

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

KEITH K. MATTSON,

Respondent.

CONFIDENTIAL

CASE NO. 65,778  
(FILE NO. 06A82HH9, et.al)

**FILED**

SID J. WHITE

DEC 14 1984

CLERK, SUPREME COURT

BY \_\_\_\_\_  
Chief Deputy Clerk

*Filed  
in County  
By  
J. White  
Referee  
12/13/84  
RWK*

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, the enclosed pleadings, orders, transcripts and exhibits 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 Steve Rushing  
For The Respondent Pro Person

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, I accept the tendered Conditional Guilty Plea for Consent Judgment which admits to each act of misconduct alleged in the Complaint attached hereto.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that the respondent be found guilty and specifically that he be found guilty of the following violations of the Code of Professional Responsibility: That Keith K. Mattson has violated Disciplinary Rules 1-102(A)(4) (Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(5) (Engaging in conduct that is prejudicial to the administration of justice); DR 1-102(A)(6) (Engage in conduct that adversely reflects on his fitness to practice law); DR 6-101(A)(2) (Handle a legal matter without adequate preparation in the circumstances); DR 6-101(A)(3) (Neglect of a legal matter entrusted to him); DR 7-101(A)(1) (Failure to seek the lawful objectives of his client through reasonably available means permitted by law and disciplinary rules); DR 7-101(A)(2) (Failure to carry out a contract of employment entered into with a client for professional services); DR 7-101(A)(3) (Prejudicing or damaging his client during the course of the professional relationship); DR 9-102(B)(4) (Failure to promptly pay or deliver to the client as requested by a client the funds or other properties in the possession of the lawyer which the client is entitled to receive); and Florida Bar Integration Rule, article XI, Rule 11.02(3) (Commission of an act contrary to honesty, justice, and good morals).

IV. Recommendation as to Disciplinary Measures to Be Applied:  
I recommend that the respondent receive a five year disbarment, without leave to apply for readmission until passing the Bar examination and until full restitution of all Client Security Fund payouts have been made and of all valid claims of clients have been made, and payment of costs.

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

- (1) Age: 31
- (2) Dated Admitted to Bar: January, 1979
- (3) The fact that respondent has been under temporary suspension since February 18, 1983, and has not been practicing law since that time.
- (4) The fact that the majority of the complaints are the result of respondent abruptly closing his high volume/low fee legal clinic without being able to refund advanced fees and costs or being able to complete the cases. This was brought about in part because of the terminal illness of his secretary and in part because of respondent's lack of business and legal experience.
- (5) The fact that respondent has cooperated with The Florida Bar in waiving probable cause on one hundred and eleven (111) complaints, has voluntarily entered a consent plea, has demonstrated remorse, and is willing to pay full restitution of all client security fund payouts and restitution of all valid claims of clients.

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

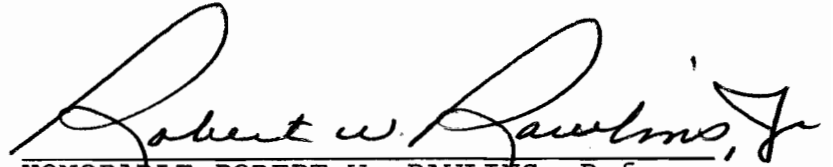
A. Grievance Committee Level	
1. Administrative Costs .....	\$ 150.00
2. Court Reporter and Transcript Costs .....	1,010.34
3. First National Bank of Clearwater for production of files .....	226.10
4. Clerk of Circuit Court.....	64.50
5. Inventory Attorney Costs .....	724.65
6. Bar Auditor Expenses .....	4,256.43
7. Staff Investigator .....	2,553.52
8. Bar Counsel .....	49.07
9. Witness Fees .....	40.00

B. Referee Level

1. Administrative Costs .....	\$	150.00
2. Court Reporter Costs .....		60.00
3. Bar Counsel .....		7.20
TOTAL AMOUNT DUE:		<u>\$ 9,291.81</u>

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 30 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 13<sup>th</sup> day of December, 1984.

  
HONORABLE ROBERT W. RAWLINS, Referee  
Circuit Judge

Copies furnished to:  
Steve Rushing, Branch Staff Counsel  
John T. Berry, Staff Counsel  
Keith K. Mattson, Respondent