

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

THE FLORIDA BAR,

Complainant,

v.

WILLIAM ABRAMSON,

Respondent.

_____ /

**Supreme Court Case
No. SC08-1777**

**The Florida Bar File
No. 2007-51,779(15F)**

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The Florida Bar filed its Complaint with the Supreme Court of Florida on or about September 16, 2008. Thereafter, the undersigned was appointed to preside as referee in this proceeding by order of the Chief Judge of the Seventeenth Judicial Circuit. The parties have presented to me a Conditional Guilty Plea for Consent Judgment, which has been approved by The Florida Bar Board of Governors' designated reviewer. After due deliberation, I have determined to recommend that respondent's Conditional Guilty Plea for Consent Judgment be approved, for the reasons set forth herein. The pleadings and all other papers filed in this cause, which are forwarded to the Supreme Court of Florida with this report, constitute the entire record.

During the course of these proceedings, respondent was represented by Richard Adam Greenberg and The Florida Bar was represented by Michael David Soifer.

II. FINDINGS OF FACT:

A. Jurisdictional Statement: Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, and subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

B. Narrative Summary: Pursuant to the Conditional Guilty Plea for Consent Judgment, I find as follows:

Respondent represented Ricardo Craig in the case styled State of Florida v. Ricardo Craig, Case No. 2006 CT 034479AXX, in the 15th Judicial Circuit in and for Palm Beach County, Florida, the Honorable Sandra Bosso-Pardo presiding. On or about March 28, 2007, while waiting for a verdict to be returned in the Craig matter, respondent was informed of potential juror misconduct. Respondent failed to timely reveal the information he had obtained concerning such potential misconduct to the State and to the Court and instead waited until after the jury had announced its verdict in court. Respondent had an obligation to timely report such potential misconduct to the State and the Court upon learning of it. On or about April 2, 2007, the Honorable Sandra Bosso-Pardo sent a letter to respondent addressing his failure to reveal the potential juror misconduct until after the verdict

had been rendered. A copy of this letter was attached to and made part of the Complaint as Exhibit A. On or about April 4, 2007, respondent responded by letter to the judge's April 2, 2007, letter to him. A copy of this letter was attached to and made part of the Complaint as Exhibit B. Respondent made statements in the letter concerning the qualifications and integrity of Judge Pardo knowing that the statements were false or with reckless disregard to their truth or falsity, including but not limited to:

It is unacceptable for a judge to be dishonest. Your misrepresentation is libelous.

I feel as though you do not yet possess the competence necessary to preside over criminal jury trials.

In conclusion, my error is not even worthy of comparison to your lack of competence to handle a criminal jury trial.

I do not apologize for pointing out your shortcomings, some of which have been included in this correspondence.

Nothing is more depressing for a trial attorney than to try a case before a judge that does not understand the basic rules of criminal law.

III. RECOMMENDATION AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY:

My recommendation as to guilt is as follows:

By the conduct set forth above, respondent violated R. Regulating Fla. Bar **4-3.4(a)** [A lawyer shall not unlawfully obstruct another party's access to evidence

or otherwise unlawfully alter, destroy or conceal a document or other material that the lawyer knows or reasonably should know is relevant to a pending or a reasonably foreseeable proceeding nor counsel or assist another person to do such an act.]; **4-3.4(c)** [A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.]; **4-8.2(a)** [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer juror or member of the venire, or candidate for election or appointment to judicial or legal office.]; **4-8.4(d)** [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice...].

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend that respondent receive a 6 month suspension from the practice of law to be entered nunc pro tunc to January 2, 2009 [the effective date of his current suspension in Supreme Court Case No. SC07-713] and be ordered to pay the costs of this matter.

I have based my recommendation upon the plea agreement between the parties, and upon my review of the applicable case law and the applicable Florida Standards For Imposing Lawyer Sanctions. I am satisfied that a 6 month

suspension and payment of The Florida Bar's costs in this matter is necessary to meet the Court's criteria for appropriate sanction: attorney discipline must protect the public from unethical conduct and have a deterrent effect while still being fair to respondents. The Florida Bar v. Pahules, 233 So.2d 130,132 (Fla. 1972). The Florida Standards for Imposing Lawyer Sanctions also support the imposition of a 6 month suspension. The applicable standards are as follows:

7.0 Violations of Other Duties Owed as a Professional

Standard 7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD:

I considered the following personal history and prior disciplinary record of respondent, to wit:

A. Personal History of Respondent:

Age: 42

Date Admitted to the Bar: November 23, 1992.

B. Aggravating Factors: 9.22

(a) prior disciplinary offenses;

(i) substantial experience in the practice of law.

Prior Discipline: Respondent received a 91 day suspension by Order of the Supreme Court Order dated December 18, 2008; Supreme Court Case No. 07-713.; Respondent received a public reprimand with probation ending on September 29, 2003, by order of the Supreme Court of Florida dated August 29, 2002, in The Florida Bar File No. 2001-50,975(15D), Supreme Court Case No. SC01-2813; Respondent received a public reprimand by Order of the Supreme Court of Florida dated April 26, 2001, in The Florida Bar File No. 2000-50,873(15D); Supreme Court Case No. SC00-848.

C. Mitigating Factors:

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings

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

I find that The Florida Bar has incurred reasonable costs in the matter and that same should be assessed against the respondent.

Below is an itemized list of the expenses incurred in the above styled case.

| | |
|-------------------------------------|-------------|
| A. Grievance Committee Level Costs: | |
| 1. Court Reporter Costs | \$ - 0 - |
| 2. Bar Counsel Travel Costs | \$ - 0 - |
| B. Referee Level Costs: | |
| 1. Court Reporter Costs | \$ - 0 - |
| 2. Bar Counsel Travel Costs | \$ - 0 - |
| C. Administrative Fee | \$ 1,250.00 |

| | |
|---------------------------|------------------------|
| D. Miscellaneous Costs: | |
| 1. Investigator Costs | \$ - 0 - |
| 2. Copies | \$ - 0 - |
| 3. Auditor Cost | \$ - 0 - |
| TOTAL ITEMIZED COSTS: | <u>\$ 1,250.00</u> |

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this _____ day of _____, 2009.

THOMAS M. LYNCH, IV, Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to THE HONORABLE THOMAS D. HALL, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927, and that copies were mailed by regular U.S. mail to the following: STAFF COUNSEL, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300; and MICHAEL DAVID SOIFER, Bar Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323; and RICHARD ADAM GREENBERG, Counsel for Respondent, Rumberger, Kirk & Caldwell, 215 Monroe Street, #130, Tallahassee, Florida 32301 on this _____ day of _____, 2009.

THOMAS M. LYNCH, IV, REFEREE

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