

FILED

SID J. WHITE

JUN 3 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

CONFIDENTIAL

v.

Case No. 65,965
(TFB No. 04A83N30)

DENNIS R. DINGLE,
Respondent.

_____ /

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 following proceedings occurred:

On January 22, 1985, Respondent in this matter tendered an Amended Conditional Guilty Plea in exchange for the Bar's recommendation as to discipline. The Amended Conditional Guilty Plea, Joint Recommendation as to Discipline, and motions, all of which are forwarded to the Supreme Court of Florida with this report, constitute the record in this case.

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged

After considering all the pleadings, I find:

1. That in May of 1982, Respondent was retained by Mr. and Mrs. Richard B. Winkler to represent them on criminal charges arising out of checks written by the Winklers in St. Johns County and Nassau County which were returned due to insufficient funds.
2. That during the course of Respondent's representation of the Winklers, Respondent made no attempt to conduct discovery, to file a motion to dismiss and further failed to take steps to have his clients promptly released from jail.
3. That Respondent was discharged prior to the sentencing of Mr. Winkler on the St. Johns County check charges. The Winklers retained other counsel who requested that Respondent make available a copy of Mr. Winkler's file. Respondent declined to make Mr. Winkler's file available and failed to advise Mr. Winkler's counsel of the existence of plea negotiations with the Assistant State Attorney for St. Johns County. Respondent appeared at the sentencing hearing and made a motion to withdraw as counsel for the Winklers but failed to relate to the court information regarding the plea agreement.
4. That Respondent failed to provide information as requested for preparation of a presentence investigation report. When he received a copy of the report, Respondent failed to promptly provide a copy to Mr. Winkler. As a result, Mr. Winkler was unable to respond to the information in the report. Mr. Winkler was sentenced to three years imprisonment and five years probation on his plea of nolo contendere to the offenses of defrauding an innkeeper and issuance of worthless checks.

III. Recommendations as to Whether the Respondent Should be Found Guilty

I recommend that the Respondent's Conditional Plea of Guilty be accepted and specifically that he be found guilty of the following violations of the Code of Professional Responsibility:

1. DR 1-102(A)(6) - conduct adversely reflecting Respondent's fitness to practice law;
2. DR 6-101(A)(3) - neglect of a legal matter.

IV. Recommendation as to Disciplinary Measures to be Applied

I recommend that Respondent be disciplined by:

1. A public reprimand to be administered before the Board of Governors of The Florida Bar.
2. Probation for the period of one year with the following requirements:
 - (a) That Respondent submit written monthly status reports to a supervising attorney, to be appointed by the Bar, with a copy to The Florida Bar;
 - (b) That Respondent successfully complete within the probationary period a minimum of 12 hours of continuing legal education courses in the areas of criminal practice and procedure;
 - (c) That a failure to competently handle a legal matter will constitute a violation of probation.

(d) A failure to observe the conditions of probation shall result in the termination of probation pursuant to article XI, Rule 11.10(1) of the Integration Rule of The Florida Bar.

3. Payment of costs of these proceedings in the amount of \$1,511.84 within 30 days of the Supreme Court's final order approving same.

V. Personal History and Past Disciplinary Record

Prior to discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 60 years

Date admitted to Bar: June 2, 1952

Prior Discipline:

1. Public Reprimand, SCT Case No. 37876, March 5, 1969, 220 So.2d 9 (Fla. 1969)
2. Three-year suspension, SCT Case No. 235, April 1, 1970, 235 So.2d 479 (Fla. 1970)

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 Costs

- | | |
|-------------------------|----------|
| 1. Administrative Costs | \$150.00 |
| 2. Bar Counsel Travel | 165.25 |

3. Court Reporter \$1,046.59

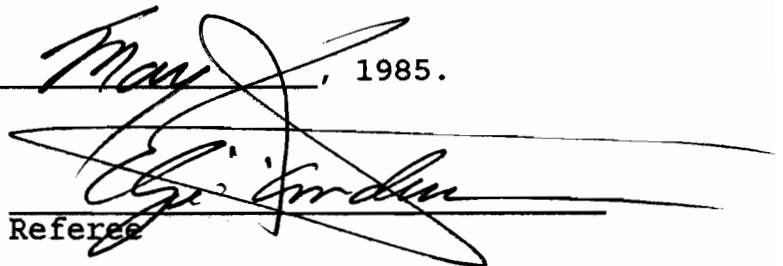
B. Referee Level Costs

1. Administrative Costs 150.00

TOTAL \$1,511.84

It is recommended that such 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 29th day of May, 1985.


Referee

Copies to:

Susan V. Bloemendaal, Bar Counsel
Dennis R. Dingle, Respondent
Staff Counsel of The Florida Bar