

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,  
v.  
JEFFREY EHRLICH,  
Respondent.

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CONFIDENTIAL

Supreme Court Case  
No. 67,235

The Florida Bar Case  
Nos. 17B85F15, 17B85F28,  
17B85F43 and 17B85F63

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

Respondent, through his then counsel, tendered a Consent Judgment on February 28, 1985 wherein he admitted to certain violations of the Code of Professional Responsibility. This initial Consent Judgment contained a proviso that a separate Consent Judgment would, if possible, be entered into by Respondent and The Florida Bar regarding the disciplinary sanction to be imposed. The Florida Bar filed a petition to approve the initial Consent Judgment with the Supreme Court of Florida on June 20, 1985. Respondent then tendered to The Florida Bar a Consent Judgment for Imposition of Public Reprimand and Term of Probation on July 12, 1985. The undersigned was duly appointed as Referee by the Acting Chief Justice of the Supreme Court of Florida by order entered July 17, 1985. The Florida Bar then filed a Petition with this Referee for Approval of Respondent's Consent Judgment for Imposition of Public Reprimand and Term of Probation on August 23, 1985. A final hearing was conducted on October 16, 1985. Upon due deliberation and satisfaction that the proposed discipline of a Public Reprimand with Term of Probation is appropriate and that sufficient mitigating circumstances are present, the undersigned Referee has determined to recommend approval of the aforementioned Consent Judgments by the Supreme Court of Florida with certain modifications as set forth below.

The following attorneys appeared for the respective parties:

On behalf of The Florida Bar: Richard B. Liss, Esq.  
On behalf of Respondent: In proper person

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

In that Respondent has submitted a Consent Judgment wherein he has admitted to certain facts and violations of the Code of Professional Responsibility, a copy of said Consent Judgment is attached hereto and incorporated by reference as if each fact admitted were set forth fully herein.

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

Consistent with the terms of his Consent Judgment, 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], 6-101(A) (2) [a lawyer shall not handle a legal matter without preparation adequate in the circumstances], 6-101(A) (3) [a lawyer shall not neglect a legal matter entrusted to him] and 9-102(B) (4) [a lawyer shall promptly pay or deliver to the client as requested by the client the funds in the possession of the lawyer which the client is entitled to receive].

IV. STATEMENT AS TO PAST DISCIPLINE AND PERSONAL HISTORY: Respondent was admitted to The Florida Bar on October 25, 1974 and is thirty-eight 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:

Administrative Costs at Grievance Committee Level and attendance fee of court reporter (per article XI, Rule 11.06(9) (a) of the Integration Rule of The Florida Bar) .....	\$290.00
Administrative Costs at Referee Level (per article XI, Rule 11.06(9) (a) of the Integration Rule of The Florida Bar) .....	\$150.00
Bar Counsel Travel Expenses (per article XI, Rule 11.06(9) (a) of the Integration Rule of The Florida Bar) .....	<u>\$ 20.63</u>
TOTAL .....	\$460.63

In addition to the foregoing, the cost of the court reporter's attendance at the October 16, 1985 hearing and the cost of the

transcript of said proceedings should be taxed against Respondent.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned Referee recommends that Respondent receive a Public Reprimand published in Southern Reporter to be followed by a term of probation for a period of two (2) years, commencing on the date the Supreme Court of Florida issues its final disciplinary order in this cause, subject to certain recommended terms and conditions as hereinafter set forth:

a) Respondent shall submit himself to urinalysis on a monthly basis during the first year of his probation and shall submit himself to urinalysis every other month, at intervals no greater than sixty (60) days apart, during the second year of his probation. The urinalysis will be performed by a duly licensed laboratory or medical facility acceptable to The Florida Bar and the Supreme Court of Florida. A report containing the results of each urinalysis will be submitted directly by the testing facility, on a confidential basis, to the Clerk of the Supreme Court of Florida with a copy to The Florida Bar. A failure to submit the urinalysis reports or a finding in said reports that Respondent has engaged in alcohol abuse or the use of any drugs, other than medication in amounts prescribed by a licensed medical doctor, shall be a basis for termination of probation pursuant to Fla. Bar Integr. Rule, art. XI, Rule 11.10(1).

