

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ROBERT J. WARD,
Respondent.

Case No. 67,694
(TFB No. 06D85H25)
Case No. 68,858
(TFB No. 06D86H12)
Case No. 69,540
(TFB No. 06D86H56)

DEPUTY CLERK

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 and Rule 3-7.5 Rules of Discipline, a final hearing was held on final hearing January 23, 1987 and April 16, 1987. 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: David R. Ristoff

For the Respondent: Robert J. Ward, Pro Se

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: Respondent has admitted to each and every allegation in The Florida Bar complaints herein. After considering all the pleadings and evidence before me, I find the respondent has violated The Florida Bar Code of Professional Responsibility in the above-referenced cases.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I find that the respondent be found guilty of the following violations of the Code of Professional Responsibility: Specifically, that Robert J. Ward, has violated the following Disciplinary Rules:

Case No. 69,540 (TFB No. 06D86H56):
DR 1-102(A)(4) and DR 6-101(A)(3)

Case No. 68,858 (TFB No. 06D86H12):
DR 1-102(A)(4) and DR 6-101(A)(3)

Case No. 67,694 (TFB No. 06D85H25):
DR 1-102(A)(4);
DR 6-101(A)(3);
DR 7-101(A)(1);
DR 7-101(A)(2);
DR 7-101(A)(3); and
DR 7-110(B)

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that Robert J. Ward be disciplined by a five (5) year disbarment and payment of costs.

V. Personal History and Past Disciplinary Record: After a finding of guilt and prior to recommending discipline pursuant to Rule 11.06(9)(a)(4), and Rule 3-7.5(K)(4), Rules of Discipline, and upon consideration of the following personal history and prior disciplinary record of the respondent to wit:

- (1) Age: 61
- (2) Date Admitted to Bar: February 24, 1977
- (3) Prior Disciplinary Record: A ninety (90) day suspension in The Florida Bar v. Ward, 465 So.2d 513 (Fla.1985).

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	
(1) Administrative Costs	\$150.00
(2) Court Reporting Costs	233.25
(3) Bar Counsel Expenses	23.85
(4) Staff Investigator Expenses	251.90
B. Referee Level	
(1) Administrative Costs	\$150.00
(2) Court Reporting Costs	163.00
(3) Bar Counsel Expenses	106.72
(4) Staff Investigator Expenses	152.20
(5) Witness Expenses	393.82
ESTIMATED COSTS TO DATE:	<u>\$1,624.74</u>

Dated this 26th day of May, 1987.


REFeree

Copies furnished to:

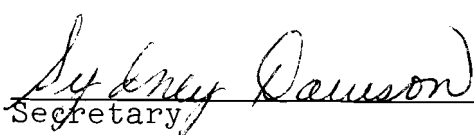
Robert J. Ward, Respondent
John T. Barry, Staff Counsel, The Florida Bar
David R. Ristoff, Branch Staff Counsel

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs / Report of Referee was furnished by U. S. Mail this 1st day of June, 1987 to:

Robert J. Ward
2684 Adrian Avenue
Largo, FL 33544

John T. Barry
Staff Counsel, The Florida Bar
Ethics & Disc. Dept.
600 Apalachee Parkway
Tallahassee, FL 32301-8226

David R. Ristoff
Branch of Staff Counsel, The Florida Bar
Suite C-49
]Tampa Airport Mariott Hotel
Tampa, FL 33607


Secretary

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STATEMENT OF COSTS

A. Grievance Committee Level

(1) Administrative Costs	\$150.00
(2) Court Reporting Costs:	
<u>Clark Reporting Service</u>	
3/12/85: Appearance Fee	37.50
Transcript Fee (31pp @ 2.75)	85.25
<u>Accurate Reporting</u>	
1/14/86: Appearance Fee	48.00
Transcript Fee	62.50
(3) Staff Counsel Expenses:	
David R. Ristoff	
3/12/85: (45 miles @ .26)	11.70
5/13/86: (45 miles @ .27)	12.15
(4) Staff Investigator Expenses:	
Ernest J. Kirstein, Jr.	
Time Expended (15.1 hrs. @ \$14.00)	211.40
Mileage: (150 miles @ .27)	40.50

B. Referee Level

(1) Administrative Costs	\$150.00
(2) Court Reporting Costs	
<u>Lois C. Davis & Associates</u>	
8/15/86 Pre-trial Conference	
Appearance Fee	35.00
Transcript Fee	18.00
1/23/87: Final Hearing	
Appearance Fee	45.00
Transcript Fee	18.00
4/16/87: Final Hearing	
Appearance Fee	35.00
Transcript Fee	12.00

(3)	Bar Counsel Expenses	
	David R. Ristoff	
	8/15/86: Pre-trial Conference	
	Mileage: (112 miles @ .28)	31.36
	1/23/87: Final Hearing	
	Mileage: (110 Miles @ .28)	30.80
	Tolls	2.00
	4/16/87: Final Hearing	
	Mileage: (152 miles @ .28)	42.56
(4)	Staff Investigator Expenses:	
	Ernest J. Kirstein, Jr.	
	Time Expended: (9.4 hrs. @ \$15.00)	141.00
	Mileage: (40 miles @ .28)	11.20
(5)	Witness Expenses:	
	<u>Ophelia Hall</u>	
	Mileage: (126 @ .20)	25.20
	Witness Fee	5.00
	Breakfast & Lunch	9.00
	<u>Leslie J. Schriver</u>	
	Mileage: (108 @ .20)	21.60
	Witness Fee	5.00
	Breakfast & Lunch	9.00
	<u>Eva Davis</u>	
	Travel Resources:	
	Witness Airfare (Eva Davis)	189.00
	Lodging Expenses	130.02
	ESTIMATED COSTS TO DATE:	\$ <u>1,624.74</u>

I HEREBY CERTIFY that the above cost has been incurred in the above-referenced cases.

Dated this 15th day of May, 1987.

David R. Ristoff

DAVID R. RISTOFF
Branch Staff Counsel
The Florida Bar
Suite C-49
Tampa Airport Marriott Hotel
Tampa, Florida 33607
(813) 875-9821

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs has been furnished by regular U.S. Mail to Robert J. Ward, Respondent, at his record Bar address of 2684 Adrian Avenue, Largo, Florida 33544, and a copy to John T. Berry, Staff Counsel, The Florida Bar, 600 Apalachee Parkway, Tallahassee, Florida 32301-8226; this 15th day of May, 1987.

David R. Ristoff

DAVID R. RISTOFF