

IN THE SUPREME COURT OF FLORIDA

CASE NO. 71,948

IN RE: PETITION OF
PETER M. LOPEZ
for reinstatement
to the Florida Bar

FILED
MAY 16 1988

REPORT OF REFEREE

The undersigned Referee, ALFONSO C. SEPE, a Judge of the Eleventh Judicial Circuit of Florida, duly appointed as Referee by the Supreme Court of Florida on February 25, 1988, to hear, conduct, try and to determine matters in connection with the Petition of Peter M. Lopez for Reinstatement to the Florida Bar, hereby makes the following findings and recommendations:

SUMMARY OF PROCEEDINGS

1. Before me in Miami, Dade County, Florida, on Monday, May 16, 1988, and continuing on Tuesday, May 31, 1988, counsel for the Petitioner and for the Florida Bar after full exchange of discovery and information herein, did present testimony and evidence with respect to the Petition for Reinstatement of Peter M. Lopez.
2. On July 11, 1988, the hearing was re-opened at the instance of the Florida Bar upon its motion asserting additional evidence on the business bank account of Peter Lopez & Associates at Ocean Bank, Miami in 1986, and enlarged at said hearing to include 1987-1988 statements of said account. Although said 1986 bank statements and checks were already in the Bar's hands prior to earlier hearings, petitioner's objection was denied in the interest of considering all matters as to character and fitness.
3. Testimony and evidence on said bank account, including testimony of the bank president, generally confirmed bank approval of overdrafts and no intent to issue checks upon insufficient funds. The bar stipulated that all checks were paid and that no one complained about any checks.
4. All proceedings were conducted in accordance with the Integration Rules as provided in Rule 3-7.91 and in compliance with all the elements to be considered as set forth in In Re: The Florida Bar, 1974, 301 So.2d 448 and all subsequent pertinent cases as decided by the Supreme Court of Florida.

FINDINGS OF FACT

1. All procedures, pursuant to the applicable Integration Rules as set forth above, including the Florida Rules of Evidence, were duly followed and notice was given of all proceedings conducted herein.

2. Petitioner, Peter M. Lopez, has presented extensive testimony from attorneys and long-time acquaintances familiar with his character, professional aptitude and experience from all of which it clearly appears as follows:

(a) That the Petitioner has strictly complied with all disciplinary orders of the Florida Supreme Court in all respects as stipulated by the Florida Bar and the Petitioner himself in the hearings held before this Referee.

(b) The unimpeachable character of Petitioner, Peter M. Lopez, has been clearly and satisfactorily demonstrated by the evidence presented before this Referee.

(c) Clear and convincing evidence of a good reputation and professional ability of the Petitioner, Peter M. Lopez, was demonstrated in the evidence and record before this referee.

(d) Uncontradicted evidence of lack of malice and ill-feeling toward those involved in the bringing of disciplinary proceedings is clear and unchallenged on the record and from the evidence presented before this Referee,

(e) Petitioner's personal assurances of repentance and contriteness, as well as a deep desire to conduct his practice in an exemplary fashion in the future, has been amply demonstrated by the Petitioner in the proceedings before this Referee and unchallenged on the record.

(f) Petitioner has demonstrated compliance with all prerequisites for reinstatement, including but not limited to restoration of his civil rights by the State of Florida.

3. The Petitioner, Peter M. Lopez, has presented clear and convincing evidence of his keeping abreast of the law during his suspension. The evidence presented further shows the Petitioner on numerous occasions having worked with other attorneys engaging in research

without compensation and for the sole purpose of remaining current in all aspects of law and jurisprudence. Petitioner has continued and does maintain an extensive law library used in his continuing legal studies and education. The testimony of his dedication and present legal competence and fitness to resume the practice of law is clear in the record and this Referee finds that Peter M. Lopez is fit to resume the practice of law with no further requirements or conditions being attached to his reinstatement to the Florida Bar save only the retaking of the oath of attorney.

4. Petitioner has duly complied with the conditions imposed by the Judgment of the Florida Supreme Court Order of Suspension of December 26, 1981, requiring the obtaining of a passing score on the ethics portion of the Bar examination, which Petitioner did on October 15, 1986, obtaining a scaled score of 90 points. The results of the examination were duly admitted into evidence, unchallenged and stipulated to by the Florida Bar.

5. Petitioner's stability in the community is demonstrated by his close family ties with his wife of 36 years, the testimony of the various witnesses on his behalf, Petitioner's testimony as to his continued residence in the same home of over 16 years and continuing community activities and non-legal work, as well as the depletion of Petitioner's substantial assets from time to time in order to meet financial obligations and to complete the college education of a daughter and of a son who is now admitted and active in the practice of law in Miami, Florida.

6. The Petitioner and all other witnesses presented on his behalf, demonstrated the Petitioner's strict adherence to the high principles of the law and morality during his years of suspension and no issue as to the Petitioner being engaged in the unauthorized practice of law was ever presented before this Referee.

7. This Referee was especially impressed with the Petitioner's sincere repentance and contriteness, and is convinced of the Petitioner's total dedication and resolve to re-enter the practice of law as a better lawyer conducting himself

in the most exemplary fashion as required of such occupation, and to follow strict procedures and Florida Bar guidelines in maintaining checking accounts.

8. The checks on Ocean Bank which were the subject of the further hearing on July 11, 1988, involved a business account and were issued pursuant to advance arrangements for overdrafts with the bank president who testified, and any checks returned during the president's absence from the bank were either paid upon his return or immediately by the Petitioner himself.

9. The evidence overall in this respect is not such that it refutes Petitioner's fitness to practice law and the substantial evidence of unimpeachable character found in paragraph 2(b) and should not deny his reinstatement.

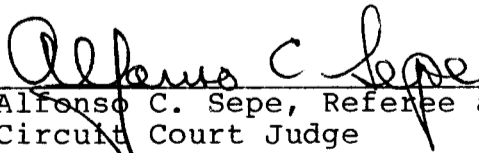
RECOMMENDATION

Upon consideration of the foregoing findings, testimony of all witnesses and the evidence as submitted and presented in this cause, as well as all requirements for rehabilitation and reinstatement as enunciated by the Florida Supreme Court, it is,

RECOMMENDED that Petitioner, Peter M. Lopez, be forthwith reinstated to the Florida Bar as a practicing attorney with all of the rights and privileges accorded to such occupation without conditions upon the retaking of the oath of attorney.

That the Petitioner, Peter M. Lopez, shall be taxed all costs of the proceedings upon affidavit of the Florida Bar in excess of the amount of \$500.00 already deposited with the Clerk of the Supreme Court at the initiation of these proceedings.

DATED: at Miami, Dade County, Florida, this 26th day of July, 1988.



Alfonso C. Sepe, Referee and
Circuit Court Judge