

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

vs.

WILLIAM F. CASLER, SR.,
Respondent.

CONFIDENTIAL
Case No. 68,159
(TFB Nos. 06A85H85
06A85H106)

FILED
SID J. WHITE
JAN 12 1987
CLERK, SUPREME COURT
By _____
Deputy Clerk

AMENDED
REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein accordingly to article XI of the Integration Rule of The Florida Bar, a final hearing was held on October 3, 1986. 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: Steve Rushing
For the Respondent: Donald M. O'Leary

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, I accept the oral guilty plea to the facts alleged in the Complaint.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty:

COUNT I

I recommend that the respondent be found guilty of the following violations of the Code of Professional Responsibility: DR 1-102(A)(4) (dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(6) (conduct adversely reflecting on his fitness to practice law); DR 7-102(A)(8) (engage in illegal activity); Dr 9-102(A) (commingling); DR 9-102(B) (failure to maintain complete records, and failure to promptly deliver to clients funds to which they are entitled); Integration Rule 11.02(4) (use of client funds for purpose other than those designated); and Integration Rule 11.02 (4)(c) (failure to maintain trust account records and to produce trust account records).

COUNT II

I recommend that the respondent be found guilty of the

following violations of the Code of Professional Responsibility; DR 1-102(A)(4) (dishonesty, fraud, deceit or misrepresentation); DR 10192(A)(6) (conduct adversely reflecting on his fitness to practice law); DR 7-102(A)(8) (engaging in illegal activity); DR 9-102(A) (commingling); DR9-102(B) (failure to promptly deliver to clients funds to which they are entitled); and Integration Rule 11.02(4) (use of client's funds for purposes other than those designated).

IV. Recommendation as to Discipline Measures to Be Applied: It is my recommendation that after considerable deliberation review of all letters of character recommendations submitted, and consideration of the many mitigating circumstances, the respondent be disbarred for three years and not be considered for re-admission until payment of restitution (including reimbursement of The Florida Bar Client Security Fund) and payment of all Bar costs.

V. Personal History and Past Disciplinary Record: After a finding of guilt and prior to recommending discipline to the respondent, pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent to wit:

(1) Age: 62

(2) Date admitted to the Bar: October 15, 1965

(3) Prior Disciplinary Record: None

(4) Mitigating Factors: The respondent has practiced law for many years with no prior disciplinary record and he is well thought of by his peers and in the community; the respondent has donated much of his time and energy to community volunteer and charitable organizations; the respondent has sought to make restitution to the estate; he has cooperated with the Bar by waiving Probable Cause at the Grievance Committee level and has entered a plea before this Referee; the respondent intended to borrow the client trust fund money for a short period of time, but the financial arrangements he made to replace the money fell through due to circumstances beyond his control; respondent plead guilty to the criminal charges resulting from this defalcation of trust funds and was sentenced to one (1) year in the Pinellas County Jail; the respondent is a veterinarian in addition to being an attorney; and finally, the respondent appears to be genuinely remorseful and candid with this court concerning his actions.

(5) Aggravating Factors: The amount of money misappropriated by respondent is \$116,728.26.

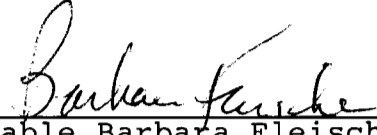
VI. Statement of Costs and Manner in Which Costs Should be Taxed: I find the following costs were reasonably incurred by The Florida Bar:

Grievance Committee Level	
Administrative Costs:	\$150.00
Investigation Expenses:	1,422.30
Bar Audit Costs:	1,417.05
Referee Level	
Administrative Costs:	\$150.00
Court Reporter Costs: Appearance Fees	60.00
Transcript Fees	176.29
Bar Counsel Expenses:	30.66
TOTAL COSTS:	<u>\$3,406.35</u>

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 thirty (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 9 day of January, 1987.



Honorable Barbara Fleischer
Referee

cc: Donald O'Leary, Attorney for Respondent
Steve Rushing, Branch Staff Counsel
John T. Berry, Staff Counsel