

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

CASE NO. SC09-1122
TFB NO. 2008-11,135 (13C)

v.

JOHN STANLEY MORSE,

Respondent.

REPORT OF REFEREE

I. Summary of Proceedings: the undersigned was duly appointed as Referee in these proceedings. The parties hereto have agreed to a stipulated resolution, which I recommend that the Court accept.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Maria L. Torres

For Respondent: William Craig Hall

Respondent participated fully in this proceeding.

II. Findings of Fact: The parties stipulated to the following facts: Respondent was suspended from the practice of law for 91 days on November 16, 2007. On Sunday January 13, 2008, while suspended, Respondent filed a Motion for Order Requiring Immediate Transfer of Defendant to Inpatient Psychiatric Hospital Facility on behalf of his son.

The circumstances surrounding the filing of the motion are as follows: Respondent's son was detained in the Hillsborough County Jail on December 14, 2007. Respondent's son was represented by an attorney, but he was out of town and unavailable. A private psychiatrist, Dr. Bala Rao, visited Respondent's son in jail. On Saturday, January 12, 2008, The psychiatrist called Respondent and advised that Respondent's son was not receiving care or medication in jail. Respondent was also advised that his son was in need of immediate psychiatric

hospitalization, and that he was a threat to himself and others. Respondent admits that he signed the motion, but that it was in an effort to assist his son. Respondent asserts that the filing of the motion was solely the result of his emotional trauma, and not as a result of an intention to violate the suspension order.

When the complaint was received, a Bar investigator located Respondent and spoke with him. The investigator advised Respondent that the Bar received an order from the court stating that he had been practicing law while suspended. Respondent explained his circumstances to the Investigator and further indicated that he was distraught at the time and was not thinking well. Respondent further stated that after that incident he did nothing further to represent his son. The investigator informed Respondent of the need to formally respond to the Bar.

Respondent failed to respond to the Bar and also failed to respond to the Committee's inquiries.

III. Recommendations as to Guilt: I recommend that Respondent's Conditional Guilty Plea be accepted and that he be found guilty of violating Rule 4-5.5 (unlicensed practice of law); and Rule 4-8.4(g) (failure to respond in writing to disciplinary investigation).

IV. Recommendation as to Disciplinary Measures to Be Applied: A 91-day Suspension.

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

Age: 66

Date Admitted to Bar: 11/10/1969

Prior disciplinary convictions and disciplinary measures imposed therein:

SC07-1676 (2008-90,046)(0SC)): By Supreme Court Order dated November 16, 2007, Respondent was suspended for 91 days and held in contempt for failure to comply with previous Supreme Court Order issued in SC06-722.

SC06-722 (2005-10,140 and 2005-10,745(13C)): By Supreme Court Order dated March 22, 2007, Respondent received a 90 day

suspension with a public reprimand administered by the Designated Reviewer before the Grievance Committee. Respondent was required to attend a trust accounting workshop; submit to an evaluation by the Law Office Management Advisory Service (LOMAS), and to implement any and all recommendations made by LOMAS; submit to an evaluation by Florida Lawyers Assistance, Inc., and enter into a three year contract and follow up with all recommendations by FLA, Inc.; and payment of disciplinary costs.

SC96-0090 (1999-10,015(13F)): By Supreme Court Order dated April 19, 2001, Respondent was suspended for 10 days, his board certification in family law was revoked, and was assessed costs.

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 |
| The Florida Bar Expenses: | |
| Investigator Costs | 166.78 |
| Bar Counsel Expenses | 16.94 |
| Court Reporter Expenses | <u>85.00</u> |
| TOTAL ITEMIZED COST TO DATE: | <u>\$1,518.72</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 ____ day of _____, 2009.

Philip J. Federico, Referee

Original Report of Referee and Record to Supreme Court.

Copies furnished to:

Maria L. Torres, Bar Counsel The Florida Bar, 4200 George J. Bean Parkway,
Suite 2580, Tampa, Florida 33607-1496;

William Craig Hall, Respondent, One Urban Ctr., 4830 W. Kennedy Boulevard,
Suite 575, Tampa, Florida 33609-2564; and,

Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson
Street, Tallahassee, Florida 32399-2300.