

IN THE SUPREME COURT OF FLORIDA

(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC12-513

v.

TFB File No. 2011-00,291 (2A)

RICHARD WILLIAM RENO,

Respondent.

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REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On March 13, 2012, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. On May 24, 2012, a final hearing was held in this matter. Allison Carden Sackett appeared for The Florida Bar. Although Respondent was properly noticed, he failed to appear for the case management conference or the final hearing. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and

the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

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

B. Narrative Summary Of Case.

Gerald Drolet hired respondent to represent him in a workers' compensation matter. On May 10, 2010, a Motion for Approval of Attorneys Fees and Allocation for Child Support Arrearage for Settlements Under Section 440.20(11)(c),(d) & (e), Florida Statutes, was filed. On May 11, 2010, respondent submitted a Notice of Appearance in the workers' compensation proceedings.

On May 12, 2010, an Order was entered granting the motion and finding:

- a. The parties had entered into a settlement for the sum of \$5,000.
- b. Respondent, as attorney for Mr. Drolet, would receive an attorney's fee of \$1,000.
- c. Costs were documented at \$-0-.
- d. Mr. Drolet was to receive net settlement proceeds of \$4,000.

On or about June 1, 2010, Judge Lazzara received a letter from Mr. Drolet, indicating that he had only received \$3,550 from respondent. Attached to the

letter was a copy of the settlement check from respondent's office and a "ledger" claiming an additional \$450 in costs. Those costs had not been previously reported to the Office of the Judge of Compensation Claims (JCC) as evidenced by the May 12, 2010 Order.

On June 2, 2010, Judge Lazzara entered an Order to Show Cause and Notice of Hearing, based on the fact that respondent had charged Mr. Drolet costs which had not been previously disclosed or approved by the JCC and respondent's failure to comply with statutory and procedural requirements in contravention of the previous Order of May 12, 2010. In paragraph 2 of the Order to Show Cause, it was specifically stated that: "The employee, Gerald Drolet, *Attorney Reno* and Mr. Bates shall appear *in person* at the show cause hearing." (emphasis added) The hearing was set for July 1, 2010.

On June 15, 2010, respondent filed a Motion for Continuance, stating that he was currently out of the country and would be returning July 9, 2010. The JCC granted respondent's motion on June 21, 2010, continuing the hearing until August 5, 2010. The hearing took place on August 5, 2010, but respondent did not appear, nor did he file a motion for continuance or otherwise inform the court of his inability to attend.

On August 13, 2010, Judge Lazzara entered an Order based on the testimony presented at the hearing, wherein he found that respondent failed to appear at the

hearing as ordered by the court in the Order to Show Cause and Notice of Hearing, even after respondent obtained a continuance of the original hearing date.

On or about October 19, 2010, in response to the court's August 13, 2010 order, respondent sent a letter to Judge Lazzara wherein he referred to the judge as, among other things, a tyrant, a bigot, a racist, a "crazy, evil, old man", an "ignorant and worthless son-of-a-bitch", a "hypocritical racist pig" and "your highness". Respondent further stated that the judge was "soo (sic) full of crap" and "mean as a shit-house rat" and that the order was "nothing but a hypocritical, compendium of lies" and "nothing but a pack of lies and half-truths". Respondent referred to both the court and the Bar as "the Inquisition" and accused the judge of engaging in "trial by ambush".

Some of respondent's other statements included: "Even though I am almost 70-years old, I extend an invitation to you to meet me in some dark, secluded spot in order to tell me to my face all of the lying crap, which you have accused me"; "You are lucky I would never consider telling some of my Chicago friends about you"; and "I cannot describe how furious I am and how very much I would love to do violent, permanent, physical harm to that man, which I swear not to, and I use the term "man" very loosely. He has used his bench as a high perch from which to spew his evil on innocent people".

On or about October 26, 2010, almost the identical letter was sent to The Florida Bar as respondent's response to the complaint. In fact, although the letter was addressed to Bar Counsel, the salutation read "Dear John J. Lazzara".

