

IN THE SUPREME COURT OF FLORIDA

027
FILED

SID J. WHITE

FEB 12 1996

THE FLORIDA BAR

SUPREME COURT CASE

Complainant,

NO: 85,757

CLERK, SUPREME COURT

By _____

Chief Deputy Clerk

vs.

RALPH LORENZO FLOWERS,

The Florida Bar Case

Nos. 95-30,360 (19B); and

95-30,713 (19B)

Respondent.

REPLY BRIEF OF RESPONDENT

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ARGUMENT

The Bar's reliance on The Florida Bar v Crowder, 585 So.2d 935 (Fla. 1991) is misplaced. In Crowder the attorney misappropriated "a considerable amount of money." Flowers received no personal gain. Furthermore, the mitigating circumstances discussed in Crowder is the fact the attorney was 71 years old, hardly comparable to the physical impairment Flowers was under.

Granted the facts in The Florida Bar v Kates, 387 So.2d 947 (Fla. 1980) are similar to the case at bar. However, no mitigating circumstances were apparent.

The case of The Florida Bar v Lawless, 640 So.2d 1098 (Fla. 1994) is clearly distinguishable. In Lawless this court ordered a 90-day suspension to a lawyer for his services in an immigration case. The lawyer had been contacted by a client who paid him \$2,500.00. The client was then referred to a paralegal who made additional charges and totally failed to properly perform the necessary services. This is certainly far more egregious than the situation at bar wherein the immigration consultant was the one contacted by the client, who received the only monies involved and where Flowers had no client contact whatsoever. Certainly if Lawless deserved a 90-day suspension, Flowers should receive no more.

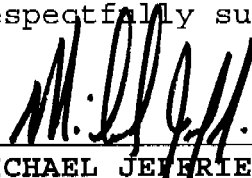
In The Florida Bar v Della-Donna, 583 So.2d 307 (Fla. 1989) the attorney was disciplined for clearly charging an excessive fee

and restitution was made a condition for readmission. The referee found that the attorney was motivated by personal and financial aggrandizement. No such motivation was found in the case at bar.

CONCLUSION

Wherefore, for the reasons set forth in Respondent's Initial Brief, Respondent prays this Honorable Court will reject the referee's recommendation of a 91-day suspension, and restitution to Shirley Frances-Lopez in the amount of \$750.00.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served upon JAMES W. KEETER, ESQUIRE, Bar Counsel, The Florida Bar, 880 N. Orange Avenue, Suite 200, Orlando, FL 32801; and Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, by mail, this 8th day of February, 1996.



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