

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED

SID J. WHITE

JAN 4 1988

THE FLORIDA BAR,

Complainant,

v.

ROBERT P. ROSIN,

Respondent.

CASE No. CLERK, SUPREME COURT
(TFB No. 86-19110 (12A))
(formerly 12-846101)

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 October 28, 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
For The Respondent

BONNIE L. MAHON
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 accept the tendered Conditional Guilty Plea for Consent Judgment for a Public Reprimand and payment of costs. I find that the respondent allegedly had a claim against Betty Butler, a past client, for approximately \$100,000.00. On June 24, 1983, respondent presented two (2) letters to Mrs. Butler for a wrongful purpose. One of the letters submitted to Mrs. Butler was addressed to James A. Gardner, State Attorney for the Twelfth Judicial Circuit of Florida. The letter confirmed an alleged telephonic conversation between the respondent and Mr. Gardner wherein respondent requested a full investigation of the conduct of Betty Butler and further requested the filing of criminal charges against her. The second letter submitted to Mrs. Butler was addressed to Mr. John E. Butler, Ms. Butler's ex-husband. This letter alleged that Ms. Butler had wrongfully appropriated over \$100,000.00 and as such, Mr. Butler could possibly have Ms. Butler's rehabilitative alimony and permanent alimony eliminated. The respondent told Ms. Butler that he had hand delivered the aforesaid letters to the party in which they were addressed. I find that the respondent did not in fact hand deliver the aforesaid letters to the parties addressed therein and further that he never intended to do so.

The Florida Bar charged the respondent with having an exparte communication with a judge in violation of Disciplinary Rule 7-110(B). The Florida Bar voluntarily dismissed the aforesaid charge based on the fact that at the time of the communication, respondent was not representing any party to the cause and he did not discuss the merits of the case with a judge.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that respondent be found guilty of violating the following sections of the Code of Professional Responsibility: The Florida Bar Integration Rule, Article XI, Rule 11.02(3)(a); DR 1-102(A)(4); and DR 7-105(A).

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the respondent's Conditional Guilty Plea for Consent Judgment be accepted and that he be publically reprimanded. I further recommend that the respondent be assessed the cost of these proceedings.

V. Personal History and Past Disciplinary Record: After a finding of guilt and prior to recommending discipline pursuant to Rule 11.06(9)(a)(4), and Rule 3-7.5(K)1(4), Rules of Discipline, I considered the following personal history and prior disciplinary record of the respondent, to wit:

- (1) Age: 53 years old
- (2) Date Admitted to Bar: May 25, 1979
- (3) Mitigating Factors: None
- (4) Aggravating Factors: 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 Reporter	656.40
3. Investigation Costs	278.86
5. Bar Counsel Expense	64.96
B. Referee Level	
1. Administrative Costs	150.00
2. Hearing	45.00
3. Transcript and postage	91.41
4. Bar Counsel Expense	22.22
TOTAL COSTS TO DATE	<u>\$1,448.85</u>

VI. 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 thirty (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 30th day of December, 1987.



THE HONORABLE B. J. DRIVER
Referee

Copies furnished to:

Richard T. Earle, Jr., attorney for respondent
Bonnie L. Mahon, Assistant Staff Counsel
John T. Berry, Staff Counsel