

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

66,538

The Florida Bar,
Complainant,
v.
WILLIAM M. LAYTON,
Respondent.

PUBLIC

CASE NO: 15C85F50

FILED
SID J WHITE
JUN 24 1985
CLERK, SUPREME COURT
BY _____
Chief Deputy Clerk

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, hearings were held on May 10, 1985. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits all of which 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- Jacquelyn Plasner Needleman

For The Respondent- William M. Layton

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, pertinent portions of which are commented upon below, I find:

1. That the Respondent, WILLIAM M. LAYTON, was arrested in Palm Beach County, Florida, and subsequently charged on November 23, 1982, in an Amended Information for Grand Theft in the First Degree, a second degree felony as set forth in Section 812.014(1)(2)(a), Florida Statutes. See Bar Composite Exhibit 1A.

2. That on December 17, 1982, a jury trial was held in Division "R" of the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and the Respondent, WILLIAM M. LAYTON, was found guilty. See Bar Composit Exhibit 1B.

3. That on December 23, 1982, Respondent, WILLIAM M. LAYTON, was adjudged guilty of Grand Theft in the second degree and was sentenced to a term of three (3) years imprisonment and committed to the custody of the Florida Department of Corrections. See Bar Composite Exhibit 1C and 1D.

III. Recommendations as to whether or not the Respondent should be found guilty: As to the complaint I make the following recommendation as to guilt or innocence:

I recommend that the Respondent, WILLIAM LAYTON be found guilty and specifically that he be found guilty of violating the following Integration Rules of The Florida Bar and/or Disciplinary Rules of the Code of Professional Responsibility, to wit:

The Florida Bar Integration Rule, article XI, Rules 11.02(3)(a) & (b), and

Disciplinary Rules, 1-102(A)(1), 1-102(A)(3) and 1-102(A)(6) of the Code of Professional Responsibility.

IV. Recommendation as to Disciplinary Measure to be applied: I recommend that the Respondent, WILLIAM M. LAYTON, be disbarred from the practice of law in Florida. Respondent's conviction for the felony grand theft and his sentence to three (3) years to the Florida Department of Corrections would dictate no other measure of discipline than disbarment.

V. Personal History and Past Disciplinary Record: After my finding of guilt and prior to recommending disbarment as the 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:

Age: 32 at time of conviction on December 23, 1982

Year Admitted to Bar: 1974

Prior disciplinary convictions a measure imposed: none

VI. Statement of costs and manner in which cost should be taxed: I find the following costs were reasonable incurred by The Florida Bar.

A. Grievance Committee Level Costs	
1. Administrative Costs	\$150.00
2. Transcript Costs	\$ 0
3. Bar Counsel/Branch Staff Counsel Travel Costs	\$ 0

B.	Referee Level Costs	
1.	Administrative Costs	\$150.00
2.	Transcript Costs	\$144.20
3.	Bar Counsel/Branch Staff Counsel Travel Costs	\$ 0
4.	Audit costs pursuant to Rule 11.02(4)(c)	\$ 0
5.	Witness Fees	\$16.00
C.	Miscellaneous Costs	
1.	Telephone charges	\$ 0
2.	Referee's travel costs-164 miles at .20/mile	\$32.80
	TOTAL ITEMIZED COSTS:	\$493.00

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. (Note: Staff Counsel's view supported by Board precedent is that in cases of acquittal of all charges no Bar costs should be taxed to the respondent and none of respondents costs should be taxed to the Bar.)

Dated this 20th day of June, 1985.

(Note: Submit to the Supreme court of Florida in original with the record. Serve copies on Bar Counsel and/or Branch Staff Counsel, Respondent's Counsel and Staff Counsel in Tallahassee.)

James B. Balsiger
Referee

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