

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Petitioner,

v.

STEVEN PAUL BURCH,

Respondent.

Supreme Court Case No.  
SC18-1151

The Florida Bar File No.  
2019-10,010 (20A) (HES)  
2017-10,381 (20A)  
2017-10,389 (20A)  
2018-10,594 (20A)

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THE FLORIDA BAR,

Complainant,

v.

STEVEN PAUL BURCH,

Respondent.

Supreme Court Case No.  
SC18-942

The Florida Bar File No.  
2018-10,053 (20A)

**PERMANENT DISBARMENT ON CONSENT**

Steven Paul Burch, Respondent, having been fully advised of his procedural rights under the Rules Regulating The Florida Bar, hereby tenders this Permanent Disbarment on Consent pursuant to Rule 3-7.9(e), Rules Regulating The Florida Bar. This Permanent Disbarment on Consent is intended by the parties to resolve all cases currently pending against Respondent with The Florida Bar. The following is the basis for the Permanent Disbarment on Consent:

1. Respondent is, and at all times hereinafter mentioned, was a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter, has had the opportunity to consult with counsel, and is not represented by counsel in these proceedings.

3. Respondent is not Board Certified by The Florida Bar in any area of practice.

4. Respondent is currently the subject of the following Florida Bar disciplinary matters:

a. The Florida Bar File No. 2019-10,010(20A)(HES), SC18-1151 is pending before a referee.

b. The Florida Bar File No. 2018-10,053(20A), SC18-942 is pending before a referee.

c. The Florida Bar File No. 2017-10,389(20A) is pending before a grievance committee.

d. The Florida Bar File No. 2018-10,594(20A) is pending before a grievance committee.

e. The Florida Bar File No. 2017-10,381(20A) is pending at staff level.

5. The allegations underlying this plea are as follows and provide the factual basis for the Permanent Disbarment on Consent tendered by Respondent:

a. The Florida Bar File No. 2019-10,010(20A)(HES): In June

2018, Respondent abandoned his law practice after being arrested and detained until trial for violating the conditions of his pretrial release in a federal criminal case where he was charged with several felonies.

b. The Florida Bar File No. 2018-10,053(20A): Respondent lack diligence and communication in representing a client, Frank Carpenter. He also failed to consult with the client about the objectives and scope of his representation. Respondent was hired to investigate the death of his client's son, and Respondent employed the services of a private investigator who was later incarcerated and never completed the investigation. The client's paid a total of \$7,500.00 to both Respondent and the investigator, and never received any progress reports or other paperwork on the results of the investigation. Respondent thereafter failed to take any further action in the case. Respondent has not refunded any unearned fees to Mr. Carpenter.

c. The Florida Bar File No. 2017-10,389(20A): Respondent was arrested for DUI on August 8, 2015. Respondent's license was suspended for 6 months, and he was sentenced to 12 months' probation, ordered to pay a \$2000 fine, ordered to complete 200 hours community service/pro bono, ordered to attend DUI school and Victim Impact Panel, and ordered to have a 2-year ignition interlock after driving privileges were reinstated. In November 2017, Respondent was diverted by the grievance committee to Florida Lawyer's Assistance, Inc. (FLA), for a one-year monitoring contract. However, given Respondent's arrest and detainment for violating the conditions of his pretrial release in his federal criminal case and his subsequent incarceration, Respondent was unable to comply with the diversion conditions and the matter was remanded to the Bar for further consideration. Respondent's failure to complete the diversion is considered as aggravation.

d. The Florida Bar File No. 2018-10,594(20A): Respondent was alleged to have discussed a client's case in the presence of an unauthorized party. The FBI contacted the client to inform him that they are in possession of a recording of the unauthorized conversation. Respondent contends that he does not recall speaking to anyone other than the client, his private investigator, the State Attorney assigned to the case, and the client's friend who the client had authorized him to discuss the case with in connection to the matter.

e. The Florida Bar File No. 2017-10,381(20A): On or about November 3, 2016, Respondent was indicted in the United States District

Court, Middle District of Florida, for conspiring to distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of heroin. Following several superseding indictments, Respondent entered a plea agreement on August 3, 2018, pleading guilty to Count I of the Third Superseding Indictment— conspiracy to distribute and to possess with the intent to distribute a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance, in violation of 21 USC sections 846 and 841 (b)(1)(C). In the plea agreement, Respondent agreed to forfeit his license to practice law. If the plea be accepted by the trial court, the remaining counts (2, 3, and 4) will be dismissed.