III. RECOMMENDATIONS AS TO GUILT.

Based on the evidence presented, this court finds that it is undisputed that respondent has violated the rules and find him guilty of the following Rules Regulating The Florida Bar: 4-1.1 Competence; 4-3.3 Candor Toward the Tribunal; 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; and 4-8.2(a) Impugning Qualifications and Integrity of Judges or Other Officers.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.5 Lack Of Competence

4.52 Suspension is appropriate when a lawyer engages in an area of practice in which the lawyer knowingly lacks competence, and causes injury or potential injury to a client.

6.1 False Statements, Fraud, And Misrepresentation

6.12 Suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action.

6.2 Abuse Of The Legal Process

6.22 Suspension is appropriate when a lawyer knowingly violates a court order or rule, and causes injury or potential injury to a client or a party, or

causes interference or potential interference with a legal proceeding.

7.0 Violations Of Other Duties Owed As A Professional

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.

8.0 Prior Discipline Orders

8.2 Suspension is appropriate when a lawyer has been publicly reprimanded for the same or similar conduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Ratiner, 46 So.3d 35 (Fla. 2010) - attorney suspended for 60 days for attempting to run around deposition table toward opposing counsel, lambasting counsel and tearing up evidence sticker and flicking it at opposing counsel.

The Florida Bar v. Ray, 797 So.2d 556 (Fla. 2001) - attorney given a public reprimand for making statements in letters questioning the veracity and integrity of a judge, as well as the judge's fairness at hearing.

The Florida Bar v. Sayler, 721 So.2d 1152 (Fla. 1998) - attorney given a public reprimand, 6 months' probation and a psychiatric evaluation for sending a threatening letter to opposing counsel.

In re James T. Madison, 282 S.W.3d 350 (Mo. 2009) - attorney suspended for 6 months for making statements to judges in open court and writing them letters accusing them of unethical conduct.

Kentucky Bar Assn. v. Waller, 929 S.W.2d 181 (Ky. 1996) - attorney suspended for 6 months for making statement in pleading that judge was a "lying incompetent ass-hole".

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BEAPPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. A suspension to exceed 60 days. I do not feel that the 60 day suspension requested by The Florida Bar is sufficient in this case and, therefore, request a suspension longer than 60 days.

B. A psychological evaluation with Florida Lawyer's Assistance Program to be completed before the end of the imposed suspension.

C. Payment of The Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(k)(1), I considered the following:

A. Personal History of Respondent:

Age: 70

Date admitted to the Bar: July 4, 1998

B. Aggravating Factors:

- (a) prior disciplinary offenses;
- (c) a pattern of misconduct - although respondent's prior discipline is not identical to the misconduct at issue here, I feel that it does establish a pattern of disruptive behavior.
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency - respondent has failed to participate in this matter, up to and including the final hearing.
- (i) substantial experience in the practice of law-admitted in 1998

Prior Discipline: Respondent was suspended for 30 days, by Supreme Court Order dated July 11, 2011, for making a false report to law enforcement.

In addition to the factors stated above, I find respondent's demeanor, both toward Judge Lazzara and this court to be extremely disturbing. It raises concerns regarding respondent's competence, not necessarily as a lawyer, but as to his mental competence as a whole.

C. Mitigating Factors:
None.

VIII. 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	
to Rule 3-7.6(q)(1)(I), Rules of Discipline	\$1,250.00
Investigative Costs	12.50
Referee Reimbursement Costs	113.91
Court Reporter Costs	75.00
TOTAL	\$1,451.41

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 25th day of July, 2012.



Honorable David William Fina, Referee
200 Ohio Avenue, South
Live Oak, FL 32064-3200

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 Respondent, Richard William Reno, whose record bar address is P.O. Box 368, Crawfordville, FL 323260-3688, Kenneth L. Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; Allison Carden Sackett, Bar Counsel, The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300; on this 26th day of July, 2012.

Millie J. Schneider
Millie J. Schneider
Judicial Assistant

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