

**FILED**  
SID J. WHITE  
JUL 30 1992  
CLERK, SUPREME COURT.  
By \_\_\_\_\_  
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

CASE NO. 78,242

GEORGE CARSWELL,

Respondent.

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**REPORT OF REFEREE**

I. **Summary of Proceedings:** Pursuant to the undersigned being duly appointed as referee to conduct the proceedings herein according to the Rules of Discipline, final hearing was held on Wednesday, July 22, 1992 at 1:00 p.m.

James N. Watson, Jr., appeared on behalf of the Florida Bar. John A. Weiss appeared on behalf of the Respondent.

II. **Stipulation to Facts:** The parties have entered into a stipulation of facts (joint Exhibit 1 attached hereto). Pursuant thereto Respondent admits to the misconduct and violations set out in the complaint. Accordingly, the only issue presented to the undersigned was that of appropriate disciplinary measures. The undersigned recommends that Respondent be found guilty of the violations alleged.

III. **Recommendation as to Disciplinary Measures to be Applied:** I am well satisfied that the violations complained of constitute a one time departure from what has otherwise been demonstrated to be a career of exemplary professional conduct. The

Respondent appears to the undersigned to be a competent, trustworthy and ethical practitioner with a deep sense of commitment to the members of his community. It is further the undersign's belief that although a period of suspension is appropriate, proof of rehabilitation should not be required as a condition to reinstatement.

I, therefore, recommend that the Respondent be suspended from the practice of law for a period of three months (90 days) with automatic reinstatement at the end of the period of suspension as provided in Rule 3-5.1(e), Rules of Discipline.

IV. Personal History and Past Disciplinary Record: After having taken into account the above-referenced stipulation of facts (and guilt) and prior to having made my recommendation for discipline, I considered the following personal history and prior disciplinary record of the Respondent, to wit:

- a. Age: 44 years
- b. Marital Status: Married 20 years
- c. Prior disciplinary convictions and disciplinary matters imposed therein:  
None
- d. Other personal data: The undersigned has considered aggravating and mitigating circumstances including those contained in Standard 9.0. Conspicuous among mitigating circumstances are the following:

(1) The Respondent has made a full and free disclosure and exhibited a cooperative and remorseful attitude during these proceedings.

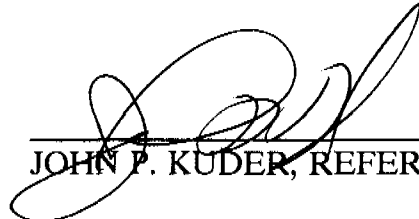
(2) Respondent's reputation for honesty, integrity and fair dealing in his community remains uncompromised notwithstanding common knowledge of the events which gave rise to these proceedings.

(3) Members of the Respondent's professional community including the Clerk of Court, Sheriff, State Attorney and members of the Bench (both active and retired) uniformly express a high degree of confidence in Mr. Carswell and, notwithstanding the events which gave rise to this complaint, still express unflagging confidence in his professional ability and integrity.

It is the undersigned's belief that any aggravating circumstances which may exist are far outweighed by the elements of mitigation referred to above.

V. Statement of Costs and Manner in which Costs Should be Taxed: All taxable costs incurred by the Bar should be taxed against Respondent. Specific items of costs were not addressed at the time of hearing and the undersigned assumes that a stipulation regarding payment of same will be accomplished between counsel.

DATED this 28th day of July, 1992.

  
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JOHN P. KUDER, REFEREE

Certificate of Service

I hereby certify that a copy of the above report of referee has been served on James N. Watson, Jr., Esquire, at The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300, and John A. Weiss, Esquire, at Post Office Box 1167, Tallahassee, Florida 32302-1167 this the 28th day of July, 1992.

  
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Pamela R. Clayton, Judicial Assistant