

IN THE SUPREME COURT OF FLORIDA
(Before A Referee)

FILED
SID J. WHITE
AUG 27 1984
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

THE FLORIDA BAR,

Complainant,

CONFIDENTIAL

v.

CASE NO. 65,412

WILLIAM B. NETZER,

The Florida Bar Case
No. 17C82F59

Respondent.

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: The undersigned has been duly appointed as Referee in this cause to conduct disciplinary proceedings in accordance with Article XI of the Integration Rule of The Florida Bar.

The Respondent has submitted a Conditional Guilty Plea dated June 19, 1984. The Board of Governors of The Florida Bar has approved the Respondent's Conditional Guilty Plea. I approve this Guilty Plea.

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, I find that:

1. The Respondent, William B. Netzer, 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. On or about October 29, 1975, John Demmerle was served with a Summons and Complaint in Case No. 75-17355 in the Circuit Court of the Seventeenth Judicial Circuit In and For Broward County, Florida, in which one Alice Ferris was seeking damages against Demmerle and others, based on a promissory note.

3. Mr. Demmerle took the Summons and Complaint to Respondent and employed Respondent to represent him in said action.

4. Respondent advised Mr. Demmerle that the matter would be handled by him and periodically advised him that the matter was being handled.

5. Respondent failed to handle the matter entrusted to him by Mr. Demmerle and failed to file any response or answer to the complaint, which resulted in a default being entered against Mr. Demmerle, and a judgment entered thereon in or about February 1976.

6. In response to periodic inquiries, Respondent always assured Mr. Demmerle that things were being taken care of and that he should not worry.

7. Mr. Demmerle was not the primary obligor on the promissory note sued on and Demmerle requested that the Respondent advise the holder of the note and her attorney that the makers intended to sell the security for the note and depart the jurisdiction, so as to prevent Mr. Demmerle from having to pay for the note upon the default of the makers. Respondent failed to so advise.

8. Mr. Demmerle had advised Respondent of the various defenses he had to the note.

9. Mr. Demmerle did not learn of the entry of the default on the judgment until it turned up in a title search in or about April or May of 1978.

10. It was Respondent's belief that he did not represent Mr. Demmerle in this matter, but Respondent can understand that Mr. Demmerle thought Respondent was representing him.

11. During the period of time of the facts in this Guilty Plea, Respondent was going through a very difficult dissolution of marriage proceeding.

12. Respondent is presently residing outside of the State of Florida and is not engaged in the practice of law.

13. In his Conditional Guilty Plea, the Respondent has pled guilty to having violated Disciplinary Rules 6-101(A)(2), 6-101(A)(3) and 7-101(A)(2) of the Code of Professional Responsibility.

III. RECOMMENDATIONS

I recommend that the Respondent be found guilty of violating Disciplinary Rules 6-101(A)(2) and (3) and 7-101(A)(2) in accordance with his Conditional Guilty Plea for Consent Judgment and that the Respondent, William B. Netzer, be suspended from practicing law for a period of one (1) year and thereafter, until he is reinstated pursuant to Article XI, Rule 11.11 of the Integration Rule.

IV. STATEMENT OF PRIOR DISCIPLINE


Respondent received a public reprimand on March 26, 1981, Case No. 60,232, for violations of Disciplinary Rules 6-101(A)(2), 6-101(A)(3) and 7-101(A)(2).

V. STATEMENT OF COSTS OF PROCEEDINGS AND RECOMMENDATIONS

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| Administrative Costs at Grievance and Referee Level | \$300.00 |
| Court Reporter Costs | 232.50 |
| Witness Fees | 39.72 |
| Service of Process | <u>15.00</u> |
| TOTAL COSTS | \$588.22 |

The foresaid costs are to be taxed against the Respondent, and execution should issue for all of the aforesaid costs, together with interest thereon at the rate of 12% per annum if costs are not paid within thirty (30) days of a final Disciplinary Order in this cause.

DATED and respectfully submitted this 21st day of August, 1984.


HAROLD SOLOMON
Referee

Copies furnished to:
Jacquelyn Plasner Needelman, Bar Counsel
William B. Netzer, Respondent
John T. Berry, Staff Counsel