

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

ROBERT F. THOMPSON,

Respondent.

CONFIDENTIAL

CASE NO. 66,399

(TFB #12B82H26

#12B84H49

#12B85H15)

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, a final hearing was held on January 14, 1986. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, and 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: ROBERT F. THOMPSON, pro se

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 would recommend the following:

I find the Respondent guilty of each and every allegation stated within Count I (TFB No. 12B82H26) of the complaint.

Count II
(TFB No. 12B85H49)

Dismissed

Count III
(TFB No. 12B85H15)

I find the Respondent not guilty.

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:

COUNT I
(TFB No. 12B82H26)

- (1) DR 1-102 (A)(3) (engage in illegal conduct involving moral turpitude);
- (2) DR 1-102 (A)(6) (engage in any other conduct that adversely reflects on his fitness to practice law); and

- (3) Integration Rule 11:02 (3)(a) (engage in conduct contrary to honesty, justice, or good morals).

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the Respondent receive a ninety one (91) day suspension and thereafter until he shall prove his rehabilitation as provided in Rule 11.10(4). It is recommended that Respondent be ordered to pay the cost of these proceedings. (Statement of Costs attached.) It is further recommended that Respondent be placed on probation for two (2) years. As a condition of probation Respondent provide one hundred (100) hours of community service; that Respondent obtain a drug evaluation within twenty days from the date of the Order of Discipline by The Supreme Court of Florida; and in the event said evaluation recommends treatment that Respondent undergo said treatment consistent with that evaluation and recommendation; and if said evaluation recommends screening that Respondent undergo any screening that is recommended. It is also recommended that Respondent pay the above costs of these proceedings within twenty (20) of the twenty-four (24) months he is on probation.

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: 51
- (2) Date Admitted to Bar: June 2, 1961
- (3) Prior Disciplinary Record: Received a Grievance Committee Private Reprimand on April 25, 1977 in TFB File No. 12A77002.

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. Referee Level	
Administrative Costs	\$ 150.00
Court Reporter Costs	279.06
Staff Investigator Costs	1,072.62
Bar Counsel Costs	82.40
Witness Fees	38.82
	<u>\$1,622.90</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 2nd day of April, 1986.


HONORABLE DONALD C. EVANS

Copies furnished to:

Robert F. Thompson, pro se
David R. Ristoff, Assistant Staff Counsel
John T. Berry, Staff Counsel