

Case disposed
6-18-92

FILED

SID J. WHITE

JUN 25 1992

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

CASE NO. 78,882

TFB No. 91-50,217 (10A)

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complaint,

vs:

RICHARD E. BOSSE,

Respondent.

REPORT OF REFEREE

THIS CAUSE having come before the Referee on Respondent, RICHARD E. BOSSE'S, Motion to Tax Costs, and the Referee having examined extensive, multiple, Memoranda of Law provided to the Referee by the Bar and Respondent, and the Referee having heard argument of counsel for Respondent and the Bar, and the Referee having been otherwise duly advised in the premises, the Referee makes the following findings of fact:

A. The Referee directed a verdict on behalf of Respondent and found Respondent not guilty of Rule 4-1.5 for charging a clearly excessive fee.

B. The Referee found Respondent not guilty of violating Rule 4-4.3 (a)(2) for failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client; Rule 4-3.4 (b) for fabricating evidence, counseling, or assisting a witness to testify falsely; Rule 4-8.4 (c) for engaging in conduct involving dishonestly, fraud, deceit or misrepresentation; and Rule 4-8.4 (d) for engaging in conduct that is prejudicial to the administration of justice;

C. The Referee found Respondent not guilty of Rule 4-1.4 for failing to keep clients reasonably informed about the status of the matter, or to explain matters to the extent reasonably necessary to permit clients to make informed decisions;

D That the Florida Bar presented an extremely weak case before the Referee against the Respondent, RICHARD E. BOSSE.

E. That Respondent, RICHARD E. BOSSE, was the strong prevailing party in the complaint filed against him by The Florida Bar.

F. That it is within the sound discretion of the Referee to recommend that costs be awarded to Respondent.

THEREFORE, the Referee recommends that Respondent, RICHARD E. BOSSE, be awarded costs in the total amount of \$9,065.36 to be paid by The Florida Bar described as follows:

1. Court Reporter's fees in the total amount of \$2,106.45;

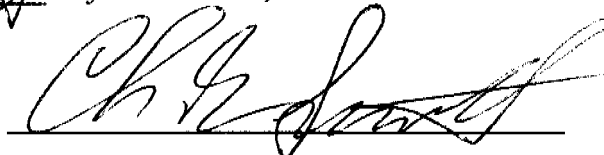
2. The expert fee of Lewis Kapner, Esquire, in the total amount of \$5,059.05. Mr. Kapner, an experienced family lawyer and long-standing member of The Florida Bar, charged Respondent, RICHARD E. BOSSE, \$300.00 per hour for his services rendered for his expert testimony prior to and during the trial of the complaint filed against Respondent by The Florida Bar. \$300.00 per hour is a reasonable rate and 16.87 hours is a reasonable time expended.

3. The expert fee of J. Weston Signond, Esquire, in the total amount of \$1,800.00. Mr. Signond, whose practice is devoted exclusively to adoption law, charged Respondent, RICHARD E. BOSSE, \$150.00 per hour for his services rendered for his expert testimony presented at trial and for reviewing the file prior to trial. \$150.00 per hour is a reasonable rate and 12 hours is a reasonable time expended.

4. Sheriff's fees in the amount of \$12.00;

5. Long distance expense in the amount of \$87.86.

DATED this 18th day of June, 1992.



CHARLES E. SMITH, Referee

David G. McGunegle, Bar Counsel

Kristen M. Jackson, Co-Bar Counsel

T.N. Murphy, Jr., Esquire

John T. Berry, Staff Counsel

The Florida Bar