

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

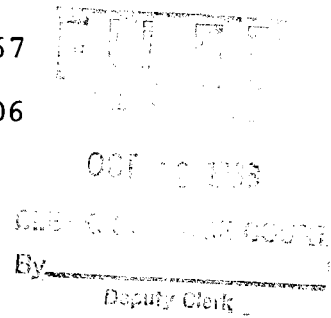
v.

ROBERT VERNON BOOKMAN,
Respondent.

CONFIDENTIAL

Case No. 68,867

TFB No. 0285106



REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, the following occurred:

On June 4, 1986, The Florida Bar filed its complaint and its request for admissions on this case. As a result of Respondent's failure to respond to these pleadings, The Florida Bar filed a Motion to Deem Matters Admitted and Motion for Summary Judgment. The aforementioned pleadings and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

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

1. Respondent is, and at all times mentioned in this complaint was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

2. After the death of her father in January of 1981, Ms. Peggy O. Lewis retained Respondent to invest her savings funds.

3. Ms. Lewis agreed to allow Respondent to pool her funds with his own money and to treat these funds as his own for investment purposes.

4. On February 3, 1981, Ms. Lewis gave Respondent \$16,000.00 according to their previous agreement.

5. On March 6, 1981, Ms. Lewis gave Respondent an additional \$52,268.00 for the same purpose as alleged in paragraph 4.

6. Ms. Lewis has been unable to contact Respondent to determine the whereabouts of her funds and has received no communications from Respondent regarding her funds after the March 6, 1981 meeting. Ms. Lewis has not received an accounting of her funds in possession of Mr. Bookman.

7. Since that time, Respondent has disappeared and cannot be located. Respondent has abandoned his law practice without notifying his clients and has absconded with her funds.

8. By reason of the foregoing, Respondent has violated Disciplinary Rules 9-102(A) (all funds of clients paid to a lawyer . . . shall be deposited in one or more identifiable banks . . . maintained in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein . . .); 9-102(B)(1) (a lawyer shall promptly notify a client of the receipt of his funds, securities, or other property); 9-102(B)(2) (a lawyer shall identify and label securities and property of a client promptly upon receipt and place them in a . . . place of safekeeping as soon as practicable); 9-102(B)(3) (a lawyer shall maintain complete records of all funds, securities . . . of client coming into the possession of the lawyer and render appropriate accounts to his client regarding them); 9-102(B)(4) (a lawyer shall promptly pay or deliver to the client the funds, securities . . . in the possession of the lawyer which the client is entitled to receive); and Integration Rule 11.02(4) (money . . . entrusted to an attorney for a

specific purpose . . . is held in trust and must be applied only to that purpose).

III. RECOMMENDATIONS AS TO WHETHER RESPONDENT SHOULD
BE FOUND GUILTY

I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

Disciplinary Rules 9-102(A) (all funds of clients paid to a lawyer . . . shall be deposited in one or more identifiable banks . . . maintained in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein . . .);

9-102(B) (1) (a lawyer shall promptly notify a client of the receipt of his funds, securities, or other property);

9-102(B) (2) (a lawyer shall identify and label securities and property of a client promptly upon receipt and place them in a . . . place of safekeeping as soon as practicable);

9-102(B) (3) (a lawyer shall maintain complete records of all funds, securities . . . of client coming into the possession of the lawyer and render appropriate accounts to his client regarding them);

9-102(B) (4) (a lawyer shall promptly pay or deliver to the client the funds, securities . . . in the possession of the lawyer which the client is entitled to receive); and

Integration Rule 11.02(4) (money . . . entrusted to an attorney for a specific purpose . . . is held in trust and must be applied only to that purpose).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be disciplined by:

- A) Disbarment from The Florida Bar;
- B) Payment of \$300.00 to The Florida Bar representing its costs in bringing this action. Such costs shall be paid within thirty days of the date of the Supreme Court's

order imposing discipline.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(A)(4), I considered the following personal history of Respondent, to wit:

Age: 48 years old

Dated admitted to the Bar: November 10, 1969

Prior Discipline: None

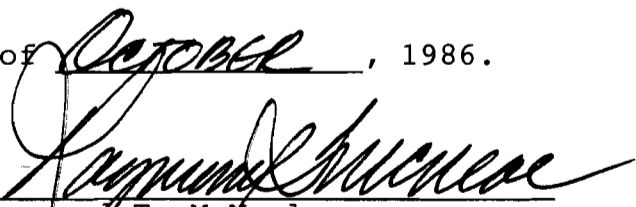
VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

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

- A. Grievance Committee Level
 - 1. Administrative Costs \$150.00
 - B. Referee Level
 - 1. Administrative Costs 150.00
- \$300.00

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment on this case becomes final unless a waiver is granted by the Board of Governors of the Florida Bar.

DATED this 9 day of October, 1986.


 Raymond T. McNeal
 Referee

Copies to:

James N. Watson, Jr., Bar Counsel of The Florida Bar
Robert Vernon Bookman, Respondent