

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

CONFIDENTIAL

v.

CASE NO. 66,104

JOSE R. CAPIRO,

Respondent.

**FILED**  
SID J. WHITE  
JUN 17 1985  
CLERK, SUPREME COURT  
By *[Signature]* Deputy Clerk  
Was

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS. On November 6, 1985, [Signature] appointed by the Chief Justice of the Supreme Court of Florida to serve as referee in this case.

The following attorneys appeared as Counsel for the parties:

For The Florida Bar: Paul A. Gross of Miami  
For the Respondent: Jose R. Capiro, Pro Se.

II. FINDINGS OF FACT. On May 16, 1985, the Respondent signed a Conditional Guilty Plea for Consent Judgment to the Complaint, in exchange for a Public Reprimand to be published in the Southern Reporter.

1. The Conditional Guilty Plea was approved by Bar Counsel and the Designated Reviewer in accordance with Florida Bar Integration Rule, article XI, Rule 11.13(6)(b).

2. By his plea, the Respondent admitted that he was guilty of violating the allegations in the complaint and of violating the following Disciplinary Rules of The Florida Bar Code of Professional Responsibility: DR 1-102(A)(6), conduct that adversely reflects on his fitness to practice law, and DR 6-101(A)(3), neglect of a legal matter entrusted to him.

3. A brief resume of the facts are as follows: A Mrs. Henderson retained the respondent to file suit for specific performance of a contract or to get a refund of \$2,000 deposit and \$557 that was put in an escrow fund. Although the respondent made numerous promises that he would resolve Mrs. Henderson's problem, the respondent, during the 2 1/2 years that he had the

case, did not file suit, did not engage in any settlement negotiations and took little or no action on behalf of his client. In the meantime, the company holding the deposit went out of business. Due to Respondent's neglect, the client was injured. However, the respondent did give Mrs. Henderson \$500, the amount she had paid him when he was retained.

III. RECOMMENDATION AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY. I recommend that the Conditional Guilty Plea for Consent Judgment be approved by this Court and that Respondent be found guilty of violating the following Disciplinary Rules of the Florida Code of Professional Responsibility: DR 1-102(A)(6), conduct that adversely reflects on his fitness to practice law, and 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 be given a Public Reprimand, which should be published in the Southern Reporter.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD. The Respondent is 67 years old, is a sole practitioner and was admitted to practice law in Florida during 1975. He has never been disciplined by The Florida Bar or this Court.

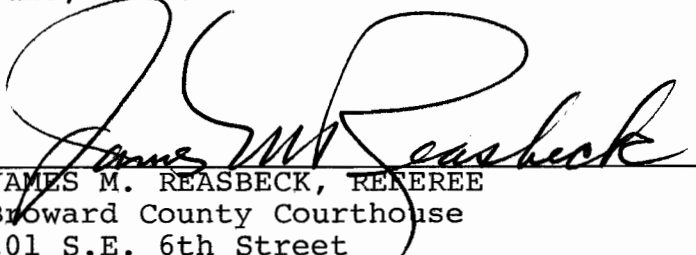
VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED. I find the following costs were reasonably incurred by The Florida Bar:

Court Reporter Costs for Grievance Committee hearing on May 8, 1984. . . . .	114.77
Administrative costs for Grievance Committee level (\$150) and for referee level (\$150) Fla. Bar Integr. Rule, art. XI, Rule 11.06 (9)(a)(5) . . . . .	<u>300.00</u>
TOTAL COSTS	414.77

I recommend the foregoing costs be assessed against the Respondent. It is further recommended that execution issue, with interest at the rate of 12% per year, on all costs not paid within thirty (30) days of entry of this Court's order, unless

the time for such payment is extended by the Board of Governors of The Florida Bar.

Dated this 13 day of June, 1985.

  
JAMES M. REASBECK, REFEREE  
Broward County Courthouse  
201 S.E. 6th Street  
Ft. Lauderdale, Florida 32301  
(305)765-4718

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Report of Referee were mailed this 13 day of June 1985, to the following persons: Paul A. Gross, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite 211, Miami, Florida 33131, and Jose R. Capiro, Respondent, 1430 S.W. First Street, Suite 15, Miami, Florida 33135.

  
JAMES M. REASBECK, REFEREE