

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

THE FLORIDA BAR,

Complainant,

v.

CHRISTOPHER J. SCHILLING,

Respondent.

CONFIDENTIAL

Case No. 67,692

TFB File Nos. 15B85F32

and 15B85F58

FILED
CLERK OF THE SUPREME COURT
TALLAHASSEE
DEC 13 1985

CLERK OF THE SUPREME COURT

REFEREE'S REPORT

I. SUMMARY OF PROCEEDINGS:

Pursuant to the undersigned's appointment as referee to conduct disciplinary proceedings herein according to Fla. Bar Integr. Rule, article XI, a hearing was held on December 4, 1985 on complainant's application for judgment on the pleadings. I granted complainant's application.

David M. Barnovitz, bar counsel, appeared for the complainant. Respondent did not appear either in person or by counsel.

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

Attached hereto and made part hereof is a copy of the bar's complaint. I find as fact, and incorporate by reference the same as if fully set forth herein, each and every allegation recited in paragraphs 1 through 11, inclusive, of the complaint.

III. RECOMMENDATIONS AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY:

I recommend that respondent be found guilty of violating

Board of Governors of The Florida Bar and that he be suspended from The Florida Bar for a period of six (6) months. I make this recommendation in light of respondent's past discipline history and his unwillingness or inability to participate in and seeming indifference to the discipline proceeding process. In The Florida Bar v. Schilling, No. 64,829 (Fla. January 10, 1985) where respondent was found guilty of violating the very disciplinary rule involved in the instant proceeding the Court ordered that respondent receive a board appearance private reprimand. I had recommended to the Court in that prior proceeding a higher level of discipline. I was concerned at the time that Mr. Schilling's total failure to participate in the discipline process was indicative of either an extraordinary cavalier attitude or of some personal problem that caused him to neglect his client's case and to avoid any contact with the bar or this referee. I am even more concerned now. In the earlier proceeding Mr. Schilling's neglect involved his avoidance of responsibilities in a case he undertook in 1981. The present proceeding concerns his neglect of cases in which he undertook representation covering the period 1982 through 1984. In my view, it is necessary to protect the public from an attorney who has shown a propensity for neglecting cases and thereafter failed to participate in disciplinary proceedings and who was apparently not spurred into activity even after receiving a private reprimand. I believe that the discipline recommended will protect the public, hopefully gain the respondent's attention and act as a deterrent to other members of the bar who may not be diligently pursuing their clients' cases.

V. PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on May 31, 1977. He is 34 years of age.

Administrative Costs:

Grievance Committee Level ----\$ 150.00

Referee Level -----\$ 150.00

Court Reporter Costs:

Grievance Committee Level ----\$ 319.00


Referee Level -----\$ 59.23

Photocopies -----\$ 2.00

TOTAL -----\$ 680.23

I recommend that such costs be taxed against the respondent.

RENDERED this 17th day of December, 1985, at Stuart, Florida.


MARC A. CIANCA, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Referee's Report was furnished to David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304 and to Christopher J. Schilling, Respondent, at his official record bar address of 1665 Palm Beach Lakes Boulevard, #1001, West Palm Beach, FL 33401, by regular mail, on this 17th day of December, 1985.


MARC A. CIANCA, REFEREE