

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CLERK, SUPREME COURT

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.
RICHARD H. HYATT,
Respondent.

CASE NO. 64,656 Chief Deputy Clerk

(09B82C27)
(09B82C38)
(09B83C21)
(09B83C34)

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, a hearing was held on October 26, 1984. The pleadings, notices, transcripts and exhibits all of which 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: John B. Root, Jr.
For the Respondent: Raymond L. Goodman

II. 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, and taking into account the testimony of the respondent, I find that each of the allegations contained in the formal complaint in this matter are true, since they were specifically admitted in respondent's Exhibit 1 and by his failure to respond to the Requests for Admission, filed by the Bar Counsel in this case on January 23, 1984. I further find, based on respondent's unrefuted testimony, that he is a recovering alcoholic who has had an alcoholic problem for several years past. He has not attempted to practice law since early in 1984.

III. Recommendations as to Whether or Not Respondent Should be Found Guilty: As to each count of the complaint I make the following recommendations as to guilt or innocence:

As to Count I

I recommend that respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit: 6-101(3) and 9-102(B)(4), as charged.

As to Count II

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit: 6-101(A)(3), as charged.

As to Count III

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit: 6-101(A)(3), 9-102(A) and 9-102(B)(4), as charged.

As to Count IV

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit: 1-102(A)(4), 1-102(A)(6), 6-101(A)(3), 9-102(A) and 9-102(B)(4), as charged.

As to Count V

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the

following Integration Rule of The Florida Bar and the Disciplinary Rules of the Code of Professional Responsibility, to wit: Article XI, Rule 11.02(4) and the associated Bylaws, 9-102(A) and 9-102(B), as charged.

As to Count VI

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Integration Rule of The Florida Bar and Disciplinary Rules of the Code of Professional Responsibility, to wit: Integration Rule, article XI, Rule 11.02(4) and the associated Bylaws; Disciplinary Rules 9-102(A) and 9-102(B), as charged.

IV. Recommendation as to Disciplinary Measures to be Applied:

The respondent has proposed certain terms and conditions which should be applicable to his reinstatement to practice law. These conditions are found in Respondent Exhibit 1.

First, the respondent proposes that he shall continue to receive treatment and counseling for alcoholism through the services of the Metropolitan Alcoholism Council of Central Florida and such other agencies or programs as the Metropolitan Alcoholism Council of Central Florida may suggest from time to time which treatment shall continue during the period of the respondent's suspension from the practice of law and thereafter, if considered necessary by The Florida Bar or the respondent.

Second, the respondent shall satisfy any obligations due and owing to persons named in the complaint herein during the period of respondent's suspension from the practice of law.

Third, that the respondent shall pay the costs of these proceedings, and

Fourth, that the respondent agrees that it shall be a condition of his readmission to practice law in the State of Florida that he refrain from practicing law as a solo practitioner in the private practice of law.

It is noted that respondent has voluntarily refrained from the practice of law since the first of 1984, a period of approximately ten months. It is my recommendation that the respondent be suspended from the practice of law for a period of two years; however, at the end of a period of one year, if all of the above conditions have been met, if the respondent is still eschewing the use of alcoholic beverages, and if he has found responsible employment utilizing his legal experience, qualifications and abilities, he may petition for reinstatement to the practice of law at that time. If the above conditions have not been met, if he has reverted to the use of alcoholic beverages, or if he has not found responsible employment utilizing his experience, qualifications and abilities as a lawyer then he shall not petition for reinstatement until the end of two years' suspension.

It is further my recommendation, in accordance with respondent's proposal, that respondent be required to restore to his former clients, Mr. and Mrs. Dennis Barone, the sum of \$250.00 which they were forced to pay as attorney's fees to another attorney to collect a sum of money from the respondent which sum respondent had received on their behalf and which should have been held in his trust account, but was

not. Respondent also shall be required to pay the costs of The Florida Bar in this matter.

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

Age: 56

Date Admitted to Bar: June 10, 1953

Prior Disciplinary Convictions and Disciplinary Measures Imposed Therein: In approximately 1960, respondent received a private reprimand for neglecting a client's affairs.

