

IN THE SUPREME COURT OF FLORIDA  
Judge Patricia W. Cocalis

The Florida Bar,  
Complainant,  
vs.  
LEWIS M. WILLIAMS,  
Respondent.

FILED CASE NO. 69,589  
DEC 16 1987  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Deputy Clerk

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, hearings were held on July 16, 1987 and July 7, 1987.

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, Patricia S. Etkin, Esq.

For The Respondent, John A. Weiss, Esq.

II. Findings of Fact: This is a Petition for reinstatement to membership in good standing in the Florida Bar, pursuant to Rule 11.11, Article XI of the Integration Rule of the Florida Bar. Petitioner Lewis M. Williams was suspended pursuant to a felony conviction on February 13, 1979.

After considering all the pleadings and evidence before me, pertinent portions of which are commented upon below, I find:

A. That Mr. Williams did not strictly adhere to Rule 11.10(7), Integration Rule of The Florida Bar, in that he did not furnish a copy of the Order of suspension to

all of his clients with matters pending in his practice and did not furnish staff counsel of The Florida Bar with a sworn affidavit listing the names and addresses of all clients who were furnished copies of the order. (WILLIAMS Tr. of July 6, 1987, at 74; Tr. July 7, 1987 at 23).

- B. That Petitioner Williams permitted his trust account to remain open and active after his suspension (Bar Exhibit 2; July 7, 1987 Tr. at 29-35). This trust account was closed on May 23, 1980 (Bar Exhibit 2) after Petitioner's incarceration in February, 1980. In fact, a check was issued by Petitioner from his trust account on January 15, 1980 and made payable to a physician in connection with a client matter (Bar Exhibit 3; July 7, 1987 Tr. at 34). Petitioner admitted that he was suspended at the time the check was issued (WILLIAMS, July 7, 1987 Tr. at 35), but would not concede that the check was written on his escrow account, even when confronted with the account number (WILLIAMS July 7, 1982 Tr. at 207-208).
- C. Petitioner Williams directed Gary McDaniel, a private investigator who was hired by Petitioner to perform investigative services after Petitioner's conviction and suspension, to locate and interview the jurors in his trial and that of his co-defendant, Nuria Izquierdo, and to interview the confidential informant (McDANIEL, July 7, 1987 Tr. at 60; WILLIAMS, July 6, 1987 Tr. at 241). The trial court had previously denied Petitioner's motion to disclose the confidential informant (WAKSMAN, July 7, 1987 Tr. at 98) and seeking access to the confidential informant was prohibited.

Petitioner's direction to McDaniel to interview the jurors was in contravention of Rule 7-108(D) of the Code of Professional Responsibility (in effect during 1979-80 period) and EC 7-29 to which the Rule refers (McDANIEL, July 7, 1987 Tr. at 60; WILLIAMS July 6, 1987 Tr. at 241). Petitioner acknowledged that he directed McDaniel to interview the jurors without filing notice of intention to interview (WILLIAMS, July 7, 1987 Tr at 246). This is especially significant in light of the fact that many of the lawyers who testified on Petitioner's behalf mentioned his through knowledge of law and procedure (REYNOLDS, July 6, 1987 Tr. at 45; CLARKE, July 6, 1987 Tr. at 92 DROESE, July 6, 1987 Tr. at 123).

Petitioner seemed to have some lapses of memory, when asked if he had called McDaniel at his office on November 4, 1982 after receiving a demand letter from Petitioner's attorney and left a message with the answering service, inquiring about McDaniels health (WILLIAMS, July 7, 1987 Tr. at 193-194), and then went on to explain that the number received by the answering service was in fact Petitioner's number at the Miami North Work Release Center. It begs reasonable credibility to believe the answering service made up the message and the number.

