

4
FILED

SID J. WHITE

AUG 12 1998 ✓

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. ⁹²⁸⁹²~~92,911~~

[TFB Case No. 98-31,911(07A) (OSC)]

v.

PAUL JOHN DUBBELD,

Respondent.

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 Regulating The Florida Bar, a hearing was held on August 5, 1998. The pleadings, notices, motions, orders, transcripts and exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Jan Wichrowski

For The Respondent - Pro se

11. 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:

1. The respondent failed to appear for the final hearing at 11:00 a.m., on August 5, 1998. On the morning of the final hearing, an individual who identified himself as being the respondent telephoned this referee's judicial assistant and informed her that the hearing could be canceled because the respondent and the bar had resolved the case through a plea agreement. This appears to be an

intentional misrepresentation and I request the bar to investigate this allegation in a separate disciplinary proceeding.

2. The respondent indicated that he had voluntarily chosen to leave the state rather than to appear at the final hearing. He filed no motion for continuance prior to the final hearing.

3. On September 4, 1997, the respondent executed a Conditional Guilty Plea for Consent Judgment wherein he agreed to a three year period of probation conditioned on his fully complying with the terms of his contract with Florida Lawyers Assistance, Inc., attending and participating in five Alcoholics Anonymous (hereinafter referred to as "AA") meetings each week for a period of six consecutive weeks and thereafter as set forth in his Florida Lawyers Assistance, Inc., contract, undergoing a complete psychiatric evaluation within 30 days of this court's order accepting his plea, following any suggested treatment plan by said psychiatrist, submitting to weekly random urinalysis for a period of six weeks and thereafter as set forth in his Florida Lawyers Assistance, Inc., contract, and refraining from the use of any alcohol or drugs during the period of his probation. The case was styled The Florida Bar v. Dubbald, Case No. 91,096 [TFB Case No. 96-31,869 (07A)].

4. On September 10, 1997, the referee in The Florida Bar v. Dubbald, Case No. 91,096 [TFB Case No. 96-31,869 (07A)], entered his report recommending acceptance of the respondent's plea.

5. On October 2, 1997, the Supreme Court of Florida entered its order accepting the referee's recommendation and ordering that the respondent be placed on a three year period of probation subject to the terms set forth in his Conditional Guilty Plea for Consent Judgment. The case was reported at 700 so. 2d 688 (Fla. 1997).

6. By letter dated March 24, 1998, to the respondent from Karal B. Oberdier of Florida Lawyers Assistance, Inc., with a copy to the bar, Florida Lawyers Assistance, Inc., advised the bar the respondent had failed to comply with all of his contractual obligations and probation terms.

7. The respondent failed to attend to required AA and/or attorney support group meetings.

8. The respondent indicated to Craig Tedford, CAP,

that he had been drinking alcohol in violation of his contract.

9. The respondent's drug screens indicted positive for alcohol on at least one occasion.

10. The respondent was evaluated by Hearthstone and was recommended for extended treatment. The respondent failed to follow up with the extended treatment recommendation and,

11. The respondent failed to arrange for his AA sponsor to contact Ms. Oberdier and failed to maintain contact with his AA sponsor as required.

12. The respondent failed to send Ms. Oberdier a copy of his evaluation performed a year ago with regard to the respondent's alcoholism and drug abuse.

13. The respondent has violated his Florida Lawyers Assistance, Inc., contract random drug screening requirements in that he left the state without notifying Florida Lawyers Assistance, Inc.

14. The respondent failed to report for a drug test on March 4, 1998.

15. The respondent further failed to attend the Florida Lawyers Assistance, Inc., convention held between July 29, and July 31, 1998, in Orlando, Florida, despite the fact that his Florida Lawyers Assistance, Inc., contract required his attendance.

16. In the Conditional Guilty Plea for Consent Judgment the respondent executed in The Florida Bar v. Dubbeld, Case No. 91,096 [TFB Case No. 96-31,869(07A)], the respondent knowingly and voluntarily agreed to be placed on an immediate 91 day suspension should he violate his Florida Lawyers Assistance, Inc., contract. This Conditional Guilty Plea for Consent Judgment was adopted by the referee in that matter and approved by the Supreme Court of Florida by its order of October 2, 1.997, which was reported at 700 So. 2d 688.

