

IN THE SUPREME COURT OF FLORIDA
Before a Referee

THE FLORIDA BAR,

Complainant,

v.

J. CHARLES SHORES,

Respondent.

CONFIDENTIAL

Supreme Court Case
No. 68,451

The Florida Bar Case
Nos. 17A86F43 and
17A86F70

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: The undersigned has been duly appointed as referee to conduct disciplinary proceedings in this cause in accordance with article XI of the Integration Rule of The Florida Bar.

The Respondent has submitted a Conditional Guilty Plea. The Designated Reviewer of The Florida Bar has approved the Respondent's Guilty Plea. I approve the Guilty Plea.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Jacquelyn Plasner Needelman

For the Respondent - J. Charles Shores

Charles Hagen, Jr., Executive Director of The Florida Lawyers Assistance, Inc. met with and evaluated the Respondent regarding the Respondent's alcoholism problem.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED: After considering the Respondent's Consent Judgment, I find:

1. The Respondent, J. Charles Shores, is and at all times hereinafter mentioned, was a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. In The Florida Bar Case No. 17A86F43, complaint of Russell and Lydia Dubinski, Respondent failed to appear at a hearing on behalf of his clients and neglected their legal matter. Respondent admits that he violated Disciplinary Rule 6-101(A)(3) in said matter. This occurred

during a period of time in which Respondent was experiencing personal difficulties. Respondent agrees to make restitution to his former clients, Russell and Lydia Dubinski, in the approximate amount of \$1,004.88 that was paid by Mr. and Mrs. Dubinski as a cost judgment due to Respondent's neglect if the Dubinski's are held to be ultimately responsible for said costs in their case. Additionally, if the Dubinski's cause of action is affected adversely due to Respondent's neglect, Respondent agrees to cooperate with any inquiries and to forward the matter promptly to his malpractice carrier.

3. The Florida Bar Case No. 17A86F70 concerns the complaint of The Florida Bar regarding Respondent's two (2) convictions in 1985 for driving under the influence of alcohol in case numbers 85-26300 MM10 and 85-7246 MM10. Respondent has acknowledged that these convictions constitute a violation of Florida Bar Integration Rule, article XI, Rule 11.02(3) (b) .

4. Respondent submits that he has had a problem with alcohol abuse and is working towards resolving this problem.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY: I recommend that the Respondent be found guilty in accordance with his Conditional Guilty Plea of the following violations: Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility and Florida Bar Integration Rule, article XI, Rule 11.02(3) (b) .

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED: I recommend that the Respondent receive a public reprimand to be administered by Respondent's personal appearance before the Board of Governors of The Florida Bar and be placed on probation for a period of two (2) years under the following conditions:

1) That Respondent shall fully comply with the contract entered into between Respondent and Florida Lawyers Assistance, Inc., dated May 28, 1986 and attached hereto as Exhibit one (1).

2) That Respondent shall totally refrain from drinking or using alcoholic beverages or any controlled substance.

3) That Respondent shall meet with William Kilby, Esquire, supervising attorney for Respondent's probationary period or any other person designated by The Florida Bar on a regular basis who

will in turn report his findings monthly to The Florida Bar with regard to the Respondent's sobriety and compliance with the terms of probation.

4) That on a regular out-patient basis, the Respondent shall attend an AA or an equivalent program as recommended by William Kilby, Esquire or Florida Lawyers Assistance, Inc.

5) That the Respondent shall not allow his alcoholism to interfere with his practice of law and shall submit quarterly status reports as to all pending cases.

6) That the Respondent shall continue seeing Dr. Michael Gilbert or another neuropsychiatrist on a regular basis until said doctor discharges Respondent as not needing any more treatment from him.

7) That Respondent will complete any necessary treatment programs recommended by Dr. Gilbert, Mr. Kilby, or Florida Lawyers Assistance, Inc. or a court alcohol program.

8) That Respondent has agreed in his Consent Judgment that if a finding of probable cause for misconduct committed during his period of probation is found, that he shall be suspended from the practice of law pursuant to Florida Bar Integration Rule, article XI, Rule 11.10(1).

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD:

Age: 47

Date Admitted to The Florida Bar: June 21, 1965

Prior Disciplinary Record: Case No. 17A85F62, Private reprimand and placement on probation for a period of two (2) years in January, 1986 for violation of Disciplinary Rule 1-102(A)(6) related to problems evolving from Respondent's alcoholism.

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

The following costs incurred by The Florida Bar in these proceedings shall be taxed against the Respondent.

Administrative Costs	\$150.00
Copying Costs	\$ 53.00
Court Reporter's Costs for July 25, 1986 hearing	<u>\$115.00</u>
SUBTOTAL	\$318.00

Court Reporter's Costs for September 26, 1986 hearing	\$204.60
TOTAL	\$522.60

Dated this 3rd day of October, 1986.


STANLEY M. GOLDSTEIN
Referee

Copies provided to:

Jacqueline Plasner Needelman, Bar Counsel
John T. Berry, Staff Counsel
J. Charles Shores, Respondent

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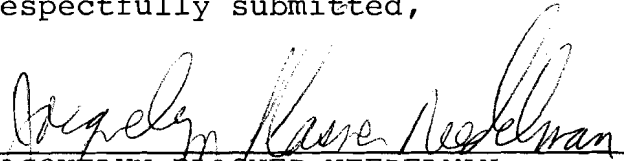
J. CHARLES SHORES,

Respondent.

THE FLORIDA BAR'S STATEMENT OF COSTS

Administrative Costs	\$150.00
Copying Costs	53.00
Court Reporter's Costs for July 25, 1986 hearing	<u>115.00</u>
SUB TOTAL	\$318.00
Court Reporter's Costs for September 26, 1986 hearing to be added to sub total	\$204.60 \$522.60

Respectfully submitted,


JACQUELYN PLASNER NEEDELMAN
Bar Counsel
The Florida Bar
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915 Middle River Drive, Suite 602
Fort Lauderdale, Florida 33304
(305) 564-3944

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs has been forwarded to J. Charles Shores, Respondent, 8531 Mahogany Lane, Plantation, Florida 33324, on this 1st day of October, 1986, and a copy to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226.


JACQUELYN PLASNER NEEDELMAN