





The facts set forth above are either undisputed or unrefuted. Respondent plead guilty to criminal conduct in May of 1991 and was subsequently sentenced to thirty (30) days in jail, six months probation, with a fine and costs. The bulk of evidence presented to this Court was presented by Respondent in an effort to the discipline to be imposed in this matter.

3. Almost immediately after his arrest, Respondent determined that he needed professional help in relation to making obscene telephone calls. He decided to enter Golden Valley Health Center, Golden Valley, an in diagnosing and treating sexual He was admitted to said Center on May 15, 1991, and was discharged on June 14, 1991. At the time of his discharge, he was diagnosed as having:

- a. disorder with features.
- b. Alcoholism.
- c. Mixed chemical abuse, cocaine.
- d. Psychological Disorder, NOS.
- e. and dependency traits

The Discharge Plan by Golden Valley consisted of:

- a. the services of a therapist.
- b. Attending chemical dependency treatment in Florida.
- c. Seeking help from various support groups in Florida including Lawyers Alcoholic Anonymous Group.

3a. At the time of the Final Hearing, Respondent was 45 years of age. He acknowledged obscene telephone calls since the age of 11. Since the age of 11, Respondent made calls on and off through the years until his prior arrest for the same





of compassion and at his sentencing, she that she did not believe that the telephone calls were made but were the result of a deep-rooted problems for which the Respondent needed treatment.

8. Subsequent to Respondent's release from Golden Valley, his attitude toward his Wife has changed in a much marital relationship in which he enjoys the full **support** of his wife.

9. Respondent enjoys the full support of his two (2) brothers as well as the pastor of his church.

10. Alcohol and substance addiction to cocaine and Respondent's psychiatric problems are all illnesses which are probably not curable, they are in the sense that symptoms of these illnesses will not happen if:

a. Respondent is to the effects of the illnesses.

b. Respondent seeks professional in the illnesses.

c. Respondent has the **support of** Alcoholics Anonymous, Florida Lawyers Assistance, Inc. and like his family and his friends.

11. I further find that Respondent is determined to resist the effects of this illnesses, he is determined to continue cooperating in the programs of Alcoholics Anonymous and Florida Lawyers Assistance, inc. and to continue securing professional help for his psychiatric problems.

12. As a result of the foregoing, Respondent has an excellent



In reaching these conclusions, I have considered the various factors set-out in Rule 9.22 and 9.32 of the Florida Standards for Imposing Lawyer Sanctions. I find the following factors: a pattern of misconduct & multiple offenses. On the other hand, I find the following factors: absence of prior record, absence of or selfish motivation and 9.32(e) full and free disclosure to board or cooperative attitude toward The conduct was caused by Respondent's personal and problems and his addiction to alcohol and cocaine.

After being apprehended, made a good faith effort to the consequences of the misconduct by, in effect, to the victim. Again it should be noted that the victim now has testified twice on behalf of the Respondent. Once at the sentencing in Tallahassee and during the course of the hearing before this Court.

Respondent is truly remorseful for his conduct and is determined to himself.

No client nor the of was by Respondent's misconduct.

Further the above, I do not believe that ninety (90) days suspension will be beneficial in any way to the Respondent. He does not need any suspension to demonstrate to him the gravity of his offense. On the other hand, the ninety (90) days suspension will demonstrate to other members of the Bar and to the public that the Court will not tolerate misconduct such as that engaged in by Respondent. The probation,

is absolutely necessary to encourage the Respondent in continuing the professional help which he needs and at the same time, keeping him aware of the probable results of any of the misconduct herein. Such probation on the one (1) hand will be an encouragement and on the other hand, it will serve as a crutch upon which he can lean, knowing full well that the consequences of future similar misconduct will be disastrous.

I have also considered that the Respondent is 48 years old, married with one minor child. Standing in sharp contrast to the conduct in 1978 and 1991 are the array of factual accounts, psychological reports and testimonials that a very strong case for. This record describes a man who has been an outstanding lawyer for some 20 years, generously gives his time and energy for the betterment of one of the state universities, whose work is highly regarded by citizens and attorneys. All this shows that the events of 1978 and 1991 were aberrations caused largely by an and untreated disease and mental problem which now is under medical control and continuing supervision by capable support. While the Respondent's illness and resulted in and treatment, it did not otherwise interfere with his work; and nothing in this record shows that the misconduct harmed any client or resulted in to anyone's rights.

Likewise, any longer suspension of the respondent would serve no useful purpose in this case, One of the purposes of a suspension in to punishment is to hold the attorney up to public thereby reinforcing the urgent need to

correct the misconduct. The Respondent's case has called him into intense by the press in Tallahassee as well as the press in his home county.

Statement Of Costs And Manner In Which Costs Should Be Taxed:

I have reviewed the Statement of Costs submitted by The Florida Bar. find that the costs were reasonably incurred by The Florida Bar. It is apparent that other costs have been or may be incurred. It is recommended that all such costs and expenses, together with costs listed in the be charged to the Respondent. T marked as Exhibit A and made a part hereof.

DATED this day of 1992.

I HEREBY CERTIFY that a copy of the has been furnished to Richard T. Earle, Jr., 150 2nd Avenue, N., Suite 910, St. Petersburg, FL 33701 and Susan V. Bloemendaal, Staff Counsel, The Florida Bar, Suite C-49, Tampa Airport, Marriott Hotel, Tampa, FL 33607 by U.S. on this 13 day of 1992.

Judicial