

FILED

SID J. WHITE

DEC 17 1993

CLERK, SUPREME COURT.

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Supreme Court No. 81,125

Case Nos. 92-70,515 (11A)
92-70,587 (11A)
92-70,683 (11A)

vs.

JOHN WESLEY ADAMS, (SOAP)
Respondent.

AMENDED REPORT OF REFEREE

- I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules of Discipline, hearings were held on the following date(s):

August 30, 1993.

The following attorneys appeared as counsel for the parties:

For The Florida Bar Jan Wichrowski
For The Respondent John Wesley Adams

- 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, pertinent portions of which are commented on below, I find:

As to Paragraphs 28 and 29 of the Complaint

I find that the Respondent Mr. Adams, formerly known as Carl Teplicki, sent the letter dated October 7, 1991 to attorney Helen Hope which was admitted into evidence as a Bar exhibit and attached to the Bar's Complaint. In this letter, Mr. Adams set forth accusations against Helen Hope, Lewis W. Fishman, and Miles McGrane, all members of the Florida Bar.

Although I do not find the allegations against Ms. Hope of unethical behavior to be true, I acknowledge that the Respondent, although over zealous in his approach, did have some reason to suspect Ms. Hope's communication with Katherine Ornstein. The accusations set forth against Mr. Fishman and Mr. McGrane were not only false, but there was absolutely no evidence from which the Respondent could have reasonably suspected that type of conduct. I find the

Respondent reiterated the baseless allegations against Mr. Fishman and Mr. McGrane before Judge Friedman during a hearing on October 21, 1991.

III. Recommendations as to Whether or Not the Respondent Should Be Found Guilty:

As to Paragraphs 28 and 29 of the Complaint

I recommend that the respondent be found guilty and specifically that he be found guilty of the following violations of the Rules of Discipline and Rules of Professional Conduct, to wit:

3-4.3 for engaging in conduct that is unlawful or contrary to honesty and justice; 4-4.1(a) knowingly making a false statement of material fact or law to a third person in the course of representing a client; 4-4.4 for using means which have no substantial purpose other than to embarrass, delay, or burden a third person; 4-8.4(a) for violating the Rules of Professional Conduct; 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and 4-8.4(d) for engaging in conduct that is prejudicial to the administration of justice.

IV. Recommendation as to Disciplinary Measures to Be Applied: I recommend that the Respondent received a public reprimand and be placed on probation for a period of six (6) months. The terms of probation recommended are as follows: A general evaluation by a licensed psychologist and engage in any counseling that may be recommended.

V. Personal History and Past Disciplinary Record: After finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(k)(1)(4), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Age: 33
Date admitted to the bar: 1988
Prior disciplinary convictions and disciplinary measures: none

VI. Statement of Costs and Manner in Which Cost Should be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

A. Costs incurred at the grievance committee level as reported by bar counsel:

1. Transcript Costs	\$ 596.70
2. Bar Counsel Travel Costs	\$ 307.04

B. Referee Level Costs as reported by bar counsel:

1. Transcript Costs	\$ 999.04
2. Bar Counsel Travel Costs	\$ 275.93
3. Transcript Costs - Final Hearing	\$ 541.90

C. Administrative Costs \$ 500.00

TOTAL: \$3,220.61

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.

Dated this 13 day of Dec, 1993.


Susan Lebow, Referee

Certificate of Service

I hereby certify that a copy of the above report of referee has been served on Jan Wichrowski, Bar Counsel, at 880 North Orange Avenue, Suite 200, Orlando, Florida 32801, and on John Wesley Adams at 435 Douglas Avenue, Suite 1505-B, Altamonte Springs, Florida 32714, and Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 this 14 day of Dec, 1993.


Susan Lebow, Referee

THE FLORIDA BAR

Orlando Office
880 North Orange Avenue
Suite 200
Orlando, FL 32801-1085
Telephone (407) 425-5424

FILED

SID J. WHITE

DEC 17 1993

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

December 8, 1993

The Honorable Susan Lebow
Broward County Courthouse
201 S.E. 6th Street
Room 310
Ft. Lauderdale, Florida 33301

RE: The Florida Bar v. John Wesley Adams
Case No. 81,125
[TFB Case Nos. 92-70,515 (11A); 92-70,587 (11A); and
92-70,683 (11A)]

Dear Judge Lebow:

Upon reading the Report of Referee, I noted it is styled with the respondent's former name. Because the Florida supreme court will maintain the file under his new name, changing the style of the case from Soap to Adams might prevent any confusion from arising. My oral motion to charge the style of the case from Soap to Adams was granted at the beginning of the proceedings.

