

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. 96,531

v.

TFB File No. 99-00487-02

ALAN JOHN KARAHALIS,

Respondent.

_____ /

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On September 16, 1999, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. On December 7, 1999, following a hearing, summary judgment was granted The Florida Bar. On February 1, 2000, a final hearing was held in this matter. The Respondent was noticed for the hearing but did not appear. In lieu of an appearance the Court considered his request, relayed by phone to counsel for The Florida Bar, that the Court review the concurring opinion In The Matter of Alan J. Karahalıs, Case No.

SJC-07590, decided by the Supreme Judicial Court for the Commonwealth of Massachusetts. All of the aforementioned pleadings, responses thereto, exhibits received in evidence and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

B. Narrative Summary Of Case.

On March 4, 1999 In The Matter of Alan J. Karahalis, Case No. SJC-07590, the Supreme Judicial Court for the Commonwealth of Massachusetts directed on remand to the Supreme Judicial Court for Suffolk County Massachusetts that the order of term suspension entered by the lower court imposing a two year suspension on Alan J. Karahalis be vacated and a judgment suspending Alan J. Karahalis from the practice of law for four years be entered. On April 15, 1999, the lower court ordered Alan J. Karahalis be suspended for four years retroactive to October 24, 1997. The disciplinary case involved the payment by Alan J. Karahalis of \$12,000.00 to a congressman, for the purpose of arranging a transfer of his uncle from one federal prison to another. He was never charged with an offense but cooperated in the prosecution of the congressman. The Florida Bar attached the

Massachusetts judgment of discipline as an exhibit to its Complaint, and further propounded a Request for Admissions. Alan J. Karahalis, hereafter "Respondent", admitted in his response that he had been suspended in Massachusetts and that the order attached to the complaint setting forth the facts leading to his suspension was genuine and admissible as evidence. The Respondent did not appear for the hearing on the summary judgment but did file a pleading entitled Respondent's Opposition to Complainant's Motion for Summary Judgment. He contended he had been denied due process in the Massachusetts proceeding.

I find pursuant, to Rule 3-4.6 of the Rules of Discipline of the Florida Bar, that the final adjudication of misconduct by the Massachusetts court is conclusive proof of misconduct in this disciplinary proceeding. The facts alleged in the order have not been controverted by the Respondent. He has not carried his burden of demonstrating that the order in Massachusetts was a denial of due process or otherwise infirm in any manner.

III. RECOMMENDATIONS AS TO GUILT.

I recommend that Respondent be found guilty of violating Rule 3-4.6 of the Rules of Discipline of The Florida Bar.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying

disciplinary measures, and that Alan J. Karahalidis be disciplined by:

- A. Disbarment from the practice of law in Florida.
- B. Payment of The Florida Bar's costs in these proceedings.

V. PERSONAL HISTORY, PAST DISCIPLINARY RECORD AND AGGRAVATING AND MITIGATING FACTORS

Prior to recommending discipline pursuant to Rule 3-7.6(k)(1), I considered the following:

A. Personal History of Respondent:

Age: 46 years old

Date admitted to the Bar: January 22, 1982

B. Aggravating Factors:

1. Prior Disciplinary record:

In 1985 received a Private Reprimand from the Supreme Judicial Court for Suffolk County, Massachusetts. In 1991 received a Public Censure from the Supreme Judicial Court for Suffolk County Massachusetts and a public reprimand in Florida based upon the discipline in Massachusetts.

2. Substantial experience in the practice of law

C. Mitigating Factors:

- 1. Absence of a dishonest or selfish motive.
- 2. Cooperative attitude toward proceedings.

I further find that aggravating circumstances outweigh the mitigating circumstances. The amount of money involved in this case and the circumstances are egregious.

The undersigned has further considered the following Florida Standard For Imposing Lawyer Sanctions:

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY

Absent aggravating or mitigating circumstances and upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or in cases with conduct involving dishonesty, fraud, deceit, or misrepresentation:

5.11 Disbarment is appropriate when:

(b) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or

(f) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

1.	Administrative Costs	\$750.00
2.	Court Reporter's Fees	\$ 80.00
	TOTAL	\$830.00

It is recommended that such costs be charged to 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 _____ day of _____, 2000.

KATHLEEN F. DEKKER, Circuit
Judge/Referee
Leon County Courthouse
Tallahassee, Florida 32301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to SID J. WHITE, Clerk, c/o DEBBIE CAUSSEAUX, Acting Chief, Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and that copies were mailed by regular U.S. Mail to JOHN A. BOGGS, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300; LAWRENCE J. DAVIS, Bar Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300; and ALAN J. KARAHALIS, Respondent, at his

record Bar address of 5 Rawding Road, Peabody, MA 01960, as well as an alternate address of 2 Trafalgar Drive, Suite B, Beverly, MA 01915, on this _____ day of _____, 2000.

KATHLEEN F. DEKKER, Circuit
Judge, Referee

