IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

Case Nos. 73,656, 73,941 and 73,978; TFB Case Nos. 87-23,392 (09A); 87-23,439 (09A); 87-23,442 (09A); 87-23,483 (09A); 87-23,443 (09A); 88-30,343 (09A) and 89-30,232 (09A)

v.

ROBERT W. BLUNT,

Respondent.

COMPLAINANT'S BRIEF

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SYMBOLS AND REFERENCES

In this brief, the complainant, The Florida Bar, will be referred to as either "The Bar" or "The Florida Bar". Robert W. Blunt will be referred to as the respondent. The transcript of the final hearing held on July 25, 1989, will be referred to as T. The Report of Referee will be referred to as RR.

STATEMENT OF THE FACTS

Because the respondent failed to respond to the Bar's Requests For Admission in each case, the Referee deemed the matters contained therein to be admitted. (RR p. 1) The Bar's Requests For Admission contain factual allegations identical to those contained in the complaints filed in each case. Except as otherwise noted, all the following facts are taken from the Bar's Requests for Admissions.

Case Number 73.656 - Count I

The respondent represented ALRAC, Inc., in a Chapter 11 bankruptcy proceeding in 1986. On August 7, 1986, the respondent's client placed $2,979.90 into his trust account to pay an opposing party. On August 25, 1986, the respondent wrote a check in this amount out of his trust account payable to the opponent's law firm. The check was returned due to insufficient funds. Afterwards, the respondent discovered that his bookkeeper/wife had forged his signature on several trust account checks and had taken either cash or checks for trust matters without properly depositing the money to the trust account. When he learned of the situation, the respondent contacted The Florida Bar's Orlando office, and in September, 1986, an audit of his trust account was performed by a staff investigator.

The audit revealed numerous technical record keeping violations and that the respondent's wife had forged his signature on at least four checks beginning in May, 1986. The respondent's wife utilized approximately $1,600.00 to pay personal and business expenses.

The respondent certified on his 1984-1985 Bar dues statement that he maintained his trust account in compliance with the Rules when, in fact, this was not true.

Case Number 73.656 - Count II

Respondent was retained by Beverly Fuhrman in or around October, 1986, to handle an incompetency proceeding regarding Viola L. Young. Ms. Young was declared incompetent on November 5, 1986. A few weeks later, on November 23, 1986, Ms. Young died. Ms. Fuhrman, the sole beneficiary, and the Reverend Gerald Wahr, the named personal representative for Ms. Young's estate, retained the respondent to handle the probate of the estate. It was agreed that a flat fee of $750.00 would be paid upon completion of the probate proceedings. But on or around December 16, 1986, the respondent telephoned Ms. Fuhrman and told her it would be necessary for him to be paid his fee in full the next day because he needed the money for rent. He also requested that she bring a check for the balance of Ms. Young's checking account

to give to the personal representative. The following day, Ms. Fuhrman cleared the checking account of the remaining $6,000.00 and delivered it to the respondent who opened an estate account for the personal representative. The personal representative then paid the respondent $750.00 for his fee. Shortly afterwards, the respondent's telephone was temporarily disconnected and his office was vacated. Neither Ms. Fuhrman nor Reverend Wahr were aware that he intended to move. Ms. Fuhrman attempted to contact the respondent by telephone without success. On or about February 19, 1987, she received a letter from the court informing her that she would be held in contempt if she did not file a guardianship inventory. Thereafter, it was necessary for Ms. Fuhrman and Reverend Wahr to retain another attorney to close out the guardianship and complete probate of the estate. Although the respondent filed the probate in December, 1986, he did little work on the estate. Furthermore, Ms. Fuhrman had paid him $250.00 for fees and $244.00 for court costs in October, 1986, in connection with the guardianship.

