

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR, :
Complainant, : CONFIDENTIAL
vs. : Case No. 68, 231
STEADMAN S. STAHL, JR., : The Florida Bar Case No.
Respondent. : 17C86F55

REPORT OF REFEREE

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FILED
JUL 11 1986
CLERK
BY *M*

By Order dated February 5, 1986, the Supreme Court of Florida, Honorable James C. Adkins, Acting Chief Justice, designated the undersigned as Referee for the Court to hear, conduct, and try the above matter and thereafter to submit findings of fact and recommendations to the Court as provided in Rule 11.06(9), of the Integrations Rule of the Florida Bar.

The undersigned conducted a status conference with respective counsel on May 16, 1986 and agreement was reached to try the matter on July 11, 1986. The hearing was held July 11, 1986 in order to permit the Respondent to obtain a furlough from federal custody to attend the hearing. Complainant, THE FLORIDA BAR, by Jacquelyn P. Needelman, Esq; Respondent, STEADMAN S. STAHL, JR. and his counsel, Gilbert A. Haddad, Esq. appeared as scheduled on July 11, 1986 whereupon the undersigned heard counsel and received evidence pro and con on the prayer of Complainant that Respondent". . . be appropriately disciplined in accordance with the Florida Bar Integration Rule, and code of Professional Responsibility, as amended." Complaint, p.3.

Pursuant to Rule 11.06(9), the undersigned respectfully reports as follows:

(1) Findings of Fact pertaining to misconduct:

a. By Superceding Indictment in the United States District Court for the Southern District of Florida, Case No.

Respondent was charged by Count 18 thereof, as follows:

1. The General Allegations of this Indictment, numbered one through eleven inclusive, are realleged and expressly incorporated herein.
2. From in or about October, 1983 until on or about February 1, 1985, Grand Jury 83-3(FL) was investigating and attempting to determine, among other things, the true owner of the Amity Yacht Center from June, 1980 until in or about April 1983.
3. On or about October 28, 1983, attorney STEADMAN S. STAHL, JR. was served with a Grand Jury subpoena for the production of various real estate records relating to the purchase and sale of the Amity Yacht Center.
4. From on or about November 18, 1983, and continuing up to on or about December 3, 1984, in the Southern District of Florida, defendants RAYMOND MICHAEL THOMPSON, IRVING SCHRAGER, STEADMAN S. STAHL, JR. and ALFRED F. CIFFO knowingly and willfully endeavored to corruptly influence, obstruct and impede the due administration of justice by submitting and causing to be submitted to the United States Department of Justice for presentation to Grand Jury 83-3(FL), real estate transaction records which were intended to establish that from on or about June 11, 1980 until in or about April 1983, the Amity Yacht Center was owned by Gulf Investments, a Cayman Island corporation, and that Gulf Investments was owned from on or about June 11, 1980 until in or about April 1983 by Rafael Rodriguez-Echevarria, which real estate transaction records the defendants well knew were false and misleading and not true evidence of the ownership of the Amity Yacht center.

All in violation of Title 18, United States Code, Sections 1503 and 2.

Complainant's Exhibit 2.

- b. Respondent pled guilty to that charge.

Complainant's Exhibit 3.

- c. Judgment was entered by the United States

District Court finding Respondent guilty of the Count 18 charge.

Complainant's Exhibit 4.

- d. By Order dated October 29, 1985 in Case Number 67, 507, the Supreme Court of Florida suspended Respondent from the practice of law.

e(1). Rule 11.07(1) provides that the entry of the described Judgment of the United States District Court ". . . shall be conclusive proof of the guilt of the offense charged

. . ." and the undersigned so finds.

e(2). Respondent concedes here, as he did in the United States District Court, that he prepared a document which contained a false date and had possession in his file of other documents which were false and that upon receipt of a subpoena to produce his entire file complied, although the file contained the false documents.

