

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,

CASE NO. SC08-1208

Complainant,

TFB NO. 2008-10,176(20D)

v.

CHAD JEFFREY MOTES,

Respondent.
_____ /

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as Referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar, this Referee has considered the Conditional Guilty Plea for Consent Judgment. Any pleadings, notices, motions, orders, transcripts, and exhibits are forwarded to The Supreme Court of Florida with this report and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Henry Lee Paul

For The Respondent: John A. Weiss

II. Findings of Fact as to Each Item of Misconduct With Which the Respondent Is Charged: After considering all the pleadings and evidence before me, I find those facts as set forth in the Conditional Guilty Plea for Consent Judgment to which Respondent admits guilt, are adopted as my finding of fact and incorporated by reference into this report.

III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: As to the Complaint, and based on the Conditional Guilty Plea For Consent Judgment, I find the Respondent guilty of violating the Rules Regulating The Florida Bar as set forth in the Conditional Guilty Plea for Consent Judgment which is incorporated by reference into this report.

IV. Recommendation as to Disciplinary Measures to Be Applied:

a. A 10 day suspension from the practice of law, and payment of the Bar's costs in prosecuting this matter.

b. Attend Professionalism Workshop within six months of the Supreme Court order approving the Conditional Guilty Plea for Consent Judgment. Respondent shall pay a \$750.00 administrative fee to attend the Professionalism Workshop.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(k)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Year of Birth: 1950

Date Admitted to Bar: October 23, 1975

Prior Disciplinary Convictions and Disciplinary

Measures Imposed Therein: None

The Referee notes that the Respondent is Board Certified in Workers' Compensation. Respondent has stated his certification will lapse on October 31, 2008 because he will not seek to renew it.

Aggravating Factors 9.2:

9.22(i) substantial experience in the practice of law.

Mitigating Factors: 9.3

9.32(a) absence of a prior disciplinary record.

9.32(b) absence of a dishonest or selfish motive.

9.32(d) timely good faith effort to make restitution or to rectify consequences of misconduct.

- 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.
- 9.32(g) character or reputation.
- 9.32(k) imposition of other penalties or sanctions.
- 9.32(l) remorse.

VI. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar:

Administrative costs pursuant to Rule 3-7.6(q)(1)(I)	\$1,250.00
Demby & Associates, Inc.	70.00
TOTAL	<u>\$1,320.00</u>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses, together with the foregoing itemized costs, be charged to the 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 23rd day of October, 2008.

/s/ Robert B. Bennett, Referee

Robert B. Bennett, Referee

Copies:

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