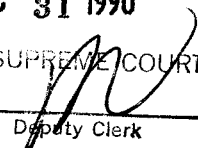


FILED

SID J. WHITE

DEC 31 1990

CLERK, SUPREME COURT

By  Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

IN Re: Reinstatement Petition of
J. CHARLES, SHORES, JR. Supreme Court Case No. 75,749

The Florida Bar File No.
90-51,218(17A FRE)

REPORT OF REFEREE

I. Summary of Proceedings: The undersigned was duly appointed as referee by the Supreme Court of Florida to conduct proceedings upon the Petition of J. Charles Shores, Jr. for reinstatement to membership in The Florida Bar. Hearings regarding the petition were held on the following dates: October 19, 1990 and December 20, 1990. A continuance was needed until December 20, 1990 to allow the parties to obtain additional information regarding claims made by the Internal Revenue Service against the Petitioner.

The proceedings before the referee relate to those matters described in Rule 3-7.10 of the Rules Regulating The Florida Bar and also to those matters relevant to the Petitioner's rehabilitation, present fitness to resume the practice of law and the effect his reinstatement would have upon the administration of justice and confidence of the public in the legal profession.

The referee has carefully considered the Petition of J. Charles Shores, Jr., for reinstatement to membership in The Florida Bar, The Florida Bar's Memorandum of Law dated October 19, 1990 and opposition to the Petition and all evidence heard in the hearings. The referee was

familiar with this matter, as he was appointed to and did preside over the original disciplinary case.

The record in this cause consists of the hearing transcripts dated October 19, 1990 and December 20, 1990, all pleadings filed in this matter, as well as evidence and testimony received during those hearings.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Linda J. Amidon

For the Petitioner - Charles J. Shores, Jr., Pro Se

The following individuals appeared and provided testimony:

James Knight, Esquire

William Beamer, Esquire

William Kilby, Esquire, General Counsel for FLA, Inc.

Charles Hagan, Jr., Esquire, Executive Director, FLA, Inc.

Martin Egan, Florida Bar Investigator

J. Charles Shores, Jr., Petitioner

The following exhibits were submitted by The Florida Bar:

(a) Deposition of Charlotte Edwards, Esquire, Assistant City Attorney, Tampa, FL with attached letter from the Petitioner to Judge Perry Little.

(b) Final divorce judgment of J. Charles Shores, Jr., and Caroline Shores.

(c) Official IRS documents regarding Petitioner.

(d) Default Judgment and Eviction Notice against Petitioner.

(e) Petitioner's application for graduate school at University of South Florida.

(f) Notice of Tax Lien filed by the IRS against Petitioner.

II. Findings of Fact: After considering the pleadings, witness

testimony, documentary evidence as identified above, as well as argument of counsel, I find the following:

The Petitioner is, and all times hereinafter mentioned was, a member of The Florida Bar subject to the jurisdiction and Rules of the Supreme Court of Florida. Petitioner was suspended from the practice of law by Order of the Supreme Court of Florida dated August 28, 1987 for his failure to comply with the Court's December 1986 Opinion as well as the Petitioner's February 17, 1986 Consent Judgment. This Consent required him, among other things, to refrain from the use of alcohol and to comply with the contract entered into between himself and FLA, Inc.

The parties stipulated, and I so find, that the Petitioner entered into a new alcohol rehabilitation contract with FLA, Inc. on March 13, 1989, which terminates on March 13, 1992. The Petitioner is in compliance with the FLA, Inc. rehabilitation contract and is a recovering alcoholic.

On December 13, 1988, more than one year after his suspension by the Supreme Court of Florida, the Petitioner sent a hand written letter and notice of appearance to County Court Judge Perry A. Little, Hillsboro County, Florida, requesting a continuance of a civil matter involving the Petitioner's brother. The Petitioner's notice of appearance failed to advise Judge Perry of his suspension.

The Internal Revenue Service filed a \$44,000.00 ^{CLAIM (8MG)} against the Petitioner which is still outstanding. The Internal Revenue Service also has an additional claim against the Petitioner for a sum of approximately \$78,000.00, which remains outstanding and unresolved. The Petitioner has not filed an income tax return with the IRS since 1982 except that

the Petitioner filed an extension to file a 1989 return with the IRS after filing his petition for reinstatement with the Supreme Court of Florida.

