

IN THE SUPREME COURT OF FLORIDA

(Before a referee)

**FILED**

SID J. WHITE

FEB 7 1985

CLERK, SUPREME COURT

By \_\_\_\_\_

Chief Deputy Clerk

THE FLORIDA BAR,

Complainant,

v.

JOHN W. PAFFORD,

Respondent.

Confidential

Case No. 66,124

TFB Case No. 04C83N07

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 June 21, 1984, Respondent in this matter, tendered a conditional guilty plea in exchange for the Bar's recommendation as to discipline. The Complaint, Conditional Guilty Plea, Joint Recommendation as to Discipline, transcripts 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 the Respondent did neglect to prosecute certain business claims of his client in violation of Disciplinary Rules 6-101(A)(3), and further made misrepresentations regarding fictitious letters to his client concerning the status of said claims in violation of Disciplinary Rules 1-102(A)(4). Thereafter, in the initial phase of the investigation by the local grievance committee, the Respondent submitted to the designated investigating officer the entire contents of the requested file which included therein the fictitious letters.

2. At the time the misconduct occurred, the Respondent had in September, 1981, opened his own law office and was attempting to initiate a practice. During this same time period, immediately following the incorporation of his office, the Respondent's wife became pregnant with their first child, and during the mid-term of her pregnancy, February, 1982, his wife fell on a sidewalk and sustained a broken arm. Also, at this same time, the Respondent himself was physically incapacitated with serious and painful health problems to such a degree that he was ultimately hospitalized.

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:

DR 6-101(A)(3) Neglect of a Legal Matter.

DR 1-102(A)(4) Conduct involving dishonesty, fraud, deceit or misrepresentation.

IV. Recommendation as to Disciplinary Measures to Be Applied

I recommend that Respondent be disciplined by:

A. A public reprimand to be administered by the Board of Governors of The Florida Bar.

B. Payment of costs in these proceedings.

V. Personal History and Past Disciplinary Record:

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

Age: 35

Date Admitted to the Bar: May 31, 1977

Prior Discipline: None

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	206.78
3. Court Reporter	685.30

B. Referee Level Costs

1. Administrative Costs	150.00
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Total \$1,192.08

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 4th day of February, 1985.

Richard O. Watson  
Referee

Copies to: 2/4/85

Susan V. Bloemendaal, Staff Counsel of The Florida Bar  
Derry S. Penland, Counsel for Respondent