Case Number 73,656 - Count III

Michael Koszegi retained the respondent on or about May 28, 1985, to file a personal bankruptcy action in Orlando, Florida. The court entered the discharge on October 21, 1985. In the interim, Mr. Koszegi move out of state. The respondent advised him he would mail a copy of the discharge as soon as possible.

Mr. Koszegi sold his home in Florida in 1986 but the title insurance company withheld $2,500.00 because a certain debt had not been removed from the public records during the bankruptcy. Mr. Koszegi advised the respondent of what had happened but was told that the respondent would not do anything until Mr. Koszegi paid him a fee of $150.00. Mr. Koszegi paid him in full on or around October 29, 1986, to have the matter cleared up.

In December, 1986, Mr. Koszegi entered into a contract to purchase a new home and put down a $500.00 deposit. The lender requested that he provide a copy of the discharge and removal of the debt from the public records. Mr. Koszegi attempted to call the respondent from November, 1986, through January, 1987, without success. When he finally did manage to contact the respondent, he was told that the courthouse had encountered some difficulty in locating the file and that the respondent had simply forgotten to check back with the clerk's office. The respondent never sent a copy of the discharge and as a result Mr. Koszegi lost his $500.00 down payment. The respondent failed to respond to any of his later telephone calls or refund any of the money Mr. Koszegi had paid him to handle the matter.

Case Number 73,656 - Count IV

The respondent tendered a check drawn on his trust account in the amount of $75.50 made payable to the clerk of the circuit court for a filing fee in dissolution of marriage case. The check.was returned stamped "uncollected funds".

Case Number 73,656 - Count V

In December, 1985, the respondent was retained by Cynthia Shutter to handle an uncontested dissolution of marriage for which he was paid $200.00. The respondent prepared the necessary paperwork and Ms. Shutter picked it up to have her husband sign what was necessary. By her own decision, she did not return the completed documents to the respondent's office until December, 1986. When she returned the paperwork, Ms. Shutter spoke with the respondent's secretary/wife who advised her she could still file the paperwork. Ms. Shutter signed the papers, had them notarized, and left them with the respondent's office. She did not speak directly with the respondent. She paid the respondent a $75.50 filing fee the last week of December, 1986. Thereafter, she repeatedly attempted to contact the respondent without success.

The respondent alleged he was not aware of the problem or of Ms. Shutter's complaint to The Florida Bar because his wife intercepted all telephone calls and letters.

Case Number **73,941**

In or around November, **1984**, the respondent and his wife purchased a single family residence from Thomas P. Turner. Mr. Turner held the first mortgage on the property in the amount of **$60,000** with **11%** interest. In or around July, **1986**, the respondent defaulted on the mortgage payments. Mr. Turner retained attorney William E. Barfield to institute a foreclosure action. The respondent was aware that Mr. Turner had retained counsel but wrote a letter dated December 2, **1986**, directly to Mr. Turner without a copy being sent to Mr. Barfield. In the letter, the respondent proposed that Mr. Turner cease his foreclosure action and personally attempt to reach a compromise directly with the respondent. He further stated that he intended to deal directly with Mr. Turner rather than Mr. Barfield. If Mr. Turner failed to accept his "offer", the respondent threatened to stall the proceedings thus driving up Mr. Turner's legal fees and to seek protection for himself by filing a Chapter 7 bankruptcy.

At no time did the respondent request nor did Mr. Barfield give permission to communicate directly with Mr. Turner.

Case Number 73,978

The respondent was retained by Richard Roy in January, 1987, to bring an action for fraud and conversion against Vicky Phillips. Mr. Roy, through his company known as Paragon Products, had purchased from Ms. Phillips a business known as Creative Printing.

