

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

The Florida Bar,
Complainant,
v
ALAN W. LUDWIG
Respondent.

CONFIDENTIAL

Case No's 17D83F29
17D84F08

FILED

SID J. WHITE

DEC 19 1984

CLERK, SUPREME COURT

By: ~~Chief Deputy Clerk~~
REPORT OF REFEREE

- I. Summary of Proceedings: The two cases filed herein were filed at different times and by agreement of the parties were consolidated for trial. 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 4, 1984. The Pleadings, Notice, Motions, 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: David M. Barnovitz & Richard B. Liss

For The Respondent: Alan W. Ludwig, 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:

As to the Original Complaint
(Filed on May 31, 1984)

- 1.) Respondent pleaded guilty on July 12, 1983, to two separate informations the first charging in two counts delivery of a controlled substance and the second information charging three counts of delivery of a controlled substance.
- 2.) The Respondent pleaded guilty to all five counts and was placed on five (5) years probation with the special condition of probation that the Respondent serve 364 days in prison. This probationary period was on each of the five counts and to run concurrent.
- 3.) The Bar produced certified copies of the judgements covering the two informations and provided testimony of the police officer that was present at the time of the commission of all five of the crimes charged. The five crimes involved a total of nineteen (19) pills delivered to two different people on two succeeding days.
- 4.) The Respondent's only testimony was that the individuals had begged him to provide the pills and he had provided them as a favor and without any remuneration.

As to the Subsequent Complaint
(Filed on Sept. 27, 1984)

- 5.) The Respondent pleaded Nolo Contendere to an information.

charging Grand Theft. In that case the Respondent had a power of attorney to draw monies from an estate account and drew checks totaling \$750.00 drawn to a personal friend of his who returned the monies to the Respondent after the checks were cashed.

- 6.) The Respondent testified that the estate owed him the monies for services rendered though I find from the surreptitious actions that the transactions occurred without the knowledge of his "client" and the fact that the Respondent pleaded Nolo Contendere leads me to find that the transaction was not proper and was a violation of professional ethics.

III. Recommendations as to whether or not the Respondent should be found guilty: I make the following recommendations as to guilt or innocence:

As to the Original Complaint
(Violation of the Drug Statutes)

I find that the Respondent did commit the crimes charged and did plead guilty to the same and that this is a violation of his professional responsibility, Article X, Rule 11.02(3)(b) and in violation of Disciplinary Rules 1-102(a)(1) and 1-102(a)(6).

As to the Subsequent Complaint
(Nolo Contendere Plea to Grand Theft)

I find that such action on his part was a violation of professional ethics and is in violation of Disciplinary Rules 9-102(b)(3) and Article XI Rule 11.02(4).

IV. Recommendation as to Disciplinary measures to be applied:

I recommend that the Respondent be disbarred from the practice of law in Florida.

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. Administrative Costs at Grievance Committee Level (17D83F29)	\$150.00
B. Administrative Costs at Grievance Committee Level (17D84F08)	\$150.00
C. Court Reporter Costs (17D83F29)	\$125.00
D. Court Reporter Costs (17D84F08)	\$176.50
E. Administrative Costs at Referee Level	\$150.00
F. Court Reporter Costs at Referee Level	\$238.75
G. Bar Counsel Travel	\$ 27.86
TOTAL COSTS	\$1,018.61

It is recommended 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 judgement in this case becomes final unless a waiver is granted by the Board of Governors of the Florida Bar.

Dated this 14th day of December, 1984.


JOHN E. BORN, REFEREE

Copies furnished:

David M. Barnovitz
Richard Liss
Alan W. Ludwig
Stanley Spring
Sid J. White, Clerk Supreme Court
w/enc

TABLE-A

1948-1951

1952-1953