

FILED
SID J. WAIN
JUL 18 1987
CLERK, SUPREME COURT
By _____
Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case Nos. 69,593
70,337

v.

(TFB Case No. 07C86C32
07C86C67)

STEPHEN M. NELSON,

Respondent.

_____ /

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules of Discipline, hearings were held on July 6, 1987. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits all of which are forwarded to The Supreme Court of Florida with this report, constitutes the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar _____ Jan K. Wichrowski

For The Respondent _____ In Proper Person

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, pertinent portions of which are commented on below, I find:

As to 07C86C32

I approve the Conditional Guilty Plea for Consent Judgment based on the Complaint in this matter. I incorporate that Complaint herein regarding the factual basis of this plea. I further note that respondent has taken steps since the grievance committee hearing to cooperate with and protect the complainants in this case.

As to 07C86C67

I approve the Conditional Guilty Plea for Consent Judgment based upon the Complaint in this matter. I incorporate that Complaint herein regarding the factual basis of this plea. I further note that respondent has taken steps since the grievance committee hearing to cooperate with and protect the complainants in this case.

III. Recommendations as to whether or not the Respondent should be found guilty: As to each Complaint I make the following recommendations as to guilt or innocence:

As to 07C86C32

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of The Florida Bar's Code of Professional Responsibility: 1-102(A)(6) for conduct reflecting adversely on his fitness to practice law; 6-101(A)(3) for neglect of a legal matter; 7-101(A)(1) for failing to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules; and 7-101(A)(2) for failing to carry out a contract of employment entered into with a client for professional services.

As to 07C86C67

I recommend that the respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rule of The Florida Bar's Code of Professional Responsibility: 1-102(A)(6) for conduct reflecting adversely on his fitness to practice law; 6-101(A)(3) for neglect of a legal matter; 7-101(A)(1) for failing to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules; and 7-101(A)(2) for failing to carry out a contract of employment entered into with a client for professional services.

IV. Recommendation as to Disciplinary measures to be applied:

In concurrence with the Conditional Guilty Plea for Consent Judgment, I recommend that the respondent receive a public reprimand by publication in the Southern Reporter pursuant to Rule 3-5.1(d) of the Rules of Discipline.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline pursuant to Rule 3-7.5(k)(4), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Age: 37
Date admitted to Bar: June 18, 1980
Prior Disciplinary convictions and disciplinary
measures imposed therein: 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.	Previous Total - ?	\$804.48	
B.	Referee Level Costs		
1.	Administrative Costs	\$150.00	
2.	Transcript Costs for 7/6/87 hearing	Not Yet Obtained	→ *
3.	Bar Counsel Travel Costs regarding 7/6/87 hearing	\$48.27	

TOTAL ITEMIZED COSTS: \$1002.75

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 9th day of JULY, 1987.


Referee

Copies to:

Bar Counsel
Respondent
Staff Counsel, The Florida Bar, Tallahassee, Florida 32301