6. Respondent admits that the foregoing allegations, if proven, would constitute a violation of the following Rules Regulating The Florida Bar:

a. The Florida Bar File No. 2019-10,010(20A)(HES): **Rule 4-1.3** (Diligence); **Rule 4-1.4** (Communication); **Rule 4-8.4(b)** (Misconduct – a lawyer shall not commit a criminal act that reflects adversely on the lawyers honesty, trustworthiness, or fitness as a lawyer in other respects); and, **Rule 4-8.4(d)** (Misconduct – a lawyer shall not engage in conduct prejudicial to the administration of justice).

b. The Florida Bar File No. 2018-10,053(20A): **Rule 4-1.2** (Scope of Representation); **Rule 4-1.3** (Diligence); and **Rule 4-1.4** (Communication).

c. The Florida Bar File No. 2017-10,389(20A): **Rule 3-4.4** (Criminal Misconduct); and **Rule 4-8.4(b)** (Misconduct – a lawyer shall not engage in a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects).

d. The Florida Bar File No. 2018-10,594(20A): **Rule 4-1.6** (Confidentiality) and, **Rule 4-8.4(d)** (Misconduct – a lawyer shall not engage in conduct prejudicial to the administration of justice

e. The Florida Bar File No. 2017-10,381(20A): **Rule 3-4.4** (Criminal Misconduct); and **Rule 4-8.4(b)** (Misconduct – a lawyer shall not engage in a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects).

7. Pursuant to Rule 3-7.9(e), Rules Regulating The Florida Bar,

Respondent hereby tenders this Permanent Disbarment on Consent wherein

Respondent agrees to the following discipline:

- a. Permanent Disbarment; and,
- b. Payment of the Bar's Costs.

8. This Permanent Disbarment on Consent shall be effective *nunc pro tunc* to July 19, 2018, the date of the emergency suspension in the Supreme Court of Florida Case No. SC18-1151.

9. Respondent is presently suspended pursuant to an order of emergency suspension, which allowed Respondent 30 days to close out his practice.

Respondent's practice is scheduled to close on August 10, 2018, with The Florida Bar, through the appointment of an inventory attorney, taking possession of Respondent's files, trust account records, and operating account records in order to protect the interests of the clients.

10. Respondent agrees to submit to a complete audit of any and all trust accounts and any other accounts in which he has placed client funds, or over which he is signatory as an attorney, fiduciary, or trustee, when and if requested to do so by The Florida Bar.

11. Respondent further agrees to submit his sworn financial affidavit to The Florida Bar within thirty (30) days of the signing of the instant Permanent Disbarment on Consent.

12. Respondent further agrees to keep The Florida Bar informed of his current mailing and physical address for two (2) years subsequent to the date of any resulting order in this cause.

13. Respondent agrees to pay the reasonable costs of The Florida Bar, as set forth in the Bar's Motion for Assessment of Costs and Statement of Costs, in the amount of **\$1,520.64**. These costs are due in full within thirty (30) days of the entry of the Supreme Court's final order, plus interest at the prevailing statutory rate to accrue on all costs not paid within said time, unless time for payment is extended by the Board of Governors.

14. Respondent is aware that Rule 3-7.6(q), Rules Regulating The Florida Bar, provides for the taxing of costs incurred by The Florida Bar in a disciplinary proceeding. Respondent hereby agrees not to attempt to discharge the obligation for the payment of the Bar's costs in any future proceedings, including but not limited to, a Petition for Bankruptcy.

15. Respondent further acknowledges his obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which Respondent may later be involved.

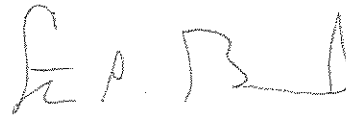
16. Respondent agrees that this Permanent Disbarment on Consent is a public document and waives confidentiality in this matter.

17. Should the Permanent Disbarment on Consent not be approved by the Referee and the Supreme Court of Florida, it and all the statements herein are void and of no effect whatsoever.

18. This Permanent Disbarment on Consent fully complies with all requirements of The Rules Regulating The Florida Bar.

19. This Permanent Disbarment on Consent has been approved in the manner required by Rule 3-7.9.

Dated: 8/9/18



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Dated: 8/10/18



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