Other Personal Data: The respondent is an alcoholic who is completing a six month program designed to control his behavior. He has been dry during the entire period of this program and feels that he now has a good chance to stay dry. He participates in an Alcoholics Anonymous program.

On two previous occasions he completed twenty-eight day alcoholic programs. After the first program he stayed dry for a number of months, however, the second program did not help him. He now feels that after completion of the current six month program that he is in a position to remain sober and to control the disease. He has voluntarily refrained from the practice of law since approximately the first of 1984. He is married and has a young son by this marriage. He also has two adult children by a previous marriage.

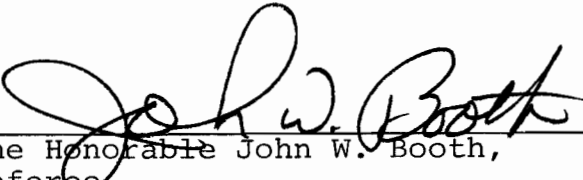
VI. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

A. Grievance Committee Level Costs	
1. Administrative Costs	\$ 150.00
2. Transcript of grievance committee hearing held 4/20/82	116.90
3. Transcript of grievance committee hearing held 2/15/83	85.75
4. Bar Auditor's expenses	728.51

B. Referee Level Costs	
1. Administrative Costs	150.00
2. Transcript of Referee hrg. held 10/26/84	155.75
C. Miscellaneous Costs	
1. Staff Investigator's expenses	<u>307.68</u>
	CURRENT TOTAL
	\$1,694.59

✓ 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 thirty 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 November, 1984.



 The Honorable John W. Booth,
 Referee

Copies to:


John B. Root, Jr.,
 Bar Counsel
 605 E. Robinson Street
 Suite 610
 Orlando, Florida 32801

Raymond L. Goodman
 Counsel for Respondent
 112 S. Lake Avenue
 Orlando, Florida 32801

John T. Berry,
 Staff Counsel
 The Florida Bar
 Tallahassee, Florida 32301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the above addressees by U.S. Mail this 8th day of November, 1984.



 Judicial Assistant

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

CASE NO. 64,636

v.

(09B82C27)
(09B82C38)
(09B83C21)
(09B83C34)

RICHARD H. HYATT,
Respondent.

AFFIDAVIT OF COSTS

STATE OF FLORIDA)
COUNTY OF ORANGE)

BEFORE ME, personally appeared JOHN B. ROOT, JR., who,
first being duly sworn and under oath states the following:

Below is an itemized list of the expenses incurred
in the above-styled cause.

A. Grievance Committee Level Costs

- | | |
|---|-----------|
| 1. Administrative Costs | \$ 150.00 |
| 2. Transcript of grievance committee hrg., 4/20/82 (09B82C27, 09B82C38) | 116.90 |
| 3. Transcript of grievance committee hrg., 2/15/83 (09B83C21, 09B83C34) | 85.75 |
| 4. Bar Auditor's expenses | 728.51 |

B. Referee Level Costs

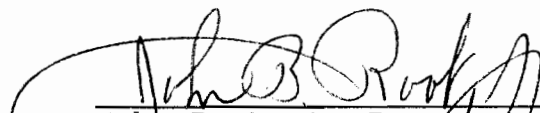
- | | |
|-------------------------------|--------|
| 1. Administrative Costs | 150.00 |
| 2. Transcript of referee hrg. | 155.75 |

C. Miscellaneous Costs

- | | |
|----------------------------------|---------------|
| 1. Staff Investigator's expenses | <u>307.68</u> |
|----------------------------------|---------------|


CURRENT TOTAL \$1,694.59

Filed this 8th day of November, 1984



John B. Root, Jr.,
Bar Counsel
The Florida Bar
605 East Robinson Street
Suite 610
Orlando, Florida 32801
(305) 425-5424

Sworn to and subscribed before me this 7th day of November, 1984.



Pamela B. Weaver, Notary Public
State of Florida at Large

My Commission Expires: Notary Public, State of Florida
My Commission Expires July 15, 1987
Bonded thru Troy Fair - Insurance, Inc.