

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

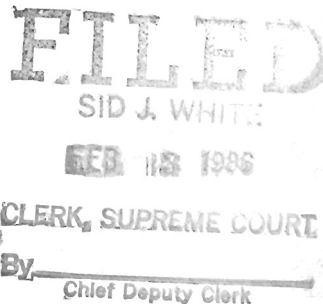
v.

LANCE E. WOOTEN,

Respondent.

Supreme Court Case
No. 67,403

The Florida Bar Case
No. 17D85115



REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The Florida Bar filed its Complaint against Respondent on July 25, 1985. The undersigned was duly appointed as Referee by the Acting Chief Justice on August 1, 1985. Respondent has tendered a Conditional Consent Judgment for Disbarment in this cause. Upon due deliberation and being satisfied that the proposed discipline is appropriate, this Referee has determined to approve Respondent's Conditional Consent Judgment for Disbarment 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: Marc L. Barbakoff, Esq.

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

1. On or about September 30, 1982, a two (2) count indictment was filed against Respondent charging him with violations of Florida criminal statutes.

2. On or about October 5, 1983, Respondent was found guilty of Grand Theft and presenting a false insurance claim.

3. On or about November 2, 1983, sentence was imposed on Respondent.

4. On or about March 20, 1985, Respondent's conviction was affirmed on appeal by the Fourth District Court of Appeal and became final on April 17, 1985 when Respondent's Petition for Rehearing was denied.

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 and Integration Rules of The Florida Bar: Disciplinary Rules 1-102(A) (1) [a lawyer shall not violate a disciplinary rule], 1-102(A) (3) [a lawyer shall not engage in illegal conduct involving moral turpitude], 1-102(A) (4) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation], 1-102(A) (6) [a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law], 7-102(A) (5) [a lawyer shall not knowingly make a false statement of law or fact] and 7-102(A) (8) [a lawyer shall not knowingly engage in other illegal conduct or conduct contrary to a disciplinary rule] and article XI, Integration Rules 11.02(3) (a) [a lawyer shall not engage in any conduct contrary to honesty, justice or good morals] and 11.02(3) (b) [misconduct constituting a felony].

IV. STATEMENT AS TO PAST DISCIPLINE AND PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on January 31, 1977 and is 48 years of age. He previously received a public reprimand from the Supreme Court of Florida on June 14, 1984 as reported at 452 So.2d 547. He was also suspended from the practice of law effective January 12, 1984 pursuant to order entered by the Supreme Court of Florida, Case No. 64,385.

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

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned recommends Respondent's Conditional Consent Judgment be accepted by the Supreme Court of Florida and that Respondent be disbarred from the practice of law in this jurisdiction effective January 12, 1984 subject to all conditions set forth in the Conditional Consent Judgment, to-wit: Respondent shall be eligible for admission to

the Bar on January 12, 1987 conditioned upon restoration of his civil rights and full compliance with all rules and regulations governing admission to the Bar including, but not limited to, successful passage of all portions of the Bar Examination. Costs of these proceedings should be taxed against Respondent in the amount of One Hundred Fifty Dollars (\$150.00) with execution to issue and with interest to accrue at a rate of twelve per cent (12%) 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 29 day of June, 1986 at Fort Myers, Lee County, Florida.


R. WALLACE PACK, Referee

Copies furnished to:

Richard B. Liss, Attorney for Complainant
Marc L. Barbakoff, Attorney for Respondent