

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,
v.
MARVIN QUITTNER,
Respondent.

CONFIDENTIAL
Supreme Court Case
No. 67,327
The Florida Bar Case
No. 17D85E72
Chief Deputy Clerk

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

Respondent tendered a Consent Judgment on July 1, 1985 wherein he admitted 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 3, 1985. The undersigned was duly appointed as Referee by the Chief Justice of the Supreme Court of Florida by order entered July 26, 1985. Upon due deliberation and being satisfied that the proposed discipline is appropriate, the undersigned Referee has 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: Robert L. Spector, Esq.

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

1. That Respondent represented a client as plaintiff in a civil action brought in the United States District Court, Southern District of Florida.
2. That various differences, financial and otherwise, arose between Respondent and his client.
3. That Respondent filed an initial Motion to Withdraw on or about January 29, 1985.
4. That Respondent filed a supplementary pleading on or about

February 28, 1985 which was styled MOTION FOR VOLUNTARY DISMISSAL AND AMENDMENT TO MOTION TO WITHDRAW AS ATTORNEY OF RECORD. A copy of said pleading (hereinafter referred to as "the pleading") is attached hereto and incorporated herein as Exhibit One (1).

5. That the filing of the pleading was improper for reasons enumerated below:

a. The pleading was prejudicial to the client in that it contained negative information about the client and his cause and disclosed confidences and secrets of the client;

b. The pleading was filed contrary to the express directions of the client; and

c. The pleading was potentially prejudicial in that a voluntary dismissal, without prejudice, was sought without the client's permission (this particular relief was not granted by the presiding judge).

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], 1-102(A) (6) [a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law], 4-101(B) (1) [a lawyer shall not knowingly reveal a confidence or secret of his client], 4-101(B) (2) [a lawyer shall not knowingly use a confidence or secret of his client to the disadvantage of the client], 4-101(B) (3) [a lawyer shall not knowingly use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure] and 7-101(A) (3) [a lawyer shall not intentionally prejudice or damage his client during the course of the professional relationship].

IV. STATEMENT AS TO PAST DISCIPLINE AND PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on May 18, 1970 and is 41 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 (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	\$300.00

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, published in Southern Reporter and administered through a personal appearance by Respondent before the Board of Governors of The Florida Bar. Costs of these proceedings should be taxed against Respondent in the amount of Three Hundred Dollars and No Cents (\$300.00) 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 3 day of Sept., 1985 at Miami, Dade County, Florida.


ARTHUR ROTHENBERG, Referee

Copies furnished to:

Robert L. Spector, Attorney for Respondent
Richard B. Liss, Attorney for Complainant