

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Case No. 70,043
(TFB No. 06D86H01)

v.

BAILEY M. WELDEN,
Respondent.

JUL 10 1987

DEPUTY CLERK
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 and Rule 3-7.5 Rules of Discipline, a final hearing was held on July 6, 1987. The enclosed pleadings, orders, transcripts and exhibits are forwarded to the Supreme Court of Florida with this report, and 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: Richard T. Earle, Jr.

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 find the respondent has violated The Florida Bar Code of Professional Responsibility in the following cases.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I find that the respondent be found guilty of the following violations of the Code of Professional Responsibility: That Bailey M. Welden, has violated the following Disciplinary Rules:

1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation);

5-101(A) (except with the consent of his client after full disclosure, a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his client will be or reasonably may be affected by his own financial, business, property, or personal interest);

5-104(A) (a lawyer shall not enter into a business transaction with a client if they have differing interests therein and if the client expects the lawyer to exercise his professional judgment therein for the protection of the client, unless the client has consented after full disclosure.

5-105(A) (a lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment except to the extent permitted by DR 5-105(c);

5-105(B) (a lawyer shall not continue multiple employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by his representation of another client, except to the extent permitted under DR 5-105(c).

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that Bailey M. Welden be disciplined by a public reprimand. Further respondent is to pay all costs associated with these disciplinary proceedings. These costs shall be paid within thirty (30) days from the final order of the Supreme Court of Florida approving this plea agreement.

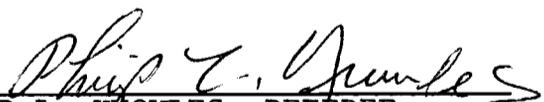
V. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), and Rule 3-7.5(k), Rules of Discipline, and considered the following personal history and prior disciplinary record of the respondent to wit:

- (1) Age: 63
- (2) Date Admitted to Bar: January 30, 1954
- (3) Prior Disciplinary Record: 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. Grievance Committee Level	
(1) Administrative Costs	\$150.00
(2) Court Reporting Costs	542.00
(3) Staff Investigator Expenses	809.58
B. Referee Level	
(1) Administrative Costs	\$150.00
(2) Court Reporting Costs	56.25
(3) Staff Investigator Expenses	107.00
(3) Bar Counsel Expenses	6.40
ESTIMATED COSTS TO DATE:	<u>\$1,821.23</u>

Dated this 27th day of July, 1987.


PHILLIP L. KNOWLES, REFEREE

Copies furnished to:

Richard T. Earle, Jr., Attorney for Respondent
David R. Ristoff, Branch Staff Counsel
John T. Berry, Staff Counsel, The Florida Bar