

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

THE FLORIDA BAR,

Complainant,

v.

RAYMOND E. MICHALAK,

Respondent.

Case No. 68,199

TFB File Nos. 15D86F22;
15D85F56 and 15D86F13

REFEREE'S REPORT

I. SUMMARY OF PROCEEDINGS:

Pursuant to the undersigned's appointment as referee to conduct disciplinary proceedings herein according to Fla. Bar Integr. Rule, article XI, a hearing was held on March 19, 1986 on complainant's application for judgment on the pleadings. I granted complainant's application.

David M. Barnovitz, bar counsel, appeared for the complainant.

Respondent did not appear either in person or by counsel.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT FOR WHICH RESPONDENT IS CHARGED:

Attached hereto and made part hereof is a copy of the bar's complaint. I find as fact, and incorporate by reference the same as if fully set forth herein, each and every allegation recited in paragraphs 1 through 17, inclusive, of the complaint.

III. RECOMMENDATIONS AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY:

I recommend that respondent be found guilty of violating Fla. Bar Integr. Rule, article XI, Rules 11.02(3)(a) and 11.02(4) and Disciplinary Rules 1-102(A)(4), 1-102(A)(6), 9-102(B)(1) and 9-102(B)(4) of the Code of Professional Responsibility with respect to Count I. I recommend that respondent be found guilty of violating Disciplinary Rules 6-101(A)(3), 7-101(A)(1), 7-101(A)(2), 1-102(A)(4) and 1-102(A)(6) of the Code of Professional Responsibility with respect to Count II. I

recommend that respondent be found guilty of violating Disciplinary Rule 6-101(A)(3) of the Code of Professional Responsibility with respect to Count III.

IV. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend as discipline in this matter that the respondent be disbarred from The Florida Bar with no opportunity to apply for readmission for a period of ten (10) years. Respondent, a former assistant state attorney, has misappropriated \$20,000.00 from one client and ignored his ethical responsibilities in his representation of others. In my opinion, such misconduct is most reprehensible and merits the most stringent discipline.

V. PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on May 22, 1975, and is 37 years of age.

VI. STATEMENT AS TO PAST DISCIPLINE:

Respondent has no prior discipline history.

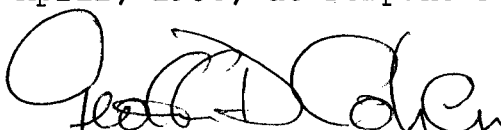
VII. STATEMENT OF COSTS OF THE PROCEEDING AND RECOMMENDATIONS:

The costs of these proceedings were as follows:

Administrative Costs:	
Grievance committee level -----	\$150.00
Referee level -----	150.00
Court Reporter Costs:	
Grievance committee level -----	156.15
Referee level -----	89.25
Investigative Costs -----	167.05
Photocopies -----	<u>43.00</u>
<u>TOTAL</u> -----	\$755.45

I recommend that such costs be taxed against the respondent.

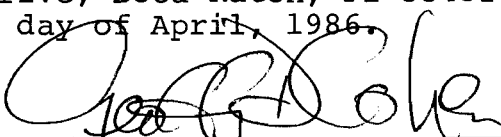
RENDERED this 16th day of April, 1986, at Pompano Beach, Broward County, Florida.



GEOFFREY D. COHEN, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing referee's report was furnished to David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Ft. Lauderdale, Fl 33304, and to Raymond E. Michalak, Respondent, at his home address of 4245 Birchwood Drive, Boca Raton, Fl 33431, by regular mail, on this 16th day of April, 1986.



GEOFFREY D. COHEN