Shortly after Mr. Roy retained the respondent, Ms. Phillips filed an action for replevin against Mr. Roy because he had defaulted on a promissory note executed in favor of Ms. Phillips in connection with the purchase of Creative Printing. The respondent was to defend the action and file a counterclaim on behalf of his client. The respondent filed the answer, affirmative defenses and counter claim on February 24, 1987. On or about February 6, 1987, the parties entered into a stipulation agreement whereby Ms. Phillips agreed not to proceed with the replevin action contingent upon Mr. Roy placing his monthly payments of $811.05 due on the promissory note in escrow. The funds were to be held in the respondent's trust account. Over a period of several months, Mr. Roy paid a total of $6,488.40 into the respondent's trust account. He ceased making the monthly

payments after he began experiencing financial difficulties with the business.

In September and again in October, 1987, Ms. Phillips' attorney wrote the respondent and requested an accounting of the escrow funds. The respondent failed to provide any accounting. He also failed to respond to interrogatories concerning the escrow funds sent by Ms. Phillips' attorney on or about September 2, 1988.

In or around May or June, 1988, Mr. Roy authorized the respondent to convey a settlement offer to Ms. Phillips. The respondent, however, failed to convey Mr. Roy's offer to opposing counsel.

A hearing on the plaintiff's Motion to Show Cause in the replevin action was set for July, 1988. The day of the hearing the respondent contacted the office of opposing counsel and requested a continuance. Ms. Phillips' attorney refused because the matter had already been continued once. The respondent also contacted the judge's secretary and informed her that he could not appear due to a back injury. The respondent failed to appear at the hearing or send counsel in his stead. He also failed to inform his client that a hearing had been scheduled and as a result Mr. Roy also failed to attend. Because of those

facts, Ms. Phillips was able to successfully pursue her replevin action and a Writ of Replevin was issued on July 6, **1988**. The respondent failed to advise his client of this and Mr. Roy became aware of it only after the sheriff arrived and removed all of the business equipment subject to the replevin action. When Mr. Roy contacted him, the respondent assured him he would immediately contact the judge and attempt to straighten the matter out.

By letter dated July **19, 1988**, Mr. Roy advised the respondent he was dissatisfied with the manner in which his case was being handled and that he intended to retain another attorney. Afterward, Mr. Roy was unable to contact the respondent despite numerous telephone calls. He retained attorney Lawrence Pino in or around August, **1988**. Mr. Pino also was unable to contact the respondent to obtain the file.

In or around early October, **1988**, Mr. Pino contacted Ms. Phillips' attorney and learned that the matter had been tried on September **8, 1988**. Mr. Roy's counterclaim had been dismissed by the court and a final judgment entered on September **27, 1988**, which ordered Mr. Roy to pay **$43,308.93** plus $2,500.00 in attorney's fees.

Over a period of three to four months, the respondent's wife "borrowed" the entire **$6,488.40** Mr. Roy had placed in escrow in

the respondent's trust account. None of the funds were replaced during that time although the respondent did reimburse Mr. Roy on the day before the grievance committee hearing on this matter. Apparently the respondent decided not to communicate with Mr. Roy or do any further work on his case because he was afraid he would be required to turn over or otherwise account for the escrow funds which were no longer in his trust account. A second review of the respondent's trust account by a staff investigator with The Florida Bar revealed that it was not maintained in substantial minimum compliance with the Rules Regulating Trust Accounts. This was despite the fact that the respondent had previously been advised by The Florida Bar to bring his trust account into compliance.

STATEMENT OF CASE

In case number 73,656, the grievance committee voted unanimously to find probable cause on May 3, 1988. The respondent appeared at the hearing and represented himself. The Florida Bar filed its five count complaint on or around February 3, 1989. A copy was sent to the respondent's record Bar address by certified mail, return receipt requested and it was signed for on February 7, 1989. The Florida Bar's Requests For Admission was served on or around February 24, 1989, by certified mail, return receipt requested. It was mailed to the respondent's record Bar address and returned as unclaimed.

