

Supreme Court of Florida

Nos. 69,647 & 69,936

THE FLORIDA BAR, Complainant,

vs.

THOMAS L. SMITH, Respondent.

[September 17, 1987]

PER CURIAM.

In these disciplinary cases, The Florida Bar charged attorney Thomas L. Smith with twenty-three counts of failing to perform services for clients after being retained. In a separate proceeding this Court ordered respondent temporarily suspended on the ground that he appeared to be causing great harm to his clients or to the public. The Florida Bar v. Smith, No. 69,120 (Fla. September 8, 1986).

Based on respondent's failure to respond to the accusations made in the instant proceedings, the referee deemed the bar's factual allegations to be admitted and made recommended findings of fact. Based on the numerous instances of total nonfeasance with regard to his clients' cases and his failure to respond to the bar's complaints, the referee found that respondent had abandoned his practice and recommended disbarment.

A lawyer's abandonment of his practice, without taking steps needed for an orderly withdrawal from representation,

results in wholesale neglect of legal business entrusted by clients and exposes clients to the possibility of irreparable harm. The referee correctly found that respondent's conduct violated numerous provisions of the Rules Regulating The Florida Bar. This kind of misconduct warrants disbarment. The Florida Bar v. Friedman, No. 69,591 (Fla. Sept. 3, 1987); The Florida Bar v. Montgomery, 412 So.2d 346 (Fla. 1982). We therefore approve the referee's report.

Thomas L. Smith is hereby disbarred, effective immediately. The costs of this proceeding are taxed against him. Judgment is entered against Thomas L. Smith in the amount of \$1,489.86, for which sum let execution issue.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETTT, GRIMES
and KOGAN, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL
NOT ALTER THE EFFECTIVE DATE OF THIS DISBARMENT.

Two Original Proceedings - The Florida Bar

John F. Harkness, Jr., Executive Director and John T. Berry,
Staff Counsel, Tallahassee, Florida; and Jan K. Wichrowski,
Bar Counsel, Orlando, Florida,

for Complainant

No Appearance,

for Respondent