

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

HAROLD W. LONG, JR.

Respondent.

CONFIDENTIAL

Case No. 69,960

(TFB Case No. 06C85H81,  
06C85H98, 06C85105,  
06C85H90, 06C86H77,  
06C86110, 06C86136,  
06C86137, 06C86143,  
06C87H34, 06C87H38)

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as Referee to conduct disciplinary proceedings herein according to Article II of the Integration Rule of The Florida Bar, a hearing was held May 8, 1987 at 2:43 p.m. in Room 490, 315 Court Street, Clearwater, Florida. This Court found that respondent was properly served at his record Bar address, and that extensive efforts were made to make respondent aware of the status of proceedings against him and provide notice of final hearing.

The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits, all of which 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: Thomas E. DeBerg  
Suite C-49  
Marriott Hotel  
Tampa Airport  
Tampa, FL 33607

For the Respondent: Did not appear

II. Findings as to Each Item of Misconduct with Which the Respondent is Charged: After considering all of the evidence before me, and having deemed Complainant's Requests for Admissions admitted, I find:

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

2. In TFB No. 06C85H81, respondent violated Integration Rule, article XI, Rule 11.02(3)(a)(conduct contrary to the standards of the profession); DR 1-102(A)(6)(engaging in conduct that adversely reflects on his fitness to practice law).

3. In TFB No. 06C85105, respondent violated Disciplinary Rule 9-102(A)(failure to deposit client funds in one or more identifiable bank or savings and loan association accounts maintained in the state in which the law office is situated), and DR 9-102(B)(3)(failure to maintain complete records of all funds, securities and other properties of a client coming into the possession of the lawyer and to render appropriate accounts to the client regarding them).

4. In TFB No. 06C85105, respondent Disciplinary Rule 6-101(A)(2)(neglect of a legal matter); DR 6-101(A)(3)(handling a legal matter without preparation adequate in the circumstances); DR 7-101(A)(2)(failure to carry out a contract of employment); and DR 7-101(A)(3)(conduct that prejudice(s) or damage(s) a client during the course of the professional relationship).

5. In TFB No. 06C85H90, respondent violated Disciplinary Rule 1-102(A) (attorney misconduct) and DR 7-101(A) (2) (failure to carry out a contract of employment).

6. In TFB No. 06C86H77, respondent has violated DR 9-102(B) (4) (failure to promptly return to a client funds which a client is entitled to receive, DR 1-102(A) (1) (violation of a disciplinary rule); DR 6-101(A) (2) (inadequate preparation under the circumstances); DR 6-101(A) (3) (neglect of a legal matter); DR 7-101(A) (2) (failure to carry out a contract of employment); DR 7-101(A) (3) (prejudicing or damaging a client during the course of a professional relationship).

7. In TFB No. 06C86110, respondent has violated Integration Rule 11.02(3) (a) (conduct contrary to honesty).

8. In TFB No. 06C87H34, respondent repeatedly gave false assurances that he would make payment for his law office signs and therefore has violated Integration Rule 11.02(3) (a) (conduct contrary to honesty).

9. In TFB No. 06C87H38, by failing to make restitution on a dishonored check after notification, respondent has violated Integration Rule 11.02(3) (a) (conduct contrary to honesty).

10. In TFB No. 06C86136, continuing his pattern of dishonored checks and, in addition, becoming intoxicated and harassing tenants at the apartment complex where he resided, respondent has violated DR 1-102(A) (6) (conduct adversely reflecting on his fitness to practice).

11. In TFB No. 06C86137 (Count I), respondent has violated DR 6-101(A) (2) (handling a legal matter without preparation adequate in the circumstances); DR 6-101(A) (3) (neglect of a legal matter); DR 7-101(A) (2) (failure to carry out a contract of employment); and DR 7-101(A) (3) (prejudicing or damaging a client).

12. In TFB No. 06C86137 (Count II), respondent has violated DR 6-101(A) (3) (neglect of a legal matter); and DR 7-101(A) (2) (failure to carry out a contract of employment).

13. In TFB No. 06C86143, respondent has violated DR 6-101(A) (3) (neglect of a legal matter); DR 6-101(A) (2) (handling a legal matter without adequate preparation); DR 7-101(A) (2) (failure to carry out a contract of employment); and DR 7-101(A) (3) (prejudicing or damaging a client during the course of a professional relationship).

