

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

THE FLORIDA BAR,

CONFIDENTIAL

Complainant,

Case No. 66,677  
(TFB No. 13C83H84)  
13C83H94, 13C83107,  
13C83126, 13C84H18,  
13C84H38, 13C84H39,  
13C85H21, 13C85H22,  
and 13C85H23)

v.

JOSEPH L. PEEL,

Respondent.

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 hearing was held on June 10, 1985. 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 Steve Rushing  
For The Respondent 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 accept the tendered Conditional Guilty Plea for Disbarment and Payment of Costs 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 Joseph L. Peel has violated Florida Bar Integration Rule, article II(6)(each member shall immediately advise The Bar of any change of mailing address); article VIII(1)(each member shall file with The Bar his business and residential address); article XI, Rule 11.02(3)(a)(commission of an act contrary to honesty, justice, and good morals); Rule 11.02(4)(money entrusted to an attorney for a specific purpose must be applied only to that purpose); Rule 11.02(4)(b) and Bylaws Section 11.02(4)(c) paragraph 3.c (all trust account records must be preserved for at least six (6) years); Rule 11.02(4)(c) and Bylaws Section 11.02(4)(c) paragraphs 2 & 3(minimum trust account records and procedures, including quarterly reconciliation and trust account checks returned for insufficient funds shall be maintained); Disciplinary Rule 1-102(A)(3)(illegal conduct involving moral turpitude); DR 1-102(A)(4)(engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(6)(engaging in conduct that adversely reflects on his fitness to practice law; DR 6-101(A)(3)(neglecting a legal matter entrusted to him); DR 7-101(A)(2)(failing to carry out a contract of employment); DR 7-101(A)(3)(prejudicing or damaging his client during the course of professional responsibility); DR 9-102(a)(funds of the lawyer or law firm shall not be commingled with client funds); and DR 9-102(B)(4)(failing to promptly pay or deliver to the client the funds in the possession of the lawyer which the client is entitled to receive).

IV. Recommendation as to Disciplinary Measures to be Applied:

I recommend that the respondent receive a three-year disbarment and payment of costs. Since respondent voluntarily ceased practicing law in September 1984 due to the instant pending matters, it is requested that consideration be given to allowing respondent's three-year disbarment to run from September 1984 to September 1987.

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: 31
- (2) Dated Admitted to Bar: May 21, 1980
- (3) Mitigating Factors: The fact that respondent had no prior disciplinary history; that respondent voluntarily stopped practicing law in September 1984; and that respondent has expressed remorse and the cessation of any substance abuse.
- (4) Aggravating Factors: Ten (10) separate counts.

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. Typing Service for Staff Investigators' Reports	45.00
3. Research and copying charges by Flagship Bank	223.55
B. Referee Level Costs	
1. Administrative Costs	150.00
2. Staff Investigators' Expenses	1,359.10
3. Auditor's Expenses	2,178.26
4. Bar Counsel Travel 6/10/85 80 miles at \$.26/mile	20.80
5. Court Reporter Costs	<u>150.00</u>

TFB File Nos. HMO85083, HMO85101, HMO85102, 13B85106:

A. Grievance Committee Level 150.00

TOTAL AMOUNT DUE: \$4,426.71

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 6 day of Aug., 1985.

  
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HONORABLE WAYNE L. COBB

Copies furnished to:  
Joseph L. Peel, Respondent  
Steve Rushing, Branch Staff Counsel  
John T. Berry, Staff Counsel