

IN THE SUPREME COURT OF THE STATE OF FLORIDA
(Before a Referee)

65,890

*Copy from a
previous case*

THE FLORIDA BAR,
Complainant,

v.

Case No. 59,875

CHARLES E. THOMSON,
Respondent.

CONFIDENTIAL

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 Integration Rule of The Florida Bar, a final hearing was held ^{at 10:00 a.m.} May 12, 1981. Respondent filed no answer prior to the hearing. Respondent's answer to request for admissions was not timely filed and was hand-delivered to Bar Counsel and served on the referee immediately prior to the hearing. At the hearing Respondent offered an oral denial of responsibility for the mailing from his office of the letter to Margot E. Fritz and the attached petition for dissolution of marriage and answer and waiver. The Florida Bar Counsel orally moved to amend the complaint to conform to the evidence at the hearing.

The following attorneys appeared as counsel for the parties:

For The Florida Bar, Roberta J. Fox
For the Respondent, Charles E. Thomson

II Finding of Fact as to Each Item of Misconduct with which the

Respondent is Charged: After considering all the pleadings and evidence before me, portions of which are commented upon below, I find:

The Respondent is not a credible witness nor is his story believable. Charles E. Thomson 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.

Respondent was counsel for petitioner/husband, Leroy Fritz, in a dissolution of marriage suit naming Margot E. Fritz as respondent/wife. By letter dated September 14, 1978, Respondent sent to Margot E. Fritz an answer and waiver and instructed her to sign them before a notary public and to send them to the clerk of the circuit court, Clearwater, Florida. Respondent knew or should have known that Margot E. Fritz was not represented by counsel and failed to advise her to seek the aid of counsel. The interests of Margot E. Fritz had a reasonable probability of being in conflict with those of Leroy Fritz, Respondent's client.

Respondent also failed to exercise a high standard of care to assure compliance by the non-lawyer personnel in Respondent's law office with the applicable provisions of the Code of Professional Responsibility.

III Recommendation as to Whether or not Respondent Should be

Found Guilty: I make the following recommendations as to guilt or innocence: I recommend that Respondent be found guilty of a violation of The Florida Bar Code of Professional Responsibility Disciplinary Rule 7-104(A)(2) and D.R. 3-104(A), (B), (C), (D) and (E).

IV Recommendation as to Disciplinary Measure to be Applied:

I recommend that Respondent receive a private reprimand. The recommendation of this referee should not bar the imposition of any other form of discipline deemed appropriate by the Supreme Court of Florida. See The Florida Bar v. Melvyn Greenspahn, 396 So. 2d 182.

V Personal History and Past Disciplinary Record: Prior to recommending discipline pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the Respondent:

Date admitted to The Florida Bar: 1962

Prior Disciplinary Convictions and Disciplinary Measures Imposed Therein: Respondent was suspended for a period of two years due to his issuance of worthless checks, avoidance of payment of bill, practicing law while under suspension for non-payment of bar dues, swearing to a false birth-date on an affidavit and signing a name other than his own to an affidavit, and accepting payment pursuant to contract and then failing to carry out contract. The Florida Bar v. Charles E. Thomson, 271 So.2d 758 (Fla. 1972, rehearing denied 1973).

VI Statement of Costs and Manner in Which Costs Should be Taxed

It is recommended that the following costs reasonable expended by The Florida Bar in this proceeding be taxed against the Respondent. The breakdown of costs is as follows:

1. Grievance Committee Level

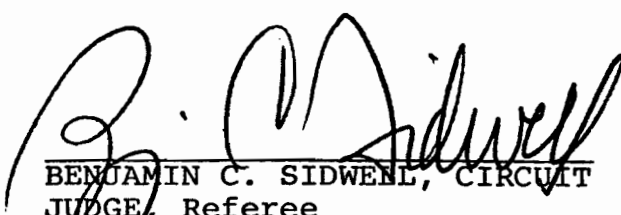
Administrative costs at the Grievance Committee level, Fla. Bar Integr. Rule, art. XI, Rule 11.06(9) (a)	\$ 50.00
Court Reporter costs	49.75

2. Referee level

Administrative costs at the Referee level, Fla. Bar Integr. Rule, art. XI, Rule 11.06(9) (a)	\$ 50.00
Court Reporter costs	<u>67.25</u>

TOTAL	\$217.00
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Dated this 22nd day of May, 1981.


BENJAMIN C. SIDWELL, CIRCUIT
JUDGE, Referee

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