e(3). Respondent denies that he produced the documents with the intent to obstruct justice, rather, that he had no choice but to comply with the subpoena. Respondent testifies here that in the United States District Court, he never denied the falsity of the documents and testifies that despite his plea of guilty to Count 18 as worded, supra, ¶(1)a, that he never had the intent to obstruct justice.

f. As to ". . . each item of misconduct of which the respondent is charged . . ." (Rule 11.06(9)a(1)), the undersigned finds:

1. CHARGE: Violation of Integration Rule 11.02(3)(a).

FINDING: Respondent did violate Rule 11.02(3)(a) in that at the time of the preparation of a certain document or the receipt of others he knew, as he admits, that he was acting contrary to honesty, justice and good morals. The purpose of the documents was to comply with the request of the client-owner to transfer nominal ownership to an off-shore entity.

2. CHARGE: Violation of Florida Bar Code of Professional Responsibility, Disciplinary Rule 1-102(A)(1);.

FINDING: Respondent did violate a Disciplinary Rule; viz, Integration Rule 11.02(3)(a), supra, and Code of Professional Responsibility Rules 1-102(A)(4) and (6) to the extent found below.

3. CHARGE: Violation of the Florida Bar Code of Professional Responsibility Disciplinary Rule 1-102(A)(3)

FINDING: Respondent has not been shown to

have violated DR1-102(A)(3) and, in the alternative, on the record as a whole, it is found that Respondent did not violate such Rule.

4. CHARGE: Violation of the Florida Bar Code of Professional Responsibility Disciplinary Rule 1-102(A)(4).

FINDING: Respondent engaged in conduct involving dishonesty as explained at paragraph(1)e. above. There was no publication, communication or recording of any false document or statement to one expected to rely; hence, references to ". . . fraud, deceit, or misrepresentations." in the Rule have not been shown.

5. CHARGE: Violation of Florida Bar Code of Professional Responsibility, Disciplinary Rule 1-102(A)(6).

FINDING: Respondent has engaged in no other conduct beyond that described above which adversely reflects on his fitness to practice law.

(2) Recommendations whether Respondent should be found guilty of misconduct justifying disciplinary measures:

The Respondent should be found guilty of misconduct justifying disciplinary measures. Respondent concurs in this recommendation narrowing the issue to the nature and extent of such measures.

(3) Recommendations as to disciplinary measures:

RECOMMENDATION: The undersigned respectfully recommends that the appropriate discipline prayed for by Complainant be:

a. Suspension from the practice of law for a period of three years from October 29, 1985, the date of the suspension order of the Supreme Court of Florida; and,

b. That such suspension continue until completion of the sentence imposed by the United States District Court by judgment entered on or about October 21, 1985 or any modification of the sentence imposed by later order of the United States District Court; and,

c. That such suspension continue pursuant to

Integration Rule 11.07(4) until:

(1) Respondent's civil rights have been restored, and,

(2) Respondent applies for and is reinstated per Rule 11.11.

RATIONALE: Respondent, born December 24, 1924, served with honor in World War II as a combat pilot, later taking his undergraduate and law degrees at the University of Florida. He was admitted to the Florida Bar in July, 1950 and served the public with distinction until the subject misconduct. He has served as a Municipal Court Judge, a member of the Community Relations Board, Chairman of a Municipal Board of Adjustment and Chairman of a Municipal Code Enforcement Board. In brief, the testimony of numerous witnesses and the written testimonials of others convinces that the subject misconduct was an isolated aberration in an otherwise commendable life and exemplary professional career. The following assertions of Respondent's counsel are supported by the record and are adopted as findings of the undersigned:

1. MR. STAHL's is a singular and first offense. He has never before been subject to the sanctions of the criminal process or the subject of a disciplinary proceeding.
2. MR. STAHL has acknowledged his wrongdoing and demonstrated his remorse.
3. MR. STAHL harbored no corrupt, vile or base motive.
4. His crime was victimless in the sense that no individual was harmed.
5. He sustained no economic gain through his action.
6. MR. STAHL is now a convicted felon, whose misdeeds, shame and public humiliation have been exposed prominently in the news media. His conviction, is and shall continue to be a constant source of embarrassment for him and his family.
7. MR. STAHL is 61 years of age and his poor physical condition at the time of those events which led to his indictment may have compromised his judgmental abilities and mental faculties.
8. Many prominent citizens, including judges of the Circuit Court, gave testimony as to MR. STAHL'S excellent reputation, exemplary character and significant contributions to the community over many years.

