

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED

SID J. WHITE

DEC 15 1986

CLERK, SUPREME COURT

By
Deputy Clerk

THE FLORIDA BAR,
Complainant,

v.

DAVID N. REID,
Respondent.

CONFIDENTIAL

Case No. 68,249

(TFB No. 02-86N64)

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, the following proceedings occurred:

On January 30, 1986, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. Upon Respondent's failure to respond thereto, The Florida Bar filed a Motion to Deem Matters Admitted and a Motion for Summary Judgment on September 2, 1986. All of the aforementioned pleadings, attachments thereto, and 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

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.

In 1980, Respondent was appointed Personal Representative of the Estate of Hiram Godwin, Jr., Wayne County, Michigan, Probate File No. 715,733. Respondent was also retained to provide legal services and to act as counsel in the probate administration of said Estate.

Respondent failed to file annual accountings for said estate from April 1980 to April 1983 as required under probate court rules for Michigan.

Between August 1980 and March 26, 1982, Respondent misappropriated approximately \$55,000 in assets from this estate. The misappropriation was accomplished through the issuance of more than forty (40) individual checks by Respondent.

Respondent was aware of the illegal and improper nature of each misappropriation and has admitted the allegations of misappropriation.

As a result of Respondent's misconduct, the Michigan Attorney Grievance Commission suspended him from the practice of law for three (3) years. After being suspended in Michigan, Respondent failed to notify The Florida Bar of such fact, pursuant to Rule 11.02(6), Integration Rule of The Florida Bar.

Respondent's actions constitute a violation of the following Disciplinary Rules:

1-102(A)(1) (a lawyer shall not violate a disciplinary rule);

1-102(A)(4) (a lawyer shall not engage in conduct involving deceit);

1-102(A)(6) (a lawyer shall not engage in any conduct that adversely reflects on his fitness to practice law);

6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him);

9-102(B)(3) (a lawyer shall maintain complete records of all funds of a client coming into the lawyer's possession and render appropriate accounts to his client regarding them);

9-102(B)(4) (a lawyer shall deliver to the client as requested by the client the funds in the possession of the lawyer which the client is entitled to receive);

Respondent's actions constitute a violation of the following Integration Rules:

11.02(3)(a) (commission by a lawyer of any act contrary to honesty, justice or good morals constitutes a cause for discipline);

11.02(4) (money entrusted to an attorney for a specific purpose is held in trust and must be applied only to that purpose); and

11.02(6) (a member of The Florida Bar suspended from the practice of law by an authorized disciplinary agency of another state shall within 30 days after the effective date of suspension file with the Supreme Court of Florida a copy of the order effecting such suspension).

III. I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

1-102(A)(1) (a lawyer shall not violate a disciplinary rule);

1-102(A)(4) (a lawyer shall not engage in conduct involving deceit);

1-102(A)(6) (a lawyer shall not engage in any conduct that adversely reflects on his fitness to practice law);

6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him);

9-102(B)(3) (a lawyer shall maintain complete records of all funds of a client coming into the lawyer's possession and render appropriate accounts to his client regarding them);

9-102(B)(4) (a lawyer shall deliver to the client as requested by the client the funds in the possession of the lawyer which the client is entitled to receive);

11.02(3)(a) (commission by a lawyer of any act contrary to honesty, justice or good morals constitutes a cause for discipline);

11.02(4) (money entrusted to an attorney for a specific purpose is held in trust and must be applied only to that purpose); and

11.02(6) (a member of The Florida Bar suspended from the practice of law by an authorized disciplinary agency of another state shall within 30 days after the effective date of suspension file with the Supreme Court of Florida a copy of the order effecting such suspension).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

- A. Disbarment.
- B. Payment of costs in these proceedings.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 57
Date admitted to the Bar: May 22, 1975
Prior Discipline: None

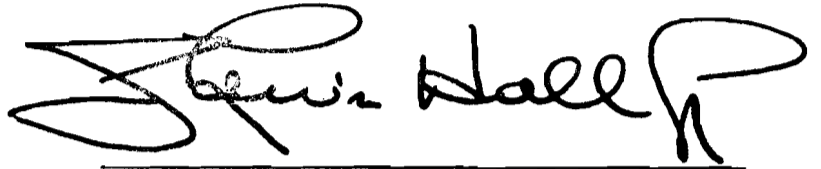
VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

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

A. Grievance Committee Level	
1. Administrative Costs	\$150.00
B. Referee Level	
1. Administrative Costs	\$150.00
2. Court Reporter's Fees	<u>30.00</u>
TOTAL	\$330.00

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.

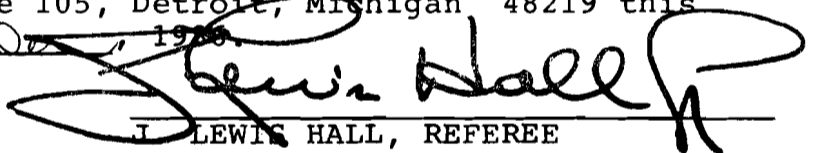
Dated this 9th day of December, 1986.



J. LEWIS HALL, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and that a confidential copy was mailed by regular U.S. Mail to JAMES N. WATSON, JR., Bar Counsel, The Florida Bar, Tallahassee, Florida 32301 and to DAVID N. REID, Respondent, at his record Bar address of 17421 Telegraph Road, Suite 105, Detroit, Michigan 48219 this 12th day of December, 1986.



J. LEWIS HALL, REFEREE