In case number 73,941, the grievance committee voted unanimously to find probable cause on December 16, 1988. The respondent failed to appear at the hearing despite being properly noticed. The Florida Bar filed its complaint on or around March 30, 1989, and served it on the respondent at his record Bar address by certified mail, return receipt requested. The complaint was returned as unclaimed. On or around April 7, 1989, The Florida Bar served its Requests For Admission on the respondent at his record Bar address by certified mail, return receipt requested. A person who was apparently the respondent's wife signed for it on April 10, 1989. No response to the Requests was made.

In case number 73,978, the grievance committee unanimously voted to find probable cause on January 25, 1989. The respondent appeared at the hearing and represented himself. The Florida Bar filed its complaint on or around April 6, 1989, and served a copy of it on the respondent at his record Bar address by certified mail, return receipt requested. Apparently it was signed for by the respondent's wife on April 10, 1989. The Florida Bar served its Requests For Admission on the respondent at his record Bar address by certified mail, return receipt requested, on or about April 18, 1989. It was signed for by the respondent's wife on April 19, 1989. No response to the Requests was made.

The Florida Bar made a Motion To Consolidate on May 11, 1989, which was granted on May 23, 1989. The respondent failed to respond to the motion.

The Notice of Final Hearing was mailed on May 26, 1989, by certified mail, return receipt requested, to the respondent's record Bar address in accordance with Bar rules and signed for by an unknown individual on June 20, 1989. The return receipt, however, was reattached to the envelope which was then returned as unclaimed. The reason for this is not known to the Bar. The final hearing was held on July 25, 1989. The respondent failed to appear and the Referee issued his report on August 24, 1989. At the time of the hearing Bar counsel recommended to the referee

that the respondent be disbarred. The Referee recommended, however, that the respondent be suspended for one year and be required to pay Bar costs. The report was considered by the Board of Governors of The Florida Bar at its meeting which ended September 22, 1989. On the strength of Bar Counsel's recommendation to the Board, it voted not to appeal the Referee's recommended discipline given the fact that another multiple count complaint concerning similar alleged misconduct is currently pending at the Referee level. Furthermore, the respondent is presently suspended for the nonpayment of Bar dues and it appears that he is no longer engaging in the active practice of law. He has abandoned his former office which is his record Bar address and has not provided the Bar with a current address.

This Court issued an order December 19, 1989, directing that the Bar submit a brief on discipline on or before January 15, 1990, and that the respondent serve his brief ten days after receipt of the Bar's brief.

SUMMARY OF ARGUMENT

The respondent neglected legal matters entrusted to him, mishandled his trust account, failed to supervise his bookkeeper/secretary/wife which resulted in her "borrowing" client funds and ultimately abandoned his law practice. He failed to refund unearned fees to many clients, some of whom were forced to retain new counsel.

The respondent's actions demonstrate a callous disregard for both his clients and his professional responsibilities. Clearly such cumulative, gross misconduct warrants nothing less than the one year suspension recommended by the Referee. In fact, at the final hearing Bar counsel suggested that the Referee consider recommending disbarment due to the serious and cumulative nature of the respondent's misconduct. The referee, however, saw fit to recommend a suspension for one year. The Florida Bar elected not to appeal the Referee's recommended discipline for several reasons. The grievance committee had found probable cause in eight other cases involving similar misconduct and a multiple count complaint was about to be filed. The respondent is currently suspended for nonpayment of Bar dues and is not practicing law.

The respondent has shown as little interest in these proceedings as he has for the practice of law. He is no longer worthy of the privilege of being a member of The Florida Bar. The Bar submits that nothing less than a one year suspension would be sufficient to deter others from following a similar course and that a disbarment would be more appropriate.

ARGUMENT

Whether the Referee's recommended discipline *is* the appropriate level of discipline given his findings of fact or whether the respondent should be disbarred.

