

IN THE SUPREME COURT OF FLORIDA

(Before a Referee)

THE FLORIDA BAR,
COMPLAINANT,

VS.

PEYTON T. JORDAN, JR.,
RESPONDENT.

CASE NO.
70, 174
(TFB # 13B86H20)

FILED

SID J. WHITE

NOV 9 1987

CLERK, SUPREME COURT

By
Deputy Clerk

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, a hearing was held on October 9, 1987. 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, Richard Greenberg.

For the Respondent, Peyton J. Jordan, Jr., represented himself.

II. FINDINGS OF FACT as to Each Item of Misconduct of which the Respondent is charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented upon below, I find:

AS TO VIOLATION of The Florida Bar Code of Professional Responsibility, DR # 7-101 (A)(2); (Failure to carry out a contract of employment):

That Robert Morris retained the RESPONDENT on February 12, 1982, to evaluate Morris' Workmen's Compensation Claim file. A binding contract was entered into by the parties upon payment of \$500.00 by Morris to the Respondent; (EX A); (TR PAGE 16, Lines 12 thru 18). Respondent failed to perform under the terms of the contract by making little or no effort to evaluate the claim; (TR Page 19, Lines 10 thru 20). A proposed evaluation was submitted approximately 2 years later and only after commencement of Bar proceedings against the Respondent; (EX D).

AS TO VIOLATION of the Florida Bar Code of Professional Responsibility, DR # 6-101 (A)(1); (Handling a legal matter which he knew or should have known that he is not competent to handle):

The evidence was insufficient to support a violation of this rule.

AS TO VIOLATION of the Florida Bar Code of Professional Responsibility, DR #6-101 (A)(2)(Handling a legal matter without preparation):

The evidence was insufficient to support a violation of this rule.

AS TO VIOLATION of The Florida Bar Code of Professional Responsibility, DR # 6-101 (A)(3): (Neglecting a legal matter entrusted to him):

The evidence clearly showed that the Respondent failed to contact Roger Marchant, as suggested by Morris, who had a similar case; (TR Page 22, Lines 14 thru 25, PAGE 23, Lines 1 thru 25, and PAGE 24, Lines 1 thru 10). The Respondent did not make any serious effort to contact his client after several months regarding

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his efforts or the results thereof. It appears that the Respondent chose to simply forget the matter after Morris removed irrelevant papers from the file in March of 1982; (TR Page 25, Lines 6 thru 23). Four years was an unreasonable period of time within which to take action in the matter.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY:

As to Violation of DR # 6-101(A)(1) and DR # 6-101(A)(2):

I recommend that the Respondent be found NOT GUILTY.

As to Violation of DR # 7-101(A)(2) and DR # 6-101(A)(3):

I recommend that the Respondent be found GUILTY.

Respondent having been a member of the Bar for approximately 40 years with no prior disciplinary record, I recommend that the Respondent be privately reprimanded by the Greivance Committee and required to refund the \$500.00 fee to Mr. Morris.

DATED THIS 4th day of NOVEMBER, 1987.



REFEREE

✓ Copies to:

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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

RECEIVED

THE FLORIDA BAR,
Complainant,

CASE NO. 70,174
TFB #86-19,354(13B)
(formerly #13B86H20)

DEC 15 1987

FRANK H. WHITE
CIRCUIT JUDGE

v.

PEYTON T. JORDAN, JR.
Respondent.

AMENDMENT TO REPORT OF REFEREE

THIS CAUSE having come to be heard upon the Complainant's Motion for Rehearing, and the Referee having been fully advised of all the circumstances and the argument of counsel, it is hereby Ordered and Adjudged that the Report of Referee previously submitted on November 4, 1987, is amended to recommend that the Respondent receive a Public Reprimand, pursuant to Rule 3-7.5(k)(1)(3), Rules of Discipline.

12/16/87.


FRANK H. WHITE
Referee

✓
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