

IN THE SUPREME COURT OF FLORIDA
Before a Referee

THE FLORIDA BAR,

Complainant,

v.

GEORGE E. OLLINGER III,

Respondent.

CONFIDENTIAL

Supreme Court Case
No. 66,824

The Florida Bar Case
Nos. 17E84F87 and
17E84E88

FILED

SID J. WHITE

AUG 30 1985

CLERK, SUPREME COURT

By _____
Chief Deputy/Clerk

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The Florida Bar filed its Complaint and Request for Admissions in this cause on April 4, 1985. The undersigned was duly appointed as Referee by the Chief Justice of the Supreme Court of Florida by order entered May 6, 1985. Respondent tendered a Consent Judgment To Plea of Guilty and Entry of Final Order of Discipline on July 18, 1985 wherein he pled guilty to certain violations of the Code of Professional Responsibility and agreed to accept a Public Reprimand as the appropriate disciplinary sanction. The Florida Bar submitted a Petition for Approval of Respondent's Consent Judgment on July 23, 1985. Upon due deliberation and being satisfied that the proposed discipline was appropriate, the undersigned Referee determined to approve Respondent's Consent Judgment and recommend its ultimate acceptance by the Supreme Court of Florida.

The following attorneys appeared for the respective parties:

On Behalf of The Florida Bar: Richard B. Liss, Esq.

On Behalf of Respondent: Lance J. Thibideau, Esq.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH RESPONDENT IS CHARGED:

1. That Respondent was retained by two individuals to pursue personal injury claims on their behalf which emanated from an automobile accident.

2. That Respondent effectuated settlements on behalf of each client and the proceeds of settlement were deposited into Respondent's trust account.

3. That certain erroneous disbursements from Respondent's trust account, pertaining to the aforesaid settlement proceeds, were made as delineated in Paragraphs ten (10) and eleven (11) of The Florida Bar's Complaint.

4. That Respondent totally relied on his secretary to maintain all records pertaining to his trust account and to write all checks relating to said account when these erroneous disbursements were made.

5. That the erroneous disbursements were occasioned by Respondent's failure to adequately review the client ledger card and checks drawn on his trust account.

6. That Respondent has sole responsibility for all transactions pertaining to his trust account.

III. RECOMMENDATIONS AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY:

Respondent should be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility: 1-102(A) (1) [A lawyer shall not violate a disciplinary rule], 3-104(C) [A lawyer who employs nonlawyer personnel shall exercise a high standard of care to assure compliance by the nonlawyer personnel with the applicable provisions of the Code of Professional Responsibility] and 3-104(D) [The delegated work of nonlawyer personnel shall be such that it will assist only the employing attorney and will be merged into the lawyer's completed product. The lawyer shall examine and be responsible for all work delegated to nonlawyer personnel].

IV. STATEMENT AS TO PAST DISCIPLINE AND PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on November 11, 1977 and is 34 years of age. He has not been the subject of disciplinary sanctions except for the instant matter.

V. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED:

The undersigned finds the following costs were reasonably incurred by The Florida Bar and should be taxed against Respondent:

Court Reporter Attendance and Transcript
Grievance Committee hearing\$192.00

Administrative Costs at Grievance Committee
Level (article XI, Rule 11.06(9) (a) of the
Integration Rule of The Florida Bar)\$150.00

Administrative Costs at Referee Level
(article XI, Rule 11.06(9) (a) of the
Integration Rule of The Florida Bar\$150.00

TOTAL\$492.00

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned recommends that Respondent's Consent Judgment be accepted by the Supreme Court of Florida and that Respondent receive a Public Reprimand to be imposed by the Supreme Court of Florida and published in Southern Reporter. It has been previously made known to this Referee that The Florida Bar is conducting an audit of Respondent's trust account (see Respondent's Motion For Continuance filed April 17, 1985). The recommended acceptance of Respondent's Consent Judgment is with the proviso that The Florida Bar will not be estopped from seeking further disciplinary sanctions against Respondent should a grievance committee of The Florida Bar subsequently make a finding of probable cause based upon the results of said audit. Costs of these proceedings should be taxed against Respondent in the amount of Four Hundred Ninety Two Dollars and No Cents (\$492.00) with execution to issue and with interest at a rate of twelve per cent (12%) to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's final Order in this cause, unless time for payment is extended by the Board of Governors of The Florida Bar.

DATED this 27th day of August, 1985 at West Palm Beach, Palm Beach County, Florida.

Mary E. Lupo
MARY E. LUPU, Referee

Copies furnished to:

Lance J. Thibideau, Attorney for Respondent
Richard B. Liss, Attorney for Complainant