

**FILED**

SID J. WHITE

JUN 1 1984

CLERK, SUPREME COURT

IN THE SUPREME COURT OF FLORIDA  
BEFORE A REFEREE

THE FLORIDA BAR,

Complainant,

v.

R. BRUCE JONES, JR.,

Respondent.

By \_\_\_\_\_  
Chief Deputy Clerk

Supreme Court Case No.  
63,855

REFEREE: Judge Smith

REFEREE'S REPORT

This matter came on for final hearing before the undersigned Referee on February 17, 1984 and May 17, 1984. Appearing as Bar Counsel on behalf of Complainant, The Florida Bar, was Michael D. Powell. Appearing on behalf of Respondent, R. Bruce Jones, Jr., was Charles L. Brown, Esq.

FINDINGS OF FACT AS TO EACH ITEM OF  
MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED

After considering all of the pleadings and evidence before me, I find that:

1. Respondent, R. Bruce Jones, Jr., is a member of The Florida Bar, though currently suspended for non-payment of dues, and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

As to Count I

2. On or at some time subsequent to August 15, 1979, respondent was retained by Edward L. Bussey to represent him in a personal injury action.

3. As a result of medical services rendered with respect to his injuries, Mr. Bussey incurred an obligation to Good Samaritan Hospital of West Palm Beach in the amount of \$9,291.35, for which the hospital filed a lien.

4. On May 5, 1980, Kenneth W. Edwards, attorney for Good Samaritan Hospital, wrote to respondent informing him of the amount of Mr. Bussey's hospital bill and requesting the present status of any ongoing litigation respondent may be handling on Mr. Bussey's behalf.

5. In response to Mr. Edwards' letter, dated May 5, 1980, on or about September 5, 1980, respondent wrote to Mr. Edwards advising that he had received only \$10,000.00 maximum policy limits with which to pay Mr. Bussey's medical bills.

6. Respondent, in fact, received on behalf of Mr. Bussey in October 1980 a settlement of \$25,000.00.

7. On or about October 3, 1980, an agreement was reached between respondent and Mr. Edwards, whereby Mr. Bussey would pay \$8,000.00 to Good Samaritan Hospital in full satisfaction of its bill. Such settlement was based upon Mr. Jones' specific representation that all he was receiving on behalf of Mr. Bussey was a total of \$10,000.00, whereas in fact he had received a settlement of \$25,000.00.

8. As a result of respondent's failure to forward the agreed upon monies to Mr. Edwards, during late January or early February 1981, Mr. Edwards filed suit on behalf of Good Samaritan Hospital against Mr. Bussey for the amount of the hospital bill.

9. As a result of the failure of respondent or Mr. Bussey to answer the complaint, Mr. Edwards obtained a default and, based thereon, on June 29, 1981, a final judgment against Mr. Bussey in the amount of \$9,291.35 plus costs.

10. On July 7, 1981, respondent finally sent to Mr. Edwards his trust account check for \$8,000.00 in payment of the agreed upon settlement.

As to Count II

11. Prior to April 18, 1980, respondent represented Frederick Van Drake in the criminal case State v. Drake, Case Number 79-796 CF, Circuit Court for the Fifteenth Judicial Circuit.

12. On or about April 18, 1980, respondent filed a notice of appeal of Mr. Drake's conviction in such criminal case.

13. On or about January 8, 1981, Daniel Braen, on behalf of Mr. Drake, wrote to respondent concerning his representation of Mr. Drake, which letter

was received by respondent's office.

14. In response to Mr. Braen's letter, a handwritten response was made by Barbara Oliver, respondent's secretary (See Complainant's Exhibit 3.) Such response was not on Mr. Jones' letterhead and contained a stamped signature of respondent. There is not clear and convincing evidence that respondent authorized such letter.

15. On or about January 19, 1981, Ms. Oliver wrote a letter to Mr. Drake concerning Mr. Braen's letter. ( See Complainant's Exhibit 4.) Such letter was not dictated by respondent, but respondent did authorize Ms. Oliver to prepare such letter and send it without his first reviewing it.

16. At the time Ms. Oliver wrote the January 19, 1981 letter, she was extremely mad and upset by Mr. Braen's letter and allegedly hooked on Demerol, which facts were known to respondent.