The respondent is charged with multiple counts of neglecting his clients, mishandling his trust account, failing to return unearned fees and abandoning his law practice. As a result, some of his clients were forced to retain new counsel, and one, Mr. Koszegi, filed a claim with the Client's Security Fund and was reimbursed the sum of $152.00. The respondent initially participated in the grievance committee hearings, but after probable cause was found he apparently chose to ignore the disciplinary proceedings despite proper notice and in some instances actual receipt of pleadings filed with the Referee. His apparent decision to do nothing is similar to his reaction in Mr. Roy's case where he elected to ignore his client's case rather than bring it to the court's attention that his wife, through his own lack of supervision, had misappropriated Mr. Roy's escrow funds. This "do nothing" approach is incompatible with his duties and obligations as a member of The Florida Bar.

In The Florida Bar v. Mouw, No. 74,285 (Fla. November 30, 1989), an attorney was disbarred for engaging in multiple instances of neglect, failing to communicate, failing to notify the Bar and his clients of a change in address and phone number and abandoning his law practice without taking steps to protect his clients' interests. The attorney accepted cases, took little or no action and then abandoned his practice, leaving his clients without counsel and without any means of contacting him. He did not refund money paid by his clients in advance for fees and in some cases failed to return documents entrusted to him. Although the attorney was properly noticed of the Bar proceedings, he failed to participate in any way. The attorney had no prior disciplinary history.

In The Florida Bar v. Byrd, 544 So.2d 201 (Fla. 1989), an attorney was disbarred for multiple instances of engaging in neglect, failing to communicate with his clients, failing to return client property and unearned fees and abandoning the practice of law without adequately protecting his clients' interests. In one case the respondent represented a woman charged with driving under the influence. Neither the respondent nor his client appeared for the trial and as a result a warrant was issued for the client's arrest. Only after she was threatened with arrest did the client learn

that the respondent had closed his law practice. Apparently the attorney decided to become a financial consultant with a company rather than continuing to practice law and, although he informed his client that he was going on vacation and that another attorney would be available for consultations, he failed to advise her that he was changing occupations and closing his office. The attorney had no prior disciplinary history but failed to participate in the grievance proceedings. He failed to contact the referee even though the referee contacted him personally and requested that he "get back to her regarding an important matter". The attorney failed to comply with a subpoena of his trust account records despite his assurances that he would provide the requested documents.

An attorney was disbarred for a period of five years in The Florida Bar v. Setien, 530 So.2d 298 (Fla. 1988), for neglecting client matters, issuing bad checks, failing to communicate with his clients and failing to take steps to protect their interests upon the abandonment of his law practice. Although the attorney participated in the Bar proceedings, the Referee found that he had abandoned his law practice without giving notice to his clients. Apparently the attorney went into hiding for a period of time because

of his involvement in the sale of arms to Nicaragua and the fact that one of his associates recently had been killed. The attorney had no prior disciplinary history and offered evidence in mitigation including a drug and alcohol dependency and distinguished service as a police officer prior to becoming an attorney. This court found that the facts indicated the attorney either had repeatedly ignored his clients or was cavalier about their interests. This court further found that the attorney was dishonest in his business dealings with both the circuit court and his landlord. Disbarment was warranted because his "composite conduct" was "gross".

In The Florida Bar v. Ribowsky-Cruz, 529 So.2d 1100 (Fla. 1988), an attorney was disbarred, effective immediately, for abandoning her law practice without notifying her clients in advance. In four instances she agreed to provide representation, accepted payments for fees, but failed to provide any services. She did not refund any of the fees paid by clients in advance. She failed to advise either her clients or the Bar of a forwarding address and did not participate in the disciplinary proceedings.