The Petitioner is delinquent in back child support payments to his dependent child, although the former spouse has not initiated any legal proceedings to enforce same.

The Petitioner failed to advise the University of South Florida in his graduate school application that he was suspended from the practice of law and merely stated that he was admitted to practice in the courts of Florida and Federal courts.

Prior to his involvement with alcohol, the Petitioner had a good professional reputation.

III. Recommendations as to Whether the Petition for Reinstatement Should be Granted: I recommend that the Petition for Reinstatement for membership into The Florida Bar submitted by J. Charles Shores, Jr. be denied without prejudice at this time. I further recommend that if the Petitioner resolves his IRS obligations, his Petition should be reconsidered when permitted by the Rules Regulating The Florida Bar.

Presently, however, the Petitioner has failed in his burden to demonstrate his fitness to resume the practice of law. See In Re Dawson, 131 So.2d 472 (Fla. 1961); In Re Timson, 301 So.2d 448 (Fla. 1974); In Re Jahn 559 So.2d 1089 (Fla. 1990). While the Petitioner established his recovery from alcohol; his conduct during his suspension, as exhibited by his failure to resolve IRS debts, file tax returns, and his practice of law while suspended, casts grave doubts on his ability and fitness to assume those legal responsibilities required of an officer of the court. See In Re Lopez, 545 So.2d 835 (Fla. 1989); In Re Jahn supra.

IV. Personal History and past Disciplinary Record:

Age: 52

Date Admitted to The Florida Bar: June 12, 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, suspension as of August 28, 1987 from The Florida Bar, as indicated in findings of facts above.

V. Statement of Costs and Manner in Which Costs Should be Taxed:

I find the costs as indicated in attachment "A" were reasonably incurred by The Florida Bar. Furthermore, it is apparent that other costs have or may be incurred. Therefore, it is recommended that all such costs and expenses together with the itemized costs described in attachment "A" be charged to the Petitioner.

Dated this 27 day of December, 1990


STANLEY M. GOLDSTEIN
Referee

Copies provided to :

Linda J. Amidon, Bar Counsel
John T. Berry, Staff Counsel
J. Charles Shores, Petitioner

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

IN Re: Petition for
Reinstatement for
J. Charles Shores, Jr.
Petitioner.

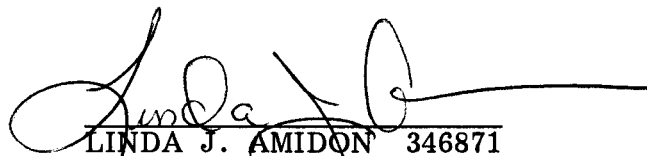
Supreme Court Case No. 75,749
The Florida Bar Case No.
90-51,218(17A FRE)

THE FLORIDA BAR'S STATEMENT OF COSTS
Reflected through October 18, 1990

<u>Administrative Costs</u>		\$500.00
<u>Court Reporter</u>		
Attendance and Transcript (to be determined)		
Deposition of Charlene Edwards	\$282.00	
Deposition of James Knight, Esq.	119.15	
Deposition of William Beamer, Esq.	<u>98.65</u>	499.90
<u>Travel Costs</u>		
Martin Egan, Investigator	274.00	
Bar Counsel	<u>180.26</u>	454.26
<u>Investigative Costs</u>		
Larry Coutre	341.07	
Martin Egan (to be determined)	<u> </u>	341.07
<u>Service of Process</u>		
Witness fees, Shores, Edwards & University of S. Florida		30.00
<u>Advertising</u>		
Broward Review	40.00	
Tampa Tribune	<u>117.80</u>	157.80
<u>Federal Express</u>		
Letter to J. Charles Shores, Jr.		<u>13.00</u>

SUB TOTAL COSTS DUE THE FLORIDA BAR \$1,996.03

Respectfully submitted,



LINDA J. AMIDON 346871
Bar Counsel
The Florida Bar
Cypress Financial Center
5900 North Andrews Avenue, #835
Fort Lauderdale, FL 33309
(305) 772-2245

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of Costs have been hand forwarded to J. Charles Shores, Jr., and a copy to John T. Berry, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee. FL 32399-2300 this 24th day of December, 1990.


LINDA J. AMIDON