

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

WILLIAM E. WHITLOCK,

Respondent.

CONFIDENTIAL

CASE NO. 66,481
TFB #06C83138

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, a final hearing was held on January 13, 1986. 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 DIANE VICTOR KUENZEL

For the Respondent BENNIE LAZARRA, JR.

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 which admits to each act of misconduct alleged in the Complaint 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 William E. Whitlock has violated Disciplinary Rules 6-101(A)(2) (handling a legal matter without preparation adequate in the circumstances) and DR 6-101(A)(3) (neglecting a legal matter entrusted to him).

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the respondent receive a one year suspension to run concurrent with respondent's prior suspension as ordered by the Surpeme Court on June 28, 1982. Additionally, respondent shall successfully complete the Ethics portion of the Bar examination prior to reinstatement into The Florida Bar and render payment of costs in these proceedings.

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: 48

(2) Date Admitted to Bar: 1972

(3) Past Disciplinary Record:
Respondent was suspended from the practice of law on

June 28, 1982, for a period of three years to be admitted only upon proper proof of his rehabilitation.

(4) Mitigating Factors: The allegations in the Bar's Complaint stem from respondent's conduct that occurred during the same period of time and under essentially the same circumstances for which respondent was suspended on June 28, 1982.

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

A.	Grievance Committee Level	\$150.00
	Administrative Costs	25.98
	Court Reporter (3/13/84)	300.00
		<u>\$475.98</u>
B.	Referee Level	\$150.00
	Court Reporter	30.00
	Court Reporter (1/13/86)	45.00
		<u>\$225.00</u>

TOTAL COSTS: \$700.98

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 29 day of January, 1986.


VINCENT GIGLIO
Referee^E.

Copies furnished to:

Bennie Lazzara, Jr., Attorney for Respondent
Diane Victor Kuenzel, Bar Counsel
John T. Berry, Staff Counsel