In The Florida Bar v. Maichack,, 516 So.2d 259 (Fla. 1987), an attorney was retained to prepare an income tax return for a client. The attorney was paid and advised the client that her tax return had been filed when in fact it had not. The client learned of this only after receiving a letter from the IRS. In a second case, the attorney was retained to represent the defendant in a civil action. The attorney received a substantial fee but rendered few, if, any services. He did not advise his client of the status of the law suit nor did he advise him that a final judgment had been entered against him. The client learned of this only after a judgment creditor attempted to effect execution of the judgment. Despite assurances that he would appeal the judgment, the respondent took no action to pursue the matter any further. The client was forced to retain a new attorney but the accused attorney refused to cooperate with the new counsel. The accused attorney also was suspended for nonpayment of Bar dues for a period of three years and failed to participate in the disciplinary proceedings despite notices sent by both regular and certified mail to his record Bar address and residence address. The attorney was ordered disbarred effective immediately.

In The Florida Bar v. Murray, 489 So.2d 30 (Fla. 1986), an attorney was disbarred for a period of five years for neglecting legal matters and ultimately abandoning his law practice. The attorney allegedly suffered from drug and alcohol addictions but despite being given an opportunity by the Bar to seek help, refused to do so. The attorney engaged in multiple instances of neglecting his clients' cases. While representing a criminal defendant he failed to follow through on a plea offer which would have placed his client on probation. As a result, his client was convicted and sentenced as a habitual offender. The client was forced to retain another attorney to set aside the conviction. The attorney also failed to appear at hearings while representing another client in two civil matters. As a result the cases were dismissed and the attorney failed to take any steps to file any amended pleadings or contact his client. In another civil matter, the attorney's client had a default judgment entered in his favor. The default was later set aside and although the client appeared for the hearing at the hour designated by the attorney, he was informed by the attorney upon arriving that the hearing was over. At a later time a motion to dismiss was heard and the attorney failed to appear at the hearing or inform his client. As a result, the motion was granted. In another

instance, the attorney represented a couple in an adoption proceeding. After receiving his fee, the attorney failed to take any action on the matter and his clients were forced to retain another attorney.

In The Florida Bar v. Tato, 435 So.2d 807 (Fla. 1983), an attorney was disbarred for a period of ten years for performing little or no work on behalf of his clients after accepting fees and willfully ignoring the clients' requests for either an accounting or refund of the unearned portion of the fee paid. All of the clients involved retained the attorney to represent them in criminal proceedings. In one instance the attorney associated another lawyer without his client's knowledge or permission. The attorney failed to participate in the disciplinary proceedings despite receipt of the notice. Although the attorney had no prior disciplinary history the referee recommended a ten year disbarment due to the cumulative nature of his misconduct, his failure to cooperate with the Bar, failure to appear at the final hearings and his current suspension for nonpayment of Bar dues. The referee went on to state that the attorney's "conduct in these proceedings indicates that he has as little regard for these proceedings as he does for his clients' interests. I find that Respondent's conduct

demonstrates a willful disregard for the disciplinary system as well as the standards of professional conduct under which attorneys must operate."

An attorney was disbarred for neglecting his clients and abandoning his law practice without notice in The Florida Bar v. Montgomery, 412 So.2d 346 (Fla. 1982). The attorney failed to cooperate in the Bar proceedings and did not answer the Bar's complaint and Requests for Admission or appear at the final hearing despite receipt of proper notice of the proceedings. In recommending discipline, the referee considered as aggravating factors the attorney's failure to cooperate, failure to appear at the final hearing, failure to take adequate measures to protect his client's interest upon abandoning his law practice and his failure to pay his Florida Bar dues since 1979.

In The Florida Bar v. Gunther, 400 So.2d 968 (Fla. 1981), an attorney was charged with twenty-six counts of neglect. In each case, the attorney agreed to represent the client, collected legal fees and thereafter failed to take any action on the client's behalf. Many clients were unable to contact the attorney after their initial consultation and payment of his fee. No monies were ever refunded. The attorney failed to appear before the referee or seek review of his recommended disbarment.

