

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

CASE NO. 65,020

v.

ALBERT G. SIEGEL,
Respondent.

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: On March 16, 1984, The Florida Bar filed its Complaint and Request for Admissions with the Supreme Court of Florida. The undersigned was duly appointed as Referee by order of the Chief Justice, dated March 22, 1984. A final hearing concerning this matter was held on July 13, 1984 at the Dade County Courthouse, Miami, Florida.

The following attorneys appeared for the parties:

For The Florida Bar -- Paul A. Gross of Miami
For the Respondent -- Pro Se - did not appear at trial

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED: After considering all the pleadings, documentary evidence, and testimony, the undersigned Referee finds:

IN GENERAL

1. That the Respondent, Albert G. Siegel, 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. That copies of the Complaint and Request for Admissions were sent by certified mail to the Respondent's official Bar address and to the Respondent, c/o his son, David Siegel, who is an attorney located in Los Angeles. In addition, the Notice of Hearing and all other pleadings were sent to the Respondent at his official Bar address and to his son's address.

3. That Florida Bar Integration Rule, Article II, Section 6, states: "It should be the duty of each member of The Florida Bar immediately to advise the executive director of any change of mailing address or military status." Also, Florida Bar Integration Rule, Article XI, Rule 11.01(2), states:

mailing by registered or certified mail of papers or notices prescribed by these rules to the last mailing address of an attorney as shown by the official rules records in the office of the executive director of The Florida Bar shall be sufficient notice and service unless this court shall direct otherwise.

4. That at all times material to the investigation and prosecution of the various allegations giving rise to the complaint sub judice, The Florida Bar has diligently pursued its obligations and ethical responsibility to contact the Respondent and to provide him with notice of all proceedings, pleadings, hearings, and the like.

5. That at all times material to the hearing of this cause, both The Florida Bar and Respondent have been afforded ample opportunity to file pleadings, to personally appear before this Referee, and to present witnesses, testimony, and all other matters of evidence material and relevant to this cause.

III. AS TO ALLEGATIONS IN COMPLAINT: The questions in the Complainant's Request for Admissions were taken as being admitted, as the Respondent failed to respond to them. (Florida Rules of Civil Procedure, Rule 1.370). In addition, the grievance committee record was introduced and accepted in evidence. See The Florida Bar v. Junkin, 89 So.2d 481 (Fla. 1956), and The Florida Bar v. Schneiderman, 285 So.2d 392 (Fla. 1973).

Based upon the above, I find that all allegations in the Complaint have been proven by clear and convincing evidence. See The Florida Bar v. Travelstead, 435 So.2d 832 (Fla. 1983), where an attorney was disbarred, even though said attorney did not respond to the Bar's Complaint. In the case at bar, the Respondent apparently knew of the grievance proceedings, as he signed the postal receipt for the notice of the grievance committee hearing.

See Exhibit A to the grievance committee transcript, which is marked as Florida Bar Exhibit 1.

IV. THE FACTS IN THIS CASE ARE AS FOLLOWS: The detailed allegations are set forth in the complaint. However, in brief form, the facts are as follows:

Count I: During the latter part of 1981 the Respondent was paid \$3,650 by his client to handle a guardianship proceeding. At a hearing during January 1983, a Court gave Respondent until February 1, 1983 to complete the guardianship proceeding. Apparently the Respondent abandoned his practice, thereby causing the client additional expenses to complete the work that should have been done by the Respondent.

Count II: During April 1980, clients retained the Respondent to represent them in a personal injury matter. The clients gave the Respondent \$1,500 in trust, to satisfy medical expenses. The Respondent paid \$289.00 for medical expenses, and has not accounted for the remainder of the \$1,500 he was holding in trust. In addition, the Respondent told his clients that he had filed suit and the case was for all practical purposes settled. In fact, the Respondent had not filed suit and the case was not near a settlement.

During January 1983, the same clients engaged the Respondent to represent them in a slip and fall case. However, Respondent apparently took no action in the slip and fall case or the personal injury case, as he had apparently abandoned his practice.

Count III: During February 1981, a client retained the Respondent to represent him in a lawsuit against a former associate. He paid the Respondent \$2,100. During March 1982, the same client retained the Respondent concerning a domestic relations matter and he paid the Respondent an additional \$500.00. The domestic relations matter was lost by default as a result of lack of representation. Also, the client wrote numerous letters to

the Respondent, which were not answered. In effect, the client had paid the Respondent a total of \$2,600 and did not receive proper legal services for these funds.

V. RECOMMENDATIONS AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY: As to all allegations in the Complaint, I make the following recommendations:

I recommend that the Respondent be found guilty of the following violations of the Code of Professional Responsibility:

Count I: Disciplinary Rule 6-101(A)(3), neglect of a legal matter.

Count II: Disciplinary Rule 1-102(A)(4), engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. Disciplinary Rule 1-102(A)(6), engaging in conduct that adversely reflects on his fitness to practice law. Disciplinary Rule 6-101(A)(3), neglect of a legal matter.

Count III: Disciplinary Rule 6-101(A)(3), neglect of a legal matter.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED: I recommend the Respondent be suspended from practicing law for a period of three years and that he be required to show proof of rehabilitation before being readmitted as a member of The Florida Bar. As part of the proof of rehabilitation, the Respondent should be required to reimburse his former clients for any losses they incurred due to his neglect or dishonesty.

In recommending the above described discipline, I have considered, as aggravating factors, the Respondent's failure to cooperate with the Bar, his failure to appear at the grievance committee hearing or the final hearing.

If the Respondent was away from the Miami area, he should have submitted a written explanation. Furthermore, I consider it aggravating, that the Respondent failed to take adequate measures to protect his clients' interests upon abandonment of his law practice. See The Florida Bar v. Montgomery, 412 So.2d 346 (Fla 1982).

VII. PERSONAL HISTORY AND DISCIPLINARY RECORD: There is no record of previous disciplinary action.


The Bar Counsel reports that Respondent is 53 years of age, he was married and divorced twice and has two adult children, including a son who is a member of the California Bar. The Respondent has been a member of The Florida Bar since 1954 and was a sole practitioner before he abandoned his practice.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED: I find the following costs were reasonably incurred by The Florida Bar:

Court Reporter for grievance committee hearing on October 12, 1983	\$ 192.94
Court Reporter for Referee trial on July 13, 1984	70.15
Administrative Cost (Fla. Bar Integr. Rule 11.06(9)(5)(a). At grievance committee level.	150.00
At Referee level.	150.00
TOTAL COSTS	\$ 563.09


I recommend that \$ 563.09 in costs and expenses be charged to the Respondent and said costs be payable within sixty days of the Supreme Court's order in this case.

Dated this 10 day of September, 1984, at Miami, Florida.


ARTHUR MAGINNIS, REFEREE
Dade County Courthouse, Room 606
73 West Flagler Street
Miami, Florida 33130

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were mailed this 12th day of September 1984, to Albert G. Siegel, Respondent, c/o David Siegel, Esq. 11747 Darlington Avenue, Apt. 409, Los Angeles, California 90049, and to the Bar Counsel, Paul A. Gross, 211 Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131. In addition, a copy of the foregoing was mailed to Albert G. Siegel at his official Bar address, 420 Lincoln Road, Suite 316, Miami Beach, Florida 33139.



Arthur Maginnis, Referee