

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,
vs.
RICHARD E. NEVILLE,
Respondent.

FILED
PUBLIC
COURT
CASE NO. 67,449

REPORT OF REFEREE

- I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as Referee to conduct discovery proceedings herein according to Article XI of the Integration Rule of The Florida Bar, hearing was held on April 28, 1986. The Respondent requested that the hearing be held in Putnam County, Florida, to which request The Florida Bar consented. The Pleadings, Notices, Motions, Orders, Transcripts, and Exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Susan V. Bloemendaal, Esquire

For the Respondent : In Proper Person

- 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, pertinent portions of which are commented upon below by me, I find:

As to Count I

The Respondent, at the hearing, entered a plea of guilty. This Count charged the Respondent with violation of Integration Rule 6-101 (A) (3), Neglect of Legal Matter as regards Dr. Joseph Foley. The facts of this Count are that Dr. Foley retained the Respondent to file a complaint against a tenant in a rental property matter. Respondent was paid \$225 for his services, but failed to perform or do anything for the client since January 1983, and has failed to return the client's money.

As to Count II

The Respondent entered a plea of not guilty as to Count II of the Complaint, which charged that the Respondent was retained by John Freeland in September 1981 to have Freeland's criminal record expunged and civil rights restored. A fee of \$200 was paid to the Respondent in advance. Respondent testified that he obtained from the records of the Sheriff's Office as much information as he could. For some unexplained reason, because of an administrative error, the Sheriff's Office could not locate Freeland's record. Thereafter, beginning in September 1982, Freeland was unable to obtain any kind of response from Respondent. From the evidence, this Referee is unable to determine by clear and convincing evidence that the Respondent neglected to do the work for which he was retained. No question, however, exists that the Respondent ignored the case for the last past three years and utterly failed and refused to contact his client.

III. Recommendations as to whether or not the Respondent should be found guilty:

As to Count I

I recommend the Respondent be found guilty and, specifically, that he be found guilty of violating the following Integration Rule of The Florida Bar and/or Disciplinary Rules of the Code of Professional Responsibility, to-wit: DR 6-101(A)(3), Neglect of a Legal Matter.

As to Count II

I recommend the Respondent be found guilty and, specifically, that he be found guilty of violating the following Integration Rule of The Florida Bar and/or Disciplinary Rules of the Code of Professional Responsibility, to-wit: DR 6-101(A)(3), Neglect of a Legal Matter. In connection with this recommendation, I note that on August 6, 1985, The Florida Bar served a Request for Admissions on the Respondent, which the Respondent admitted by his failure to answer.

IV. Recommendation as to Disciplinary measures to be applied: I recommend that the Respondent be suspended for a period of six months and, thereafter, until he shall prove his rehabilitation as provided in Rule 11.10(4). Proof of rehabilitative should include:

1. Pay the costs of this proceeding in the amount of \$1760.43.

2. Undergo alcohol rehabilitation counseling and therapy.
3. Enter and complete a law office management course.
4. Pay restitution to Dr. Foley in the sum of \$225.00 and \$200.00 to John Freeland.

The suspension should continue after the six months for an indefinite period until rehabilitation has been shown.

V. Personal History and Past Disciplinary Record: After 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:

Age: 41

Date admitted to Bar: 1977

Prior disciplinary convictions and disciplinary measures imposed therein: On March 7, 1985, the Respondent was administered a private reprimand and placed on probation for a period of three years. See Case Number 64,437. Thereafter, by Order entered February 26, 1986, The Supreme Court suspended the Respondent, effective March 26, 1986, from the practice of law.

Other personal data: The Respondent is a self-admitted alcoholic who underwent a serious family disorder resulting in a separation some two years ago. In 1984, he entered the Care Unit in Jacksonville, Florida, for treatment for drug, alcohol, and emotional disability. Respondent feels he is now on the right track, but does perceive that The Florida Bar is "out to get him".

I find that such is not the case. I believe the Respondent is capable of rehabilitation provided he obtains proper alcohol rehabilitation therapy. I further believe that his mental and emotional state occasioned by his separation brought about his excessive use of alcohol and his present predicament.

VI. Statement of costs and manner in which cost should be taxed: I find the following costs were reasonably incurred by The Florida Bar:

A. Grievance Committee Level Costs

Administrative Costs	\$ 150.00
Bar Counsel Travel	
8-10-84 and 9-14-84 (04C83N36)	146.85
4-13-84 (04C84N02)	151.57
Court Reporter	

04C83N36	388.23
04C84N02	238.34
Long Distance Telephone	35.78

B. Referee Level Costs

Administrative Costs	150.00
Bar Counsel Travel	167.86

C. Court Reporter's Costs

Transcript	<u>331.80</u>
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TOTAL ITEMIZED COSTS: \$1760.43

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 23rd day of May, 1986.



REFEREE

Copies to:

Susan V. Bloemendaal, Esquire, Bar Counsel
Richard E. Neville, Esquire, in proper person
Staff Counsel, The Florida Bar, Tallahassee, FL 32301