RECOMMENDATIONS AS TO WHETHER OR NOT THE  
RESPONDENT SHOULD BE FOUND GUILTY OF MISCONDUCT

As to each count of the Complaint, I make the following recommendations as to guilt or innocence:

As to Count I

I recommend that the respondent, R. Bruce Jones, Jr., be found guilty of violating Disciplinary Rules 1-102(A) (4) of the Code of Professional Responsibility, in that he misrepresented a material fact, to wit: the amount of money recovered on behalf of his client, Mr. Bussey, to Kenneth W. Edwards, the attorney for Good Samaritan Hospital, during negotiations over payment of Mr. Bussey's bill from the hospital. Further, I recommend that respondent be found guilty of violating Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility, in that he neglected to pay the agreed upon settlement to Mr. Edwards for a period of some nine (9) months after the settlement was reached, thereby permitting a judgment for the full amount of the hospital bill to be obtained against his client.

As to Count II

I recommend that Respondent be found Not Guilty as charged in the Complaint. Although Respondent's office management was sloppy and inefficient, his conduct does not rise to the level of misconduct justifying discipline.

RECOMMENDATIONS AS TO DISCIPLINARY  
MEASURES TO BE APPLIED.

I recommend as discipline in this matter that the Respondent, R. Bruce Jones, Jr., be suspended from the practice of law for six (6) months and thereafter until he proves rehabilitation. I further recommend that such suspension be retroactive to the date of the initial referee hearing, to wit: February 17, 1984. The fact that such conduct was cumulative to previous misconduct justifies a more severe discipline.

PERSONAL HISTORY

Respondent, R. Bruce Jones, Jr., was admitted to the Florida Bar in 1965 and is forty-five (45) years old. He has not practiced law from the time the Complaint was filed in this case in June, 1983. At my request, a psychiatric report and evaluation was made by Dr. M. Cheshire, which report dated May 14, 1984 is in the file.

STATEMENT AS TO PAST DISCIPLINE

On October 28, 1982, the Supreme Court of Florida directed that respondent, R. Bruce Jones, Jr., receive a private reprimand to be administered by appearance before the Board of Governors of The Florida Bar in The Florida Bar v. Jones, Case Number 61,565, for violating Rule 11.02(4), Article XI, of the Integration Rule of the Florida Bar and Disciplinary Rules 1-102(A)(4) and 9-102(B) of the Code of Professional Responsibility.

That case involved in Count I, retention of a client's guns and in Count II, keeping \$2,500.00 retainer while only \$310.00 was due in fees and costs.

STATEMENT OF COSTS OF THE PROCEEDINGS  
AND RECOMMENDATIONS

The costs of these proceedings were as follows:

ADMINISTRATIVE COSTS:

Grievance Committee level	\$ 150.00
Referee	\$ 150.00

COURT REPORTER COSTS:

Grievance Committee level	\$ 89.82
Referee Hearing (2-17-84) (1/2)	\$ 280.93

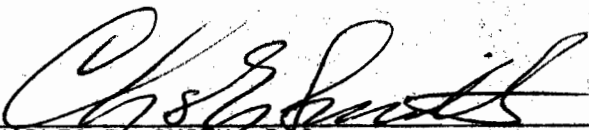
WITNESS FEES	\$ 5.60
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PHOTOCOPIES	\$ 5.50
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REFEREE TRAVEL	\$ 39.30
BAR COUNSEL TRAVEL	
February 17, 1984	\$ 28.35
May 17, 1984	\$ 65.45
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SUBTOTAL	\$ 814.95
COURT REPORTER'S COSTS	
Referee hearing-5/17/84	\$ 146.25
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TOTAL	\$ 961.20
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I recommend that such costs be taxes against Respondent, R. Bruce Jones, Jr.

RENDERED this 25th day of May, 1984, at Vero Beach, Indian River County, Florida.

  
 CHARLES E. SMITH, Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Referee's Report was mailed to Michae D. Powell, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, Florida 33304, Charles L. Brown, Esq. Attorney for Respondent, Forum III, 1655 Palm Beach Lakes Blvd., West Palm Beach, Florida 33401, AND John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226, on this 25th day of May.

  
 CHARLES E. SMITH, Referee