

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

A. KARL STEVENS, JR.,
Respondent.

CONFIDENTIAL

CASE NO. 67,378
(TFB Nos. 13C83H87)
(13C84H03 & 13C84H59)
CASE NO. 68,056
(TFB No. 13C84113)
(and 13C85H37)

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, a final hearing was held on March 11, 1986. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Stephen Rushing

For The Respondent: Donald A. Smith, Jr.

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 Guilty Plea for Consent Judgment which admits to violations of The Florida Bar Code of Professional Responsibility in the following cases:

Case No. 67,378

TFB Nos. 13C83H87, 13C84H03 & 13C84H59:

13C83H87: DR 6-101(A)(3) (neglect of a legal matter);

13C84H03: DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law); and

13C84H59: DR 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law).

Case No. 68,056

TFB Nos. 13C84113, and 13C85H37:

13C84113: DR 7-106(C)(5) (failure to comply with local customs of courtesy of The Bar);

13C85H37: DR 1-102(A)(5) (conduct prejudicial to the administration of justice).

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 A. Karl Steven's has violated the Disciplinary Rules cited in Findings of Fact above.

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that A. KARL STEVENS be disciplined by the following: (1) a public reprimand to be published in the Southern Reporter; (2) a one year term of probation (to run concurrent from the date plea accepted by the Referee on March 21, 1986); (3) payment of cost for costs of proceedings to be made by the termination date of probation; (4) that respondent receive psychological or psychiatric evaluation and, if recommended by the evaluating party, continued counseling or therapy, provided that the counseling or therapy shall not be required after termination of probation; (5) Respondent's secretarial staff shall complete a Continuing Legal Education (CLE) or other comparable educational course generally relating to office procedure and ethical and malpractice issues as they relate to office staff. The course to be completed prior to termination of probation. An evaluation of respondent's office by Mr. J.R. Phelps of The Florida Bar; and (6) Respondent is to refrain from future radio or television appearances.

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:

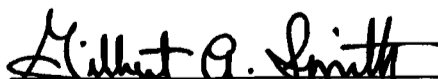
- (1) Age: 37
- (2) Date Admitted to Bar: March 27, 1978
- (3) Prior Disciplinary Record: None
- (4) Mitigating Factors: No prior disciplinary record.

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:	
Administrative Costs	\$ 300.00
Typing Service	90.00
Court Reporter Costs	504.75
Staff Investigator Expenses	961.25
Witness Expenses	49.00
Branch Staff Counsel Expenses	10.80
B. Referee Level	
Administrative Costs	300.00
Court Reporter Costs	59.00
Branch Staff Counsel Expenses	29.90
TOTAL AMOUNT DUE TO DATE:	<u>\$ 2,293.90</u>

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 9th day of May, 1986.


HONORABLE CHIEF JUDGE GILBERT A. SMITH
Referee

Copies furnished to:

Donald A. Smith, Jr., Attorney for A. Karl Stevens, Jr.
John T. Berry, Staff Counsel, The Florida Bar