I also noticed that you made no findings with respect to Rule of Discipline 3-4.3. I merely wanted to bring this to your attention in the event you believe this rule should be noted as either having been proved or not proved by the bar.

For your convenience, I have enclosed a draft of an amended report reflecting these two items for your consideration. I listed Rule 3-4.3 as having been proved by the bar. I also included Mr. Adams' age. The rest of the report is identical to your previous one. Should any of the draft be incorrect, please make the appropriate changes.

Sincerely yours,

Jan Wichrowski

Jan Wichrowski
Branch Staff Counsel

JW/vs

Enclosure

cc: Mr. John Wesley Adams, with enclosure

SID J. WHITE, CLERK
Supreme Court of Florida

500 S. DUVAL STREET
TALLAHASSEE 32399-1927

12/17/93

filed 12/17/93

Hon. Susan Lebow, Judge
Broward County Courthouse
201 S. E. 6th St.
Ft. Lauderdale, FL. 33301

RE: THE FLORIDA BAR
V.
JOHN WESLEY ADAMS (SOOP)

CASE NO. 81,125

I have this date received the below-listed pleadings or documents:

ADMENDED REPORT OF REFEREE

Please make reference to the case number in all correspondence and pleadings.

Most cordially,


Clerk, Supreme Court

SJW/kb

cc: Mr John A. Boggs
Ms. Jan K. Wichrowski

ALL PLEADINGS SIGNED BY
AN ATTORNEY MUST INCLUDE
THE ATTORNEY'S FLORIDA
BAR NUMBER.

FILED

SID J. WHITE

DEC 6 1993

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complaint,

vs.

R. W. SOAP,

Respondent.

Supreme Court No. 81,125

Case Nos. 92-70,515 (11A)
92-70,587 (11A)
92-70,683 (11A)

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules of Discipline, hearings were held on the following date(s):

August 30, 1993.

The following attorneys appeared as counsel for the parties:

For the Florida Bar: Jan Wichrowski

For the Respondent: John Wesley Adams

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, pertinent portions of which are commented upon below, I find:

As to Paragraphs 28 and 29 of the Complaint

I find that the Respondent Mr. Adams, formerly known as Carl Teplicki, sent the letter dated October 7, 1991 to attorney Helen Hope which was admitted into evidence as a Bar exhibit and attached to the Bar's Complaint. In this letter, Mr. Adams set forth accusations against Helen Hope, Lewis W. Fishman, and Miles McGrane, all members of the Florida Bar.

Although I do not find the allegations against Ms. Hope of unethical behavior to be true, I acknowledge that the Respondent, although over zealous in his approach, did have some reason to suspect Ms. Hope's communication with Katherine Ornstein. The accusations set forth against Mr. Fishman and Mr. McGrane were not only false, but there was absolutely no evidence from which the Respondent could have reasonably suspected that type of conduct. I find the Respondent reiterated the baseless allegations against Mr. Fishman and Mr. McGrane before Judge Friedman during a hearing on October 21, 1991.

III. Recommendations as to Whether or Not the Respondent Should Be Found Guilty:

As to Paragraphs 28 and 29 of the Complaint

I recommend that the respondent be found guilty and specifically that he be found guilty of the following violations of the Rules of Professional Conduct, to wit:

4-4.1(a) knowingly making a false statement of material fact or law to a third person in the course of representing a client; 4-4.4 for using means which have no substantial purpose other than to embarrass, delay, or burden a third person; 4-8.4(a) for violating the Rules of Professional Conduct; 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and 4-8.4(d) for engaging in conduct that is prejudicial to the administration of justice.

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the Respondent received a public reprimand and be placed on probation for a period of six (6) months. The terms of probation recommended are as follows: A general evaluation by a licensed psychologist and engage in any counseling that may be recommended.

V. Personal History and Past Disciplinary Record: After finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(k)(1)(4), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Age:

Date Admitted to the Bar: 1988

Prior disciplinary convictions and disciplinary measures: none

VI. Statement of Costs and Manner in Which Cost Should be Taxed: I find the following costs were reasonable incurred by The Florida Bar.

A. Costs incurred at the grievance committee level as reported by bar counsel:

1. Transcript Costs	\$ 596.70
2. Bar Counsel Travel Costs	\$ 307.04

B. Referee Level Costs as reported by bar counsel:

1. Transcript Costs	\$ 999.04
2. Bar Counsel Travel Costs	\$ 275.93
3. Transcript Costs - Final Hearing	\$ 541.90

C. Administrative Costs \$ 500.00

TOTAL: \$3,220.61