There is no doubt that subsequent to an appropriate period of suspension, MR. STAHL possesses both the ability and desire to make a positive contribution to both the legal and lay communities.

The Court may also take into consideration the criminal sentence imposed upon MR. STAHL. He is to serve three (3) years in a penitentiary and pay the maximum fine of \$5,000.00.

No threat of harm to the public or embarrassment to the Bar would result from continuation of Respondent's suspension, which will continue until the Florida Bar itself approves reinstatement, which may be conditioned upon completion of requirements of the Supreme Court. See Rule 11.11(9).

The stigma of disbarment would be a burden on Respondent which is not necessary in this case to encourage reformation or rehabilitation, nor would it result in any greater protection of the public than would suspension on the terms recommended above. Those words were borrowed from the 1985 opinion of the Supreme Court in The Florida Bar vs. Carbonaro, 464 So.2d 549, 551 which also teaches:

This Court has established three criteria for determining the proper disciplinary sanction to be imposed against attorneys in action brought pursuant to article XI of the Integration Rule of the Florida Bar.

[F]irst, the judgment must be fair to society, both in terms of protecting the public from unethical conduct and at the same time not denying the public the services of a qualified lawyer as a result of undue harshness in imposing penalty. Second, the judgment must be fair to the Respondent, being sufficient to punish a breach of ethics and at the same time encourage reformation and rehabilitation. Third, the judgment must be severe enough to deter others who might be prone or tempted to become involved in like violations.

The Florida Bar v. Lord, 433 So.2d 983, 986 (Fla. 1983). The circumstances justifying the disciplinary sanction of disbarment were articulated in The Florida Bar v. Moore, 194 So.2d 264, 271 (Fla. 1966), where this Court stated that:

[D]isbarment is the extreme measure of discipline that can be imposed on any lawyer. It should be resorted to only in cases where the person charged has

demonstrated an attitude or course of conduct that is wholly inconsistent with approved professional standards. To sustain disbarment there must be a showing that the person charged should never be at the bar. It should never be decreed where punishment less severe, such as reprimand, temporary suspension, or fine will accomplish the desired purpose.

(4) Personal history and past disciplinary record:

Age: 61

Date admitted to The Florida Bar: July, 1950

Prior disciplinary convictions: None

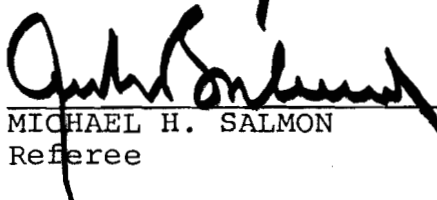
(5) The Court should consider the length of his suspension, a minimum of three (3) years and financial hardship that it will have upon STAHL and his dependents.

(6) Statement of costs and manner in which costs should be taxed: I find the following costs were reasonably incurred by The Florida Bar:

<u>Administrative costs</u>	
Referee Level	\$150.00
<u>Court Reporter and Transcripts</u>	
May 16, 1986, Status Conference	45.00
July 11, 1986, Final Hearing	<u>650.00</u>
TOTAL COSTS DUE THE FLORIDA BAR	\$845.00

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 25th day of July, 1986.


MICHAEL H. SALMON
Referee

Copies furnished to:

Jacquelyn Plasner Needelman, Bar Counsel
John T. Berry, Staff Counsel
Gilbert A. Haddad, Attorney for Respondent