The most disturbing facts were the Petitioner's continued involvement, after his conviction and suspension, with those persons directly and indirectly involved in his case and other criminal activity. In September 1979, Petitioner was assisting Isidro Rodriguez in obtaining legal counsel and in obtaining information from McDaniel who was investigating

Rodriguez' case (McDANIEL, July 7, 1987 Tr. at 41). McDaniel testified that Isidro told him that an individual called Alberto Dominguez aka Poppo said that Lewis could be trusted. Dominguez was Isidro's co-defendant (Isidro was charged with murder and had a smuggling conviction) and is currently a fugitive, and "ran an organized enterprise for smuggling activities." (McDANIEL, JULY 7, 1987 Tr. AT 42, 45). Petitioner was introduced to McDaniel as a connecting link with Poppo and served as a conduit for information and legal fees for Rodriguez. (McDANIEL, July 7, 1987 Tr. at 45-47). Petitioner got \$1000 from someone he thinks Isidro's wife - to find an attorney for Isidro and gave this money to Carling Steadman to represent Isidro. According to McDaniel petitioner was present in attorney Paul Pollack's office when his mistress Nuria Izquierdo gave Pollack \$6300 for Isidro (McDANIEL July 7, 1987 Tr. at 52). Although petitioner testified he didn't know Isidro wound up having Pollack as his attorney.

Petitioner told McDaniel he was bitter about Nuria doing a deal and getting him in, though he knew what he was present for at the motel where he was arrested (McDANIEL July 7, 1987 Tr. at 71). Petitioner also testified at the hearing that although he did not know a drug deal was going to take place (despite police testimony at the trial that he talked up the deal and said he dealt only in kilos (WAKSMAN, July 7, 1987 Tr. at 95). he did know something illegal was going on (WILLIAMS, July 7, 1987 Tr. at 198). This in contradiction to testimony given by Petitioner's own witness Adler who said Petitioner told him he wasn't guilty (ADLER July 6, 1987 Tr. at 173) and Reynolds

who testified that Petitioner told him he was "enticed to protect a woman (REYNOLDS, July 6, 1987 Tr. at 52, 53). Three other witnesses testified that Petitioner gave them the impression that he was a victim of circumstances (REYNOLDS, July 6, 1987 Tr. at 53; CLARKE, July 6, 1987 at 100; DROESE, July 6, 1987 Tr. at 131; BULLOUGH, July 6, 1987 Tr. at 155).

Petitioner's witnesses testified almost uniformly that he was a good lawyer, they thought he was honest, had a good knowledge of the law and that they would send clients to him or hire him if he were re-instated. Some admitted they knew he had been convicted, but were not aware of the circumstances. Petitioner was in fact convicted by a jury of possession and sale of a controlled substance (cocaine), conspiracy to commit a felony (sale of cocaine) and two counts of carrying a concealed firearm and sentenced to ten years in prison. McDaniel testified that he believed himself and had been told by Isidro that Petitioner was involved in smuggling and had set up corporations for laundering money (McDANIEL, July 7, 1987 Tr. at 72,73).

### III. Recommendations

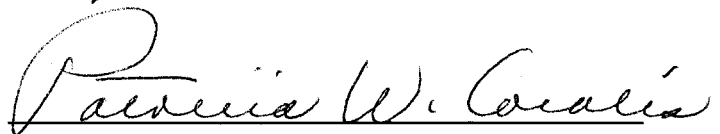
I recommend that Lewis Williams, Petitioner, not be reinstated to membership in The Florida Bar.

IV. Statement of Costs and manner in which they should be taxed.

Court Reporter: Depositions	\$ 230.00
Investigative Costs:	3,399.14
Miscellaneous:	
Miami Review Notice (Petition for Reinstatement)	90.00
Photocopies	35.00
Bank Records	78.75
Witness Fees and Subpoena Service	170.00
	<u>SUBTOTAL</u> 4,003.67
Court Reporter: Final Hearing (July 6 & 7 1987)	1,852.67 5,586.34
Less Petitioner's Cost Deposit	- 500.00
	<u>TOTAL</u> \$ <u>5,356.34</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 11 day of December, 1987.



Referee