

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

STANLEY H. HELM,

Respondent.

CONFIDENTIAL

Case No. 63,462  
(TFB No. 13B82HC7)  
Case No. 65,969  
(13B83H77, 13B83H81-)  
(13B83H91, 13B83H99 )  
(13B83102, 13B83103 )  
(and 13B83109 )

REPORT OF REFEREE

FILED  
SID J. WHITE  
JAN 9 1986  
CLERK, SUPREME COURT

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the article XI of the Integration Rule of The Florida Bar, a final hearing was held on November 21, 1985. 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 David R. Ristoff

For The Respondent Pro Se - Failed to appear

II. Findings of Fact as to each Item of Misconduct of which the Respondent is Charged: (1) Complainant filed the above-styled complaints which Respondent failed to answer. (2) Complainant filed a Request for Admissions which Respondent failed to answer. (3) Complainant sought an Order Deeming Matters Admitted to which Respondent failed to respond. Matters were deemed admitted by this Referee as to the above referenced complaints. (4) A final hearing was duly noticed and held on November 21, 1985. Respondent failed to appear or respond, upon consideration of all pleadings before me, I find that Respondent has violated each act of misconduct alleged in the complaints attached hereto.

III. Recommendation as to Whether or Not the Respondent Should be Found Guilty: I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Stanley H. Helm has violated Disciplinary Rules in the following cases listed below.

Case No. 63,462  
(TFB No. 13B82HC7)

13B82HC7  
(Count I)

DR 6-101(A)(3) (neglect of a legal matter entrusted to him);  
DR 7-101(A)(1) (failing to seek the lawful objectives of his client); and DR 7-101(A)(2) (failure to carry out a contract of employment).

13B82HC7  
(Count II)

DR 6-101(A)(3) (neglect of a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); and DR 7-101(A)(2) (failure to carry out a contract of employment).

Case 65,969

(TFB Nos. 13B83H77, 13B83H81- 13B83H91, 13B83H99 13B83H99,  
13B83102, 13B83103 and 13B83109)

13B83H77

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110 (2) (withdrawing from employment with prejudice to the client); DR 2-110(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H81

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110 (2) (withdrawing from employment with prejudice to the client); DR 2-110(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H82

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H83

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances);

DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H84

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H85

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(3) (engaging in conduct involving moral turpitude); DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H86

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (handling a legal matter that he is not competent to handle); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H87

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(3) (engaging in illegal conduct involving moral turpitude); DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(3) (failing to refund fees upon withdrawal); and DR 9-102 (preserving identity and property of a client).

13B83H88

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H89

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H90

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83H91

Disciplinary Rule 1-102(A)(1) (violation of a disciplinary rule) and DR 6-101(A)(3) (neglect of a legal matter).

13B83H99

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83102

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); DR 7-101(A)(3) (prejudicing or damaging his client); and DR 9-102 (failing to preserve the property of a client and failing to promptly deliver funds to the client which the client is entitled to receive).

13B83103

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(2) (withdrawing from employment with prejudice to the client); DR 2-110(A)(3) (failing to refund fees upon withdrawal); DR 6-101(A)(1) (incompetent to handle legal matters of client); DR 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A)(3) (neglecting a legal matter entrusted to him); DR 7-101(A)(1) (failing to seek the lawful objectives of his client); DR 7-101(A)(2) (failing to carry out a contract of employment); and DR 7-101(A)(3) (prejudicing or damaging his client).

13B83109

DR 1-102(A)(1) (violating a disciplinary rule); DR 1-102(A)(3) (engaging in illegal conduct); DR 1-102(A)(4) (engaging in conduct involving dishonesty, deceit, fraud, or misrepresentation); DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); DR 2-110(A)(3) (failing to refund fees upon withdrawal); and DR 9-102 (failing to preserve the identity of client's funds and failure to promptly return client's funds which the client is entitled to receive).

IV. Recommendation as to Disciplinary Measures to be Applied: A three-year disbarment and payment of costs.

V. Personal History and Past Disciplinary Record: After finding of guilt 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:

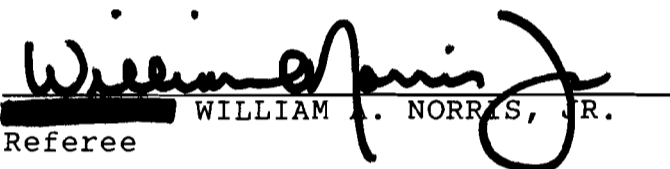
- (1) Age: 33
- (2) Date Admitted to Bar: July 7, 1981
- (3) Mitigating Factors: None
- (4) Aggravating Factors: Respondent did not at any time make an appearance nor filed any response. Further, \$20,001.50 in payments have been incurred by the Client Security Fund.

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		
1. Administrative Costs	\$	300.00
2. Court Reporter Costs		414.30
3. Typing Service		51.00
4. Staff Investigator Costs		276.83
 B. Referee Level		
1. Administrative Costs	\$	300.00
2. Court Reporter Costs		85.13
3. Staff Investigator Costs		355.50
4. Staff Counsel Expenses		6.60
	AMOUNT DUE TO DATE:	<u>\$1,789.36</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 7<sup>th</sup> day of JAN, 1986.

  
 WILLIAM A. NORRIS, JR.  
 Referee

Copies furnished to:  
 Stanley H. Helm, Respondent  
 David R. Ristoff, Assistant Staff Counsel  
 John T. Berry, Staff Counsel