

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

THE FLORIDA BAR,

**Supreme Court Case
No. SC09-1790**

Complainant,

v.

LAWRENCE CHARLES ROBERTS,

**The Florida Bar File
No. 2007-51,929(17F)**

Respondent.

_____ /

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

The Florida Bar filed its formal Complaint in this cause on January 9, 2009. Thereafter, the undersigned was appointed to preside as referee, by order of the Chief Judge of the Fifteenth 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 Michael A. Catalano and The Florida Bar was represented by Juan Carlos Arias.

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: Respondent admits that in two occasions he gave Judge Larry Seidlin gifts requested by the judge in order to receive Special Public Defender appointments from the judge. Respondent acknowledged that his actions were improper and that he did not turn down the judge's requests because he "would have lost the favor of Larry Seidlin to do whatever a Circuit Judge could do" for him and to "keep him happy". Respondent admitted that he failed to report the conduct described above to the Judicial Qualifications Commission or The Florida Bar.

III. RECOMMENDATION AS TO GUILT:

By the conduct set forth above, I find that Respondent has violated the following Rules Regulating Fla. Bar: 3-4.2 [Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.]; 3-4.3 [The commission by a lawyer of an act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida and whether or not the act is a felony or misdemeanor,

may constitute a cause for discipline.]; 4-8.3(b) [A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.]; and 4-8.4(f) [A lawyer shall not knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;].

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend that respondent be found guilty of misconduct justifying bar discipline, and that he receive a public reprimand, to be administered by publication in the Southern Reporter.

Respondent should also be required to pay The Florida Bar's reasonable costs in this matter, as set forth in The Florida Bar's affidavit of costs. I also recommend that statutory interest be applied to this cost judgment, should respondent fail to satisfy it immediately. Pursuant to R. Regulating Fla. Bar 1-3.6 and unless otherwise deferred by the Board of Governors of The Florida Bar, respondent will be deemed delinquent and declared ineligible to practice law, if he fails to pay this cost judgment within 30 days of it being final.

I am satisfied that the imposition of a public reprimand and payment of The Florida Bar's costs are elements of an appropriate sanction, under applicable law. 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. 1970). I have based this conclusion upon my review of applicable case law as well as the Florida Standards for Imposing Lawyer Sanctions. In The Florida Bar v. Saxon, 379 So.2d 1281 (Fla. 1980), the Supreme Court ordered a suspension for 6 months for an attorney's attempt to offer a federal magistrate several hundred dollars in cash. For the case at hand, factors such as 1) self-reporting by respondent; 2) dates the gifts took place; and 3) value of gifts, I feel that a public reprimand appears to be the appropriate discipline.

Section 7.3 of the Florida Standards for Imposing Sanctions states "public reprimand is appropriate when a lawyer negligently 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, PAST DISCIPLINARY RECORD AND AGGRAVATING AND MITIGATING FACTORS:

Prior to recommending discipline, and pursuant to R. Regulating Fla. Bar 3-7.6, I considered the following:

A. Personal History of Respondent:

Age: 63

Date admitted to The Florida Bar: October 6, 1972

B. Aggravating Factors:

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

C. Mitigating Factors:

9.32(e) full and free disclosure to disciplinary board or
cooperative attitude toward proceedings;
9.32(l) remorse.

D. Prior Discipline: Public reprimand with 2 years
probation, for personal behavior, by order of Florida Supreme
Court dated June 16, 1983 (SC60-63437).

**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, as follows:

A.	Grievance Committee Level Costs:	
1.	Court Reporter Costs	\$ 694.00
2.	Bar Counsel Travel Costs	\$ -0-
B.	Referee Level Costs:	
1.	Court Reporter Costs	\$ -0-
2.	Bar Counsel Travel Costs	\$ 16.50
C.	Administrative Fee	\$ 1,250.00
D.	Miscellaneous Costs:	
1.	Investigator Costs	\$ -0-
2.	Witness Fees	\$ -0-
3.	Copy Costs	\$ -0-
4.	Telephone Charges	\$ -0-
TOTAL ITEMIZED COSTS:		<u>\$ 1,960.50</u>

It is recommended such costs be charged to respondent and interest at the statutory rate shall accrue and should such cost judgment not be satisfied within 30 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.

MEENU T. SASSER, 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 JUAN CARLOS ARIAS, Bar Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323; and to MICHAEL A. CATALANO, respondent's counsel, 1531 NW 13th Court, Miami, Florida 33125, on this _____ day of _____, 2009.

MEENU T. SASSER, REFEREE

