

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

CONFIDENTIAL

Complainant,

CASE NO. 69,138

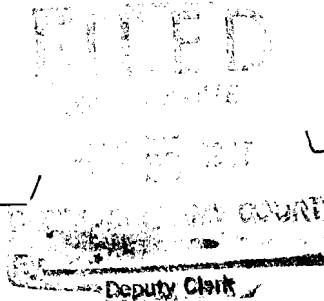
TFB Nos. 06D86H49

v.

06D86H64

WATKINS VAN SHARMAN,

Respondent.



REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to article XI of the Integration Rule of The Florida Bar, a final hearing was held on November 14, 1986. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar DAVID R. RISTOFF

For The Respondent JOSEPH F. MCDERMOTT

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 tendered Conditional Guilty Plea for a three year disbarment and payment of costs which admits to each act of misconduct alleged in Count I of the Complaint attached hereto except DR 1-102(A)(4), which was voluntarily dismissed by The Florida Bar. Count II was voluntarily dismissed by The Florida Bar.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that respondent be found guilty of the following violations of the Code of Professional Responsibility: That Watkins Van Sharman violated the Florida Bar Integration Rule, article XI, Rule 11.02(4) (trust funds for purposes other than the specific purpose entrusted); DR 9-102(A) (commingling of lawyers funds in trust account); Integration Rule 11.02(4)(b) and Bylaws Section 11.02(4)(c) 2.f (2.d before June 30, 1984) (client ledger cards did not contain clear and express accounting of all trust receipts and disbursements); Bylaws Section 11.02(4)(c)(3). (4.a before June 30, 1984) (failure to preserve all trust account reconciliations); and DR 2-106(a) (a lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee).

IV. Recommendation as to Disciplinary Measures to the Applied: I recommend that respondent receive a three (3) year disbarment and be required to pay restitution and costs of these proceeding prior to seeking readmission to the practice of law in the State of Florida.

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

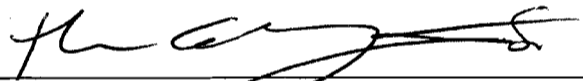
- (1) Age: 42
- (2) Date Admitted to Bar: November 10, 1969
- (3) Mitigating Factors: (a) Respondent has been cooperative with the Bar throughout these proceedings.
(b) Respondent has no prior disciplinary record.

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. Referee Level | |
| 1. Administrative Costs | \$ 150.00 |
| 2. Court Reporter Cost | 47.50 |
| 3. Staff Counsel Expenses | 6.20 |
| 4. Staff Auditor Expenses | 2,302.56 |
| 5. Staff Investigator Expenses | <u>351.00</u> |
| TOTAL COSTS TO DATE | <u>\$2,857.26</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 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 12th day of January, 1987.



HONORABLE THOMAS E. STRINGER, SR.
Referee

Copies furnished to:

David R. Ristoff, Bar Counsel
Joseph F. McDermott, Counsel for Respondent
John T. Berry, Staff Counsel

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Case No. 69,138
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STATEMENT OF COSTS

REFEREE LEVEL:

| | |
|---|-------------------|
| 1. Administrative costs at the Referee level, Florida Bar Integration Rule, article XI, Rule 11.06(9) (a) | 150.00 |
| 2. Betty M. Lauria Official Court Reporter Transcript Appearance Fee: (11/14/86) | 17.50 30.00 |
| 3. Bar Counsel Expense (David R. Ristoff) (11/14/86) | |
| a. Mileage: 20 miles @ \$.27 | 5.60 |
| b. Parking | .60 |
| 4. Staff Investigator Expenses: (Ernest J. Kirstein, Jr.) | |
| a. Mileage: 150 mi. x .27 | 40.50 |
| b. Time Expended: 20.7 hrs. @ \$15.00 | 310.50 |
| 5. Staff Auditor's Expenses: (Pedro J. Pizarro) | |
| a. Time Expended 91 8/10 hrs | 2,258.28 |
| b. Mileage | 44.28 |
| TOTAL AMOUNT DUE TO DATE: | <u>\$2,857.26</u> |

The foregoing costs have been incurred in the above-styled cause at the Referee level by The Florida Bar.

DATED this 19th day of Dec., 1986.

Respectfully submitted,

David R. Ristoff

DAVID R. RISTOFF
Assistant Staff Counsel
The Florida Bar, Suite C-49
Tampa Airport Marriott Hotel
Tampa, Florida 33607
(813) 875-9821

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs has been furnished to Joseph F. McDermott, Counsel for Watkins Van Sharman, respondent at 544 First Avenue North, St. Petersburg, Florida 33701; and a copy to John T. Berry, Staff Counsel, The Florida Bar, Ethics and Discipline Department, 600 Apalachee Parkway, Tallahassee, Florida 32301-8226, this 19th day of December, 1986.



DAVID R. RISTOFF