In The Florida Bar v. Mitchell, 385 So.2d 96 (Fla. 1980), an attorney was disbarred for engaging in multiple instances of neglect and trust accounting violations. The attorney failed to file claims, make court appearances, or prosecute appeals on behalf of clients. He failed to refund unearned fees and did not maintain a trust account. He also was found guilty of knowingly and willfully issuing a check without sufficient funds to cover it. In rendering his report, the referee noted that each offense, if it were an isolated incident, would justify a much lesser discipline such as a public reprimand or suspension. It was the cumulative nature of the misconduct that evidenced a "reckless and wanton disregard by the respondent for the rights and needs of his clients without any mitigating or exculpatory circumstances." The attorney failed to participate in the Bar proceedings and this court found that his misconduct "reveal[ed] a complete disregard of his responsibilities as a lawyer and as an officer of the court. The public has been seriously harmed by his unprofessional conduct. Having repeatedly failed to adhere to the responsibilities of an attorney without any known mitigating reasons, he should be disbarred."

The instant proceedings against this respondent are disturbingly similar to each and every case cited previously

in this brief. The respondent habitually accepted cases, neglected to fully represent his clients' best interests, accepted fees and failed to refund the unearned portions. He closed his law practice without notice, abandoned his clients and allowed his status as a member in good standing with the Bar to lapse. After taking some initial interest in the Bar proceedings at the grievance committee level, he has failed to answer the Bar's complaints, Requests for Admissions, or appear at the final hearing. A willful refusal to participate in the disciplinary proceedings calls into question an attorney's fitness to practice law. The Florida Bar v. Montgomery supra. He has neglected his own representation in these proceedings in much the same way he neglected the interests of his clients. As this court noted in The Florida Bar v. Schilling, **486** So.2d 551, 552 (Fla. **1986):**

> Confidence in, and proper utilization of, the legal system is adversely affected when a lawyer fails to diligently pursue a legal matter entrusted to that lawyer's care. A failure to do so is a direct violation of the oath the lawyer takes upon his admission to the bar.

Under the Florida Standards for Imposing Lawyers Sanctions approved by The Florida Bar's Board of Governors in November, 1986, standard 4.1, "Failure to Preserve the Client's Property", disbarment is appropriate when a lawyer intentionally or knowingly converts client property regardless of injury or potential injury. In this instance, the respondent failed to refund unearned legal fees and therefore, in effect, knowingly misappropriated his clients' funds. Standard 4.12 calls for a suspension when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client. Due to his improper supervision of his bookkeeper/secretary/wife, she was able to utilize for personal and business expenses client funds held in trust.

Standard 4.41(a), "Lack of Diligence", calls for disbarment when a lawyer abandons the practice and causes serious or potentially serious injury to a client. Standard 4.41(b) calls for disbarment when a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client. Standard 4.41(c) calls for disbarment when a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client. Clearly, all of

these criteria apply to the facts of the cases at hand. Standard 4.42(a) calls for suspension when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client. Standard 4.42(b) calls for a suspension when a lawyer engages in a pattern of neglect and causes injury or potential injury to a client. The difference between recommending disbarment and suspension in a given case hinges on whether the potential injury to a client is serious. Although the real or potential injury to his clients was not serious in every instance, Mr. Koszegi lost a $500.00 deposit and was able to make a successful claim against the Clients Security Fund in the amount of $152.00 due to the respondent's neglect of his case. Mr. Roy's counterclaim was dismissed by the court due to the respondent's failure to pursue the matter. A final judgment was entered in favor of the opposing party in the amount of $43,308.93 plus $2,500.00 in attorneys fees. In addition, a writ of replevin was issued against Mr. Roy and much of his business equipment was removed.

Standard *6.32*, "Improper Communications With Individuals in the Legal System", calls for suspension when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication

is improper, and causes injury or potential injury to a party or causes interference or potential interference with the outcome of the legal proceeding. In Case No. 73,941, the respondent clearly understood that he was not permitted to communicate directly with Mr. Turner. Apparently he believed he could coerce Mr. Turner into accepting his settlement offer. He threatened to stall the proceedings in order to drive up Mr. Turner's legal fees and seek protection for himself by filing a Chapter 7 bankruptcy if Mr. Turner failed to accept his "offer".

