

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

**THE FLORIDA BAR,**  
  
**Complainant,**

**Supreme Court Case  
No. SC10-2319**

**v.**

**BRUCE E. WARNER,**  
  
**Respondent.**

**The Florida Bar File  
Nos. 2009-50,741(17B)  
2009-51,195(17B)  
2009-51,337(17B)  
2009-51,585(17B)  
2010-50,393(17B)  
2010-50,835(17B)**

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**REPORT OF THE REFEREE ACCEPTING CONSENT JUDGMENT**

**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 December 3, 2010, The Florida Bar filed its Complaint against Respondent. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report 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.

i. The pending bar complaints involved multiple family law cases where an ongoing pattern of ineffective communication with clients, coupled with poor law office management, resulted in the pending bar complaints;

ii. While respondent performed legal services in all the above referenced files, clients were not regularly kept informed as to the status of their cases through any letters or correspondence from respondent;

iii. Further, respondent never utilized any written fee agreements/engagement letters in these files or in his family law practice in general;

iv. Respondent concedes that his business practices should have been better;

v. Respondent further admits that this factor along with poor communication with his clients resulted in the pending bar complaints against him.

### III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar:

A. **4-1.4(a)** [A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in terminology, is required by these rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.]; and **4-1.4(b)** [A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.].

### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

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. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Maier, 784 So. 2d 411 (Fla. 2001) Respondent received a 60 day suspension for failure to properly communicate with clients and failure to timely respond to The Florida Bar.

The Florida Bar v. Glick, 693 So. 2d 550 (Fla. 1997) 10 day suspension where attorney failed to diligently pursue a client's case, failed to properly communicate with the client and made material misrepresentations to The Florida Bar.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

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

A. Respondent shall receive a 30 day suspension from the practice of law.

B. Within 30 days of this consent judgment being accepted by the Supreme Court of Florida, respondent will schedule an office procedures and record-keeping analysis by and under the direction of the Law Office Management Assistance Service (hereinafter referred to as LOMAS) of The Florida Bar. Respondent shall cooperate with LOMAS in the conduct thereof. Respondent shall fully comply with and implement, at respondent's sole cost and expense, all recommendations made by LOMAS, which recommendations shall be in

accordance with the Office Procedures and Record Keeping Guidelines of LOMAS. The LOMAS analysis shall consist of, at a minimum, an initial review within 60 days of the court order accepting this plea and a final review prior to termination of the probation, confirming compliance with, and implementation of, the recommendations of LOMAS. LOMAS may require such additional interviews as it may, in its sole discretion, deem necessary or advisable. Respondent shall pay all fees and expenses of LOMAS incurred or required in connection with the conduct of its analysis. LOMAS shall provide the Lawyer Regulation Department of The Florida Bar with status reports as to ordered analysis.

C. Respondent shall pay The Florida Bar's costs in this matter.

#### VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 57

Date admitted to the Bar: November 3, 1983

Prior Discipline: Respondent received a 30 day suspension for lack of communication and failure to respond to The Florida Bar by Supreme Court Order dated May 2, 2002.

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	\$1,250.00
Court Reporters Fees	0.00
Bar Counsel Travel	66.05
Investigative Costs and Expenses	100.75
Photocopying Costs	<u>0.00</u>
<b>TOTAL</b>	<b>\$1,416.80</b>

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 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 \_\_\_\_\_, 2011.

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THOMAS H. BARKDULL, III  
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, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1927, and that copies were furnished by regular U.S. mail to **Bruce E. Warner**, respondent, whose record bar address is Law Office of Bruce E Warner Esq, 400 SE 8th St, Fort Lauderdale, FL 33316-1124; **Kenneth Lawrence Marvin**, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and **Alan Anthony Pascal**, Bar Counsel, The Florida Bar, Fort Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323 on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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THOMAS H. BARKDULL, III  
Referee