

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED
SID. WHITE
FEB 22 1986 C

THE FLORIDA BAR,
Complainant,
v.
ALAN R. SOVEN,
Respondent.

CONFIDENTIAL CLERK, SUPREME COURT

CASE NO. 67,989 By Chief Deputy Clerk

FILED
DATE 2-6-86
ES
EUGENE S. GARRETT
CIRCUIT JUDGE

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS.

On January 20, 1986, I was appointed by the Chief Justice of the Supreme Court of Florida to serve as referee in this case.

The following attorneys appeared as Counsel for the parties:

For The Florida Bar: Paul A. Gross of Miami
For the Respondent: Harris Sperber of Miami

II. FINDINGS OF FACT.

On January 17, 1986, the Respondent signed a Conditional Guilty Plea for Consent Judgment to the Complaint, in exchange for a Public Reprimand to be published in the Southern Reporter

1. The Conditional Guilty Plea was approved by Bar Counsel and the Designated Reviewer in accordance with Florida Bar Integration Rule, article XI, Rule 11.13(6)(b).

2. By his plea, the Respondent admitted that he was guilty of violating the allegations in the complaint and of violating the following Disciplinary Rules of The Florida Bar Code of Professional Responsibility: DR 1-102(A)(6), conduct that adversely reflects on his fitness to practice law, and DR 6-101(A)(3), neglect of a legal matter entrusted to him.

3. A brief resume of the facts are as follows:

On or about August 30, 1983, the Respondent appeared on behalf of his client at a hearing on the adversary's Motion for a Judgment on the Pleadings. However, since the Respondent failed to argue on behalf of his client, the judge ruled in favor of the adversary.

On September 21, 1983, Respondent filed an untimely motion for a rehearing. This motion came on for hearing and respondent again failed to argue the merits of the August 30, 1983 judgment on the pleadings and instead, advised the court that he didn't care which way the court ruled, since his client still had a malpractice action against his client's former attorney.

On September 27, 1983, Respondent filed a Notice of Appeal on behalf of his client. On January 13, 1984, the appeal was dismissed for failure to file a brief.

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

I recommend that the Conditional Guilty Plea for Consent Judgment be approved by this Court and that Respondent be found guilty of violating the following Disciplinary Rules of The Florida Bar Code of Professional Responsibility: DR 1-102(A)(6), conduct that adversely reflects on his fitness to practice law, and DR 6-101(A)(3), neglect of a legal matter entrusted to him.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED.

I recommend that the Respondent be given a Public Reprimand, which should be published in the Southern Reporter.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD.

The Respondent is 35 years of age, is a sole practitioner and was admitted to practice law in Florida during 1978. During Respondent's first year of practicing law, he was given a private reprimand for minor misconduct.

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED.

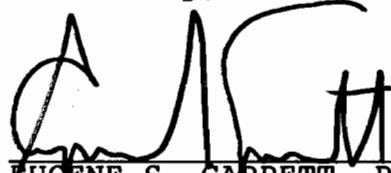
I find the following costs were reasonably incurred by The Florida Bar:

Court Reporter Costs for Grievance
Committee Hearing on 1/30/85 \$ 437.18

Administrative cost for Grievance Committee level (\$150) and for referee level (\$150) Fla. Bar Integr. Rule, art. XI, Rule 11.06(9)(a)(5).	\$ 300.00
TOTAL COSTS	737.18

I recommend the foregoing costs be assessed against the Respondent. It is further recommended that execution issue, with interest at the rate of 12% per year, on all costs not paid within thirty (30) days of entry of this Court's order, unless the time for such payment is extended by the Board of Governors of The Florida Bar.

Dated this 6th day of February, 1986.



 EUGENE S. GARRETT, REFEREE
 Broward County Courthouse
 201 S.E. 6th Street
 Ft. Lauderdale, Florida 32301
 (305)765-5976

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Report of Referee were mailed this 6th day of February 1986, to the following persons: Paul A. Gross, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite 211, Miami, Florida 33131; Harris Sperber, Counsel for Respondent, 411 Roberts Building, 28 West Flagler Street, Miami, Florida 33130, and to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226.



 Eugene S. Garrett, Referee