111. Recommendations as to Whether or Not the Respondent Should Be Found Guilty: Pursuant to the Order to Show Cause issued by the Supreme Court of Florida on May 8, i.998, I recommend the respondent be found guilty regarding his failure to comply with the probationary terms set forth by

the Supreme Court of Florida pursuant to the respondent's Conditional Guilty Plea for Consent Judgment and his Florida Lawyers Assistance, Inc., recovery contract.

IV. Recommendation as to Disciplinary Measures to Be Applied: It is apparent to this referee that the respondent suffers from the disease of alcoholism which is uncontrolled and thus presents a great risk of harm to the public should he be allowed to continue to practice law. Pursuant to the respondent's Conditional Guilty Plea for Consent Judgment, I recommend the respondent be placed on an immediate 91 day suspension to continue until he demonstrates rehabilitation. The respondent shall further pay the costs of the bar in these proceedings. It is noted that respondent specifically consented to this disposition in his Conditional Guilty Plea for Consent Judgment.

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

Age: 45

Date admitted to bar: December 17, 1980

Prior disciplinary convictions and disciplinary measures imposed therein:

1. The Florida Bar v. Dubbeld, TFB Case No. 89-30,523(07A) - Private reprimand for verbally abusing a police officer during a routine traffic stop. The respondent's remarks were profane so loud that several onlookers were witnesses to his conduct.
2. The Florida Bar v. Dubbeld, TFB Case No. 90-30,386(07A) - Private reprimand for being arrested on charges of domestic violence, assault on a law enforcement officer, engaging in disorderly conduct, criminal mischief, and resisting arrest without violence. He pled no contest to the domestic violence and disorderly intoxication charges. The remaining charges were dropped.

3. The Florida Bar v. Dubbeld, 92-30,669(07A) - Admonishment for minor misconduct administered by an appearance before the Board of Governors of The Florida Bar for becoming verbally abusive in a courtroom with one of the police officers who had been involved with the respondent's earlier DUI arrest. Another officer detected a strong odor of alcohol on the respondent's breath at the time of the verbal exchange.
4. The Florida Bar v. Dubbeld, 594 So. 2d 735 (Fla. 1992) - Public reprimand and two year period of probation for being convicted of driving under the influence while his driver's license was suspended resulting in an automobile accident and leaving an obscene message on the answering machine of a woman he believed had told his wife he was having an extramarital affair. Both acts of misconduct were related to his abuse of alcohol. At the time, it was considered in mitigation that in the interim he had completed alcohol abuse courses, an in-house treatment program and was attending AA meetings.
5. The Florida Bar v. Dubbeld, 700 So. 2d. 688 (Fla. 1997) - Three year period of probation pursuant to a Conditional Guilty Plea for Consent Judgment. This case arose out of disciplinary charges against the respondent in connection with his alleged neglect of a client's federal civil lawsuit.

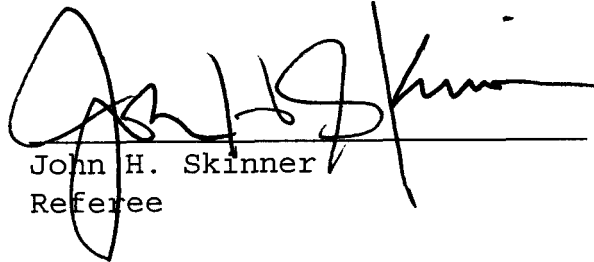
VII. Statement of costs and manner in which costs should be taxed: I find the following costs were reasonably incurred by The Florida Bar.

A.	Referee Level Costs	
	1. Bar Counsel Travel Costs	\$ 101.81
B.	Administrative Costs	\$ 750.00

C. Miscellaneous Costs	
1. Investigator Expenses	\$ 289.00
2. copy Costs	\$ 23.85
TOTAL ITEMIZED COSTS:	\$1,164.66

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, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 10th day of August, 1998.


 John H. Skinner
 Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

Jan K. Wichrowski, Bar Counsel, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida, 32804-6314

Paul John Dubbeld, Respondent, 444 Seabreeze Boulevard, Suite 720, Daytona Beach, Florida, 32118-3953

John Anthony Boggs, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300