

IN THE SUPREME COURT OF FLORIDA  
BEFORE A REFEREE

THE FLORIDA BAR,  
Complainant,  
v.  
ROBERT H. SWEDLOW,  
Respondent.

CONFIDENTIAL

TFB FILE NOS. 17D83F09 and  
17D82F09

CASE NO. 65 470

**FILED**

SID J. [unclear]

JUL 8 1985

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk *pl*

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The undersigned was designated as referee in this disciplinary proceeding pursuant to Fla. Bar Integr. Rule, article XI, Rule 11.06(9) by order of the Supreme Court of Florida dated July 16, 1984.

On June 21, 1985 the complainant filed an application for approval of a consent judgment to which is attached a written, sworn plea wherein and whereby respondent admits guilt to the various violations with which he was charged in each count of the complaint and consents to a judgment imposing as discipline for all charges, a non-board appearance public reprimand, a two (2) year probation period with stated conditions and the assessment of the bar's costs in the sum of \$547.31.

Upon due deliberation and being satisfied that the proposed discipline is appropriate, I granted complainant's application for approval of respondent's guilty plea for consent judgment. Complainant has appeared by its bar counsel, David M. Barnovitz. Respondent has appeared by Lance J. Thibideau, Esquire.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED:

In that respondent has submitted a written, sworn guilty plea to the charges as recited in the complaint herein, copies of the complaint and of the written guilty plea are attached hereto and each and every allegation therein is hereby incorporated by reference thereto as the undersigned's findings of fact.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY:

With respect to Count I of the bar's complaint I recommend that

respondent be found guilty of violating Disciplinary Rule 1-102(A) (6) of the Code of Professional Responsibility which proscribes conduct by an attorney that adversely reflects on his fitness to practice law and that he be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(3) which prohibits the commission by an attorney of any act contrary to honesty, justice, or good morals.

With respect to Count II of the bar's complaint I recommend that respondent be found guilty of violating Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility which prohibits an attorney from neglecting a legal matter entrusted to him.

**IV. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:**

I recommend that respondent receive a non-board public reprimand. I further recommend that commencing with the date of the order of the Supreme Court of Florida approving this report that the respondent commence a two (2) year probation period with the following conditions of probation:

a) Commencing with the date of the Supreme Court order approving the referee's report, the respondent must file with The Florida Bar at its Fort Lauderdale office, quarterly reports certified by a qualified specialist licensed by the State of Florida, establishing that respondent is free from drug and alcohol dependency.

b) Commencing immediately and extending through the period of probation, respondent must immediately report to The Florida Bar at its Fort Lauderdale office any arrest he is involved in in any jurisdiction which arrest is related to charges of alcohol and/or drug violations.

c) Upon respondent's failure to submit any quarterly report for a period of ten (10) days after written demand therefor, when due, by The Florida Bar, or, upon receipt by The Florida Bar of any such report reciting that respondent has a drug and/or alcohol dependency, or, upon respondent's arrest related to charges of alcohol and/or drug violations respondent stipulates and agrees that he shall be placed on the inactive list as provided by Fla. Bar Integr. Rule, article XI, Rule 11.01(4). Respondent may be readmitted from the inactive list as provided in such rule.

V. PERSONAL HISTORY:

Respondent, Robert H. Swedlow, was admitted to The Florida Bar on May 15, 1980 and is 37 years of age.

VI. STATEMENT AS TO PAST DISCIPLINE:

Respondent has no disciplinary history.

VII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

Upon respondent's guilty plea for consent judgment and the approval thereof by The Florida Bar I find that the sum of \$547.31 represents the costs that were reasonably incurred by the bar and recommend that respondent be directed to pay the same within thirty (30) days of the Supreme Court's final order herein unless the time for payment is extended by the Board of Governors of The Florida Bar.

DATED this 2<sup>ND</sup> day of ~~June~~ July, 1985 at West Palm Beach, Palm Beach County, Florida.

  
HAROLD J. COHEN, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing referee's report was furnished to Lance J. Thibideau, Attorney for Respondent, 315 S.E. 7th Street, Suite 300, Ft. Lauderdale, FL 33301 and to David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Ft. Lauderdale, FL 33304, by regular mail, on this 2<sup>ND</sup> day of ~~June~~ July, 1985.

  
HAROLD J. COHEN, REFEREE