Standard 7.0, "Violations of Other Duties Owed as a Professional", applies in instances where an attorney improperly withdraws from representation and charges an unreasonable or improper fee (i.e. failing to refund the unearned portion of a retainer). Standard 7.1 calls for disbarment when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system. Standard 7.2 calls for suspension 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.

In aggravation, the respondent has a brief prior disciplinary history, engaged in a pattern of misconduct and committed multiple offenses. In mitigation, the referee found that the respondent was experiencing personal problems involving his wife and made a timely good faith effort to make restitution in Mr. Roy's case. (RR p.9)

At the final hearing, The Florida Bar introduced evidence of its attempts to notify the respondent of these proceedings, presented witnesses and presented testimony from a staff investigator concerning his attempts to verify the respondent's address and locate his whereabouts. (T. pp 5-13 and 61-63) Bar counsel cited to the referee precedential case law, the Florida Standards for Imposing Lawyer Sanctions and recommended the referee consider disbarring the respondent. (T. pp 64-72) Because charges involving similar misconduct were then pending against the respondent at the probable cause level and have now been filed with this court as Case No. 74,695 and because the respondent closed his office and was no longer practicing law, and thus, no longer a hazard to other clients, The Florida Bar elected not to appeal the referee's recommended discipline of a one year suspension.

The Florida Bar, however, continues to consider that disbarment is more appropriate than a one year suspension given the facts and the case law presented.

CONCLUSION

WHEREFORE, The Florida Bar respectfully requests this Honorable Court to uphold the referee's findings of fact, approve his recommendation of guilt, impose at least a minimum period of suspension for one year or, if deemed appropriate, disbarment, and tax the costs of these proceedings now totalling $3,027.85 against the respondent.

Respectfully submitted,

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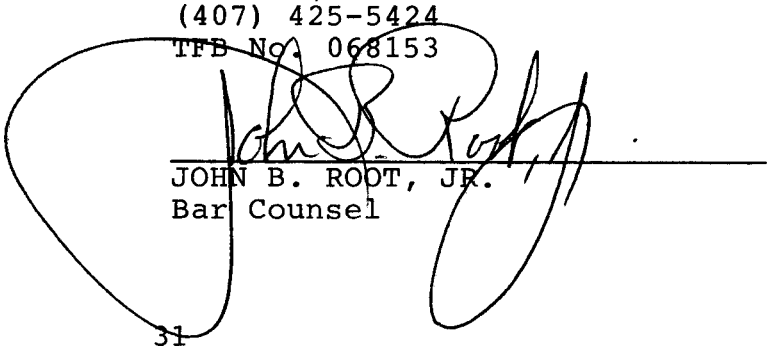

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Bar Counsel

ICATE OF SERVICE

I HEREBY CERTIFY that the original and seven (7) copies of the foregoing Complainant's Brief have been furnished by ordinary U.S. mail to the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301; a copy of the foregoing Complainant's Brief has been furnished by certified mail, return receipt requested, no. P 304 374 316; to Robert W. Blunt, respondent, at 924 North Magnolia Avenue, Suite 112, Orlando, Florida 32803-3845, his record Bar address; a copy of the foregoing Complainant's Brief has been furnished by certified mail, return receipt requested, no. P 304 374 317; to Robert W. Blunt, respondent, at 905 Wood Gate Trail, Longwood, Florida 32750; a copy of the foregoing Complainant's Brief has been furnished by certified mail, return receipt requested, no. P 304 374 318; to Robert W. Blunt, respondent, at 102 Markham Court, Longwood, Florida 32779; and a copy has been furnished by ordinary U.S. mail to Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300, this 8th day of January, 1990.

JOHN B. ROOT, JR.
Bar Counsel