b) Respondent shall engage the services of Charles Hagan, Jr., a member of The Florida Bar and a professional in the field of alcohol and drug abuse counseling, for three (3) counselling sessions over a period of three (3) months commencing from the date the Supreme Court of Florida issues its final disciplinary order in this cause. The purpose of these sessions will be for Respondent to discuss his problems with Mr. Hagan on an informal basis. At the conclusion of the three (3) required sessions, Respondent will not be required by the terms of his probation to continue meeting with Mr. Hagan although he would be encouraged to do so if he found the sessions helpful. Mr. Hagan is to be notified by The Florida Bar upon the issuance of a disciplinary order by the Supreme Court

of Florida incorporating this condition of probation. Notification by Mr. Hagan that Respondent has failed to comply with the aforesaid condition of probation shall be a basis for termination of probation pursuant to Fla. Bar Integr. Rule, art. XI, Rule 11.10(1).

c) Restitution shall be made to Kathryn Napier in the sum of One Hundred Dollars and No Cents (\$100.00); to Barbara and George Fink in the amount of Five Hundred Dollars and No Cents (\$500.00); and to the Estate of Thomas Smith or its authorized representative in the sum of Eight Hundred Seventy Four Dollars and Ninety Cents (\$874.90). One half (1/2) of each of the aforesaid sums shall be paid within one hundred eighty (180) days from the date that the Supreme Court of Florida enters its final disciplinary order in this cause and the balance shall be paid in full within one (1) year of the date of the aforesaid order. Failure by Respondent to provide proof of restitution to The Florida Bar within the time periods stated above shall be a basis for termination of probation pursuant to Fla. Bar Integr. Rule., art. XI, Rule 11.10(1).

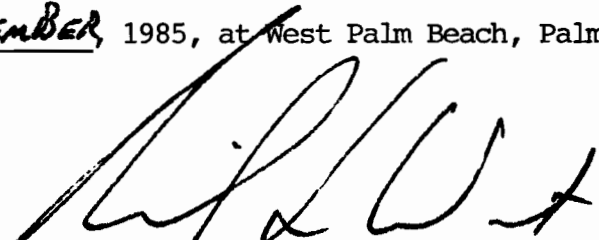
d) Respondent shall submit two (2) quarterly reports on a confidential basis to the Clerk of the Supreme Court of Florida with a copy to The Florida Bar. The initial report shall be due three (3) months after the date the Supreme Court of Florida enters its final disciplinary order in this cause and shall outline the current status of cases which Respondent has pending in his office. The second report shall be due three (3) months thereafter and shall outline the current status of cases which Respondent has pending in his office and delineate which cases from the previous quarter have been disposed of. Respondent may include in the aforesaid reports such additional information as he deems relevant to establish his prompt and diligent prosecution of his caseload. Failure by respondent to timely file these reports shall be a basis for termination of probation pursuant to Fla. Bar Integr. Rule, art. XI, Rule 11.10(1).

e) A finding of probable cause shall also be a basis for termination of probation pursuant to Fla. Bar Integr. Rule, art. XI

Rule 11.10(1).

In addition to the foregoing, costs of these proceedings should be taxed against Respondent in the amount of Four Hundred Sixty Dollars and Sixty Three Cents (\$460.63) plus the attendance fee of the court reporter and the cost of the transcript of the October 16, 1985 hearing, with execution to issue and with interest at a rate of twelve per cent (12%) to accrue on all costs not paid within sixty (60) 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 4<sup>th</sup> day of NOVEMBER, 1985, at West Palm Beach, Palm Beach County, Florida.



RICHARD I. WENNET, Referee

Copies furnished to:

Richard B. Liss, Esq.  
Jeffrey Ehrlich, Esq.