

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. 71,751  
TFB #87-25,747(13B)

v.

RAYMOND HARRIS,

Respondent.

REPORT OF REFEREE

Deputy Clerk

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.5, Rules of Discipline, a hearing was held on March 30, 1988. The pleadings, notices, motions, orders and transcripts, 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: Richard A. Greenberg  
Assistant Staff Counsel

For the Respondent: No appearance

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all the pleadings and the evidence before me, pertinent portions of which are commented upon below, I find: On September 16, 1980 Dr. R. [REDACTED] S. [REDACTED] began treating J. [REDACTED] J. [REDACTED] for injuries she had received in an accident. On July 17, 1981, respondent wrote to Dr. S. [REDACTED] and requested Dr. S. [REDACTED]'s medical records on Ms. J. [REDACTED]. On July 29, 1981, respondent signed an agreement to protect Dr. S. [REDACTED]'s fees out of any settlement, judgment or verdict received by Ms. J. [REDACTED].

In approximately November, 1986, Dr. S. [REDACTED] learned that Ms. J. [REDACTED] had received an award of \$2,500.00 to cover her medical expenses. The respondent did not notify Dr. S. [REDACTED] at the time Ms. J. [REDACTED] received the aforementioned sum. On November 10, 1986, Dr. S. [REDACTED] wrote the respondent to request payment in full of the amount owed to him by Ms. J. [REDACTED]. The respondent did not respond to Dr. S. [REDACTED]'s letter. On December 9, 1986, Dr. S. [REDACTED] again wrote to the respondent requesting payment for his medical services. The respondent did not respond to the letter or any phone calls from Dr. S. [REDACTED].

The respondent agreed to protect Dr. S. [REDACTED]'s fees and Dr. S. [REDACTED] performed his medical services for Ms. J. [REDACTED] with the expectation that the respondent would fulfill his promise to protect Dr. S. [REDACTED]'s bill. The failure of the respondent to protect Dr. S. [REDACTED]'s bill has had a detrimental financial effect upon Dr. S. [REDACTED].

If funds were received by Ms. J. [REDACTED] there has been no explanation from respondent as to why Dr. S. [REDACTED] should not have been paid from those funds.

III. Recommendation as to Whether or Not the Respondent Should be Found Guilty: Respondent should be found guilty of

violation of Disciplinary Rule 1-102(A) (4) (conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A) (5) (conduct that is prejudicial to the administration of justice); and DR 1-102(A) (6) (conduct that adversely reflects on his fitness to practice law).

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the respondent be suspended from the practice of law for six months and that he not be readmitted to the practice of law until he shows proof of rehabilitation. As a condition of rehabilitation the respondent is to present evidence that Dr. S [REDACTED] has been compensated for the time he spent treating Ms. J [REDACTED].

V. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be imposed pursuant to Rule 3-7.5(k) (1) (4), Rules of Discipline, I considered the fact that the respondent admitted his guilt in this matter by his lack of response to the complaint and his disregard of a subpoena issued by the Referee compelling his attendance at the final hearing. The respondent appears to have no regard for Bar disciplinary proceedings. It should be noted that the respondent also failed to appear in a prior matter handled by this Referee. I also considered respondent's prior disciplinary record consisting of my recommendation that the respondent receive a public reprimand in Case No. 70,861.

- (1) Age: 44
- (2) Date Admitted to Bar: May 25, 1979
- (3) Prior Disciplinary Record: Recommendation of Public Reprimand in Case No. 70,861.
- (4) Mitigating Factors: None

VI. Statement of Costs and Manner in Which Costs Should be Taxed: I find that the costs of this proceeding should be assessed against the respondent attorney. It is recommended that all such costs and expenses and interest at the statutory rate shall accrue and be payable beginning thirty days after judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar. Staff Counsel will provide an affidavit of those costs including transcript costs.

Dated this 25<sup>th</sup> day of April, 1988.

  
WILLIAM L. WALKER  
Referee

Copies furnished to:

Raymond P. Harris  
Richard A. Greenberg  
John T. Berry

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STATEMENT OF COSTS

- A. Grievance Committee Level:
- 1. Administrative Costs.....\$150.00
  - 2. Court Reporter Costs (11/6/87)
    - a. Appearance Fee..... 75.00
    - b. Transcript (20 pg. @ \$3.00 pp)... 60.00
    - c. Postage..... 2.50
- B. Referee Level:
- 1. Administrative Costs.....\$150.00
  - 2. Court Reporter Costs (3/28/88)
    - a. Appearance Fee..... 30.00
    - b. Transcript (original & 1 copy)... 93.72
    - c. Postage..... 3.00
  - 3. Court Reporter Costs (3/30/88)
    - a. Appearance Fee..... 30.00
    - b. Transcript..... 93.75
    - c. Postage..... 3.00
  - 4. Witness Fees and Expenses (3-30-88).. 50.00
  - 5. Staff Investigator Time & Expenses... 150.00
- ESTIMATED TOTAL DUE TO DATE.....\$890.97

Dated this 20<sup>th</sup> day of April, 1988.

*R. A. Greenberg*

RICHARD A. GREENBERG  
Assistant Staff Counsel  
The Florida Bar  
Suite C-49  
Tampa Airport Marriott Hotel  
Tampa, FL 33607  
(813) 875-9821

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to RAYMOND HARRIS, at his last record Bar address, 5401 W. Kennedy, Suite 480, Tampa, FL 33609, by Certified Mail, #P 785 613 340, Return Receipt Requested, this 20<sup>th</sup> day of April, 1988.

*R. A. Greenberg*

RICHARD A. GREENBERG