

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC10-415

[TFB Case Nos. 2009-30,344(09C);

2009-30,742(09C);

v.

2009-30,855(09C);

2009-31,228(09C);

2010-30,009(09C);

J. WILLIAM MASTERS II,

2010-30,083(09C)]

Respondent.

TFB Case No. 2010-30,201(09C)

REPORT OF REFEREE ACCEPTING DISBARMENT ON CONSENT

- I. Summary of Proceedings: The undersigned was appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Frances R. Brown-Lewis

For The Respondent - *Pro se*

- II. Findings of Fact as to Each Item of Misconduct of which the Respondent is Charged: After considering all the pleadings and evidence, pertinent portions of which are commented on below, this referee finds pursuant to Disbarment on Consent that the facts of the Disbarment on Consent are admitted. The Disbarment on Consent is attached hereto and incorporated herein.
- III. Recommendations as to Whether the Respondent Should Be Found Guilty: As to each count of the complaint, this referee makes the following recommendations as to guilt or innocence: Pursuant to the Disbarment on

Consent, this referee finds the respondent guilty as admitted in the Disbarment on Consent.

IV. Recommendation as to Disciplinary Measures to Be Applied:

Pursuant to the Disbarment on Consent, this referee makes the following recommendations as to the disciplinary measures to be applied:

- A. Disbarment effective September 30, 2010;
- B. Payment of costs which currently total \$7,415.55;
- C. Respondent agrees to provide The Florida Bar with his current address for the next two years; and
- D. Respondent agrees to cooperate with The Florida Bar with any audit they need to conduct regarding his bank accounts.

In making this recommendation, this referee has considered the following case law:

1. In The Florida Bar v. Springer, 873 So.2d 317 (Fla. 2004), an attorney was disbarred for multiple instances of misconduct, repeated in six matters in which the attorney represented an individual or a condominium association of which the individual was president. The attorney failed to provide competent representation, failed to act with reasonable diligence, failed to keep his clients reasonably informed, and misrepresented to his client the status of his client's matter. In support of disbarment, the Court cited to Fla. Stds. Imposing Law. Sanctions. 4.41, which provides that disbarment is appropriate when a lawyer knowingly fails to perform services or engages in a pattern of neglect of client matters, and causes serious or potentially serious injury to a client.

2. In The Florida Bar v. Horowitz, 697 So.2d 78 (Fla. 1997), an attorney was disbarred for neglecting clients and failing to respond to the Bar. In determining the appropriate discipline, the referee considered and rejected the mitigating factor of clinical depression. The referee found the following aggravating factors: prior disciplinary history of a public reprimand, an admonishment, and a suspension; a pattern of misconduct; multiple offenses in which the acknowledgment of wrongdoing was very late and did not seem sincere; and substantial experience in the practice of law. The referee stated in his report:

“It is imperative that a clear and unmistakable message be sent that callous disregard for clients, The Florida Bar, and the attorney disciplinary process are serious infractions which may not be committed with impunity.”

3. In The Florida Bar v. Friedman, 511 So.2d 986 (Fla. 1987), an attorney was disbarred for neglecting legal matters and abandoning his law practice. In addition, the attorney failed to respond to the Bar’s complaint and to the Bar’s request for admissions. The attorney also failed to attend the final hearing. The referee stated in his report: “Respondent’s abandonment of his law practice evidenced a total disregard for the most fundamental obligations a lawyer owes to his clients.”

4. In The Florida Bar v. Vining, 761 So.2d 1044, 1048 (Fla. 2000), the Court indicated it considers prior misconduct and cumulative misconduct and treats more severely cumulative misconduct than isolated misconduct. The Court also found that multiple offenses are one factor that may justify an increase in degree of discipline imposed.

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

Age: 62

Date admitted to bar: December 14, 1973

Prior disciplinary convictions and disciplinary measures imposed therein:

1. By court order dated October 26, 2006, respondent received a public reprimand and a one-year period of probation for neglect and for failing to pay his unemployment compensation taxes for his employees during several quarters between 2003 and 2005.

VII. Statement of Costs and Manner in which Costs Should Be Taxed: This referee finds the following costs were reasonably incurred by The Florida Bar:

Administrative Costs	\$ 6,250.00
Court Reporters Fees	\$ 150.00
Investigative Costs and Expenses	\$ 995.75

Photocopying Costs \$ 19.80

TOTAL \$ 7,415.55

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 _____, 2010.

ROBERT T. BURGER
Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

Frances R. Brown-Lewis, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-5200

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