MITIGATING CIRCUMSTANCES:

Respondent appears to have a severe alcohol abuse problem. The vast majority of the charges against him occurred prior to the Supreme Court Order of April 17, 1986, Case No. 67,339 in which he was publicly reprimanded, placed on three years probation, required to make monthly reports to verify his continued voluntary rehabilitation from alcohol abuse, and to make restitution to the client security fund.

AGGRAVATING CIRCUMSTANCES:

Respondent has completely failed to comply with the Supreme Court Order in case number 67,339. He filed no monthly reports regarding alcohol abuse rehabilitation, paid nothing towards reimbursing the client security fund, and paid nothing towards costs of the previous action against him. Since July of 1986 he has not paid Bar dues.

Respondent has failed to cooperate with the Bar in the instant proceedings. At the grievance committee level, he was represented by an attorney in those cases encompassed within former Supreme Court Case 69,241 (since consolidated with 69,960), and appeared personally. However, although aware of many grievances against him, respondent has since not recontacted the Bar, not responded to complaints, requests for admissions, nor did he appear at the final hearing. Service by certified mail was attempted at his present Bar address, his former Bar address and office, attempts were made to contact him through his son, mother, wife and former attorney. All but one of the papers served were returned unclaimed. The Bar has been unsuccessful in its attempts to subpoena his trust records.

Since the Supreme Court Order of April 1986, respondent's offenses primarily involve unpaid for business costs related to his law practice and related misrepresentations, and a failure to make restitution on a check returned for insufficient funds sent to pay for his own traffic offense. In those cases neglected prior to April 1986, respondent has failed to make restitution of unearned fees. Respondent has abandoned his practice.

ADDITIONAL INFORMATION ON RESPONDENT

Date of Birth: 1939  
Admitted to Florida Bar: Dec. 2, 1968  
Prior Discipline: Private Reprimand, 3 year probation  
Area of Practice: Tallahassee  
Designations: None

RECOMMENDED DISCIPLINE:

Having fully considered all facts before this Court, respondent's prior discipline and probable alcohol abuse, it is recommended that Respondent be:

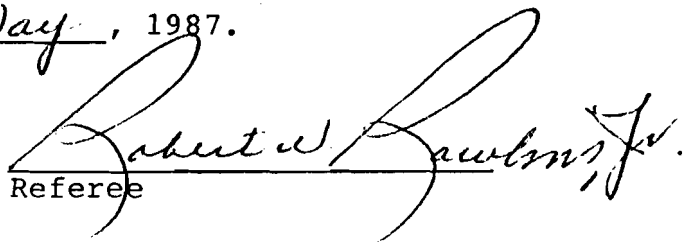
1. Disbarred from the practice of law for a period of five (5) years.
2. Pay all costs incurred by The Florida Bar in these proceedings.

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

A. Grievance Committee Level	
Administrative Costs	150.00
Court Reporter Costs	507.20
Staff Investigator Costs	707.10
Staff Counsel Costs	17.98
B. Referee Level	
Administrative Costs	<u>150.00</u>
TOTAL AMOUNT DUE TO DATE	<u>\$1,532.28</u>

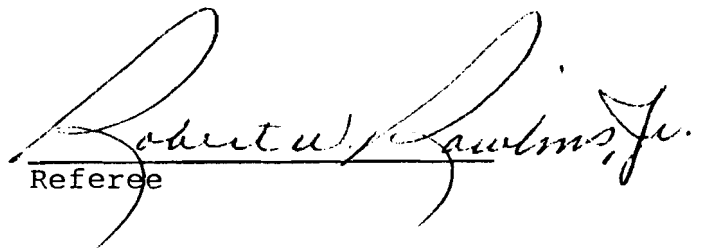
It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the Respondent, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 27<sup>th</sup> day of May, 1987.

  
Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the  
aforementioned has been furnished to HAROLD W. LONG, JR.,  
Respondent, Building A, Apartment 1, 306 White Drive,  
Tallahassee, FL 32304, by certified Mail, return receipt  
requested, #P 436 008 671, to JOHN BERRY, Staff Counsel, The  
Florida Bar, Tallahassee, FL 32301, to the Supreme Court, the  
Supreme Court Building, Tallahassee, FL 32301, to Thomas E.  
DeBerg, Assistant Staff Counsel, The Florida Bar, Tampa Airport  
Marriott Hotel, Suite C-49, Tampa, FL 33607.

  
Referee