

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED
JUN 17 1986

CLERK SUPREME COURT
By _____
Deputy Clerk

THE FLORIDA BAR,
Complainant,
v.
BARBARA L. WOLF,
Respondent.

Supreme Court Case
No. 68,452

The Florida Bar Case
Nos. 17D85F75 and
17D86F22

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

Respondent submitted a Consent Judgment on February 24, 1986 whereby she waived a probable cause finding by a duly constituted grievance committee of The Florida Bar; unconditionally pled guilty to certain enumerated provisions of the Bylaws under the Integration Rule promulgated under authority vested in The Florida Bar by the Integration Rule of The Florida Bar; and agreed to the disciplinary sanction specified therein upon condition that its acceptance be recommended by The Florida Bar. On February 26, 1986 The Florida Bar filed a Petition for Approval of Consent Judgment with the Supreme Court of Florida recommending acceptance of the Consent Judgment in all particulars. The undersigned was thereafter appointed as Referee in this cause by the Chief Justice of the Supreme Court of Florida by order entered April 18, 1986. Upon due deliberation and being satisfied that the discipline set forth in the Consent Judgment is appropriate, the undersigned Referee has determined to approve Respondent's Consent Judgment and recommend its ultimate acceptance by the Supreme Court of Florida.

The following appeared for the respective parties:

On behalf of The Florida Bar: Richard B. Liss, Esq.

On behalf of Respondent, Barbara L. Wolf, in proper person.

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

1. Pursuant to the directive of a grievance committee of The Florida Bar an audit was performed on Respondent's trust account and various land trust accounts.

2. The aforesaid audit revealed the following deficiencies in Respondent's trust account procedures which are adopted as the findings of this Referee:

a. failure to adequately identify all trust deposits and checks as required in Bylaws Under the Integration Rule, article XI, Section 11.02(4) (c);

b. failure to perform and maintain trust account balance reconciliations quarterly through June 30, 1984 and monthly after June 30, 1984 as required in Bylaws Under the Integration Rule, article XI, Section 11.02(4) (c);

c. failure to maintain individual client ledger cards properly reflecting all individual receipts, disbursements and unexpended balance as required in Bylaws Under the Integration Rule, article XI, Section 11.02(4) (c);

d. failure to issue written authorization to her bank permitting said bank to notify The Florida Bar in the event any trust account check is returned due to insufficient funds or uncollected funds, absent bank error, as required in Bylaws Under the Integration Rule, article XI, Section 11.02(4) (c); and

e. multiple checks issued which were returned due to insufficient funds.

III. RECOMMENDATION AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY:

Respondent should be found guilty of violating those provisions of the Bylaws Under the Integration Rule, promulgated under the authority vested in The Florida Bar by Fla. Bar Integr. Rule, art. XI, Rule 11.02(4) (c), as found by the Bar Auditor, to-wit: Bylaws Under the Integration Rule, article XI, Section 11.02(4) (c).

IV. STATEMENT AS TO PAST DISCIPLINE AND PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on November 18, 1977 and is 43 years of age. She has not received any prior discipline as a result of Florida Bar disciplinary proceedings.

v. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED:

The undersigned finds the following costs were reasonably incurred

by The Florida Bar and should be taxed against Respondent:

Administrative Costs
(Fla. Bar Integr. Rule, art. XI,
Rule 11.06(9) (a)) \$ 150.00
TOTAL \$ 150.00

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned recommends that Respondent's Consent Judgment be accepted by the Supreme Court of Florida and that Respondent receive a Public Reprimand from said Court to be published in Southern Reporter and to be administered during a personal appearance by Respondent before the Board of Governors of The Florida Bar.

It is further recommended that Respondent be placed on probation for a period of three (3) years during which time, as a condition of said probation, she be required to retain, at her own expense, the professional services of a certified public accountant who shall review Respondent's trust accounts and any land trust accounts she might maintain. Monthly statements shall be prepared by the aforesaid certified public accountant for review by The Florida Bar and shall state therein whether Respondent is in compliance with the trust accounting requirements mandated by the Integration Rule and Bylaws Under the Integration Rule of The Florida Bar and provide therein reconciliations of all of Respondent's trust accounts including land trust accounts. The certified public accountant shall certify all such statements submitted to The Florida Bar as to their accuracy. It shall be Respondent's responsibility to provide the aforesaid monthly statements to Staff Counsel of The Florida Bar (or his designee) within thirty (30) days after the last day of the month to which the certified public accountant's statement relates.

A failure by Respondent to provide The Florida Bar with the statements from the certified public accountant as set forth above or a finding in said statements that Respondent is not in substantial compliance with the trust accounting requirements mandated by the Integration Rule and Bylaws Under the Integration Rule of The Florida Bar and/or that any trust account or land trust account did not reconcile shall serve to vacate the three (3) year term of probation. Respondent would then be subject to revocation of her Board Certification in Tax Law and a term of suspension for a period of three

months and one day and continuing thereafter until proof of rehabilitation upon application by The Florida Bar to the Supreme Court of Florida and Respondent shall be deemed to have consented to such discipline by the terms of her Consent Judgment.

Costs of these proceedings should be taxed against Respondent in the amount of Three Hundred Dollars (\$300.00) with execution to issue and with interest at a rate of twelve per cent (12%) to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's final Order in this cause, unless time by payment is extended by the Board of Governors of The Florida Bar.

DATED this 25th day of June, 1986 at Miami, Dade County, Florida.


HAROLD SOLOMON, Referee

Copies furnished to:

Richard B. Liss, Attorney for Complainant
Barbara L. Wolf, in proper person, Respondent