

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED
SID J. WHITE
JUN 20 1985

THE FLORIDA BAR,

CONFIDENTIAL

CLERK, SUPREME COURT

Complainant,

Case No. 66,012
(TFB No. 06C83129)

By _____
Chief Deputy Clerk

v.

Case No. 66,247
(TFB No. 06C83165)

MARSHALL REISSMAN,

Case No. 66,248
(TFB No. 06C84H46)

Respondent.

Case No. 66,249
(TFB No. 06C84119)

Case No. 66,643
(TFB No. 06C85H06)

REPORT OF REFEREE

- 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. 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 Jawdet I. Rubaii

- 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.
- 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:

Case No. 66,012/(TFB No. 06C83129): DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), DR 6-101(A)(1)(handling a legal matter he knows or should know that he is not competent to handle), and DR 6-101(A)(3)(neglecting a legal matter entrusted to him);

Case No. 66,247/(TFB No. 06C83165): DR 6-101(A)(3) (neglect of a legal matter entrusted to him);

Case No. 66,248/(TFB No. 06C84H46): DR 6-101(A)(3) (neglect of a legal matter entrusted to him);

Case No. 66,249/(TFB No. 06C84119): DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and DR 6-101(A)(3)(neglect of a legal matter entrusted to him); and

Case No. 66,643/(TFB No. 06C85H06): DR 6-101(A)(3) (neglect of a legal matter entrusted to him).

IV. Recommendation as to Disciplinary Measures to be Applied:
I recommend that the respondent receive a six month suspension and payment of costs. Said six month suspension is recommended to be effective as of April 4, 1985, the date of the tendered guilty plea.

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: 30
- (2) Dated Admitted to Bar: November 19, 1980
- (3) Respondent has no prior disciplinary record.

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

Case No. 66,012 (TFB No. 06C83129)

A. Grievance Committee Level Costs	
1. Administrative Costs	\$ 150.00
2. Court Reporter Costs (11-8-85)	76.15
B. Referee Level Costs	
1. Administrative Costs	150.00
2. Court Reporter Costs (4-4-85)	
(All Cases)	<u>53.50</u>

Case No. 66,247 (TFB No. 06C83165)

A. Grievance Committee Level Costs	
1. Administrative Costs	150.00
2. Court Reporter Costs (5-4-84)	81.75
B. Referee Level Costs	
1. Administrative Costs	<u>150.00</u>

Case No. 66,248 (TFB No. 06C84H46)

A. Grievance Committee Level Costs	
1. Administrative Costs	150.00
2. Court Reporter Costs (2-14-84)	47.50
B. Referee Level Costs	
1. Administrative Costs	150.00
2. Court Reporter Costs (1-24-85)	30.00
3. Bar Counsel Travel Costs (1-24-85)	<u>5.93</u>

Case No. 66,249 (TFB No. 06C84119)

A. Grievance Committee Level Costs	
1. Administrative Costs	150.00
2. Court Reporter Costs (6-12-84)	92.54
B. Referee Level Costs	
1. Administrative Costs	<u>150.00</u>

Case No. 66,643 (TFB No. 06C85H06)

A. Referee Level Costs	
1. Administrative Costs	<u>150.00</u>

TOTAL AMOUNT DUE TO DATE \$1,737.37

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 17 day of June, 1985.


HONORABLE JOHN M. GILBERT
Referee

Copies furnished to:

Jawdett Rubaili, Attorney for Respondent
David R. Ristoff, Bar Counsel
John T. Berry, Staff Counsel