

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JAMES F. FEUERSTEIN III,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-30,560 (9D)

COMPLAINT

The Florida Bar, complainant, files this Complaint against James F. Feuerstein III, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar, admitted on October 7, 1987, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Orange County and Lake County, Florida, at all times material.
3. The Ninth Judicial Circuit Grievance Committee "D" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

4. In or around August 2017, Mr. Jensen hired respondent to represent him in a civil action.

5. The civil case was titled Jensen v. Hamid, Case No. 2017-CA-001701, in the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida.

6. Thereafter, respondent failed to inform Mr. Jensen of a case management conference scheduled in the matter for September 18, 2019.

7. Respondent and Mr. Jensen failed to appear for the case management conference.

8. Due to respondent and Mr. Jensen failing to appear at the case management conference, the court entered an order on September 18, 2019 dismissing the case.

9. Respondent notified Mr. Jensen of respondent's failure to appear at the case management conference, however, respondent failed to further communicate with Mr. Jensen regarding his case.

10. Respondent filed a motion to set aside the dismissal on September 27, 2019.

11. Mr. Jensen filed a motion with the court on December 5, 2019 requesting to proceed pro se.

12. Mr. Jensen's motion to the court also alleged that respondent

failed to communicate with him since September 19, 2019.

13. The court did not rule on respondent's motion to set aside the dismissal or on Mr. Jensen's request to proceed pro se.

14. Respondent failed to schedule his motion to set aside the dismissal for hearing.

15. Respondent also remained counsel of record on Mr. Jensen's case contrary to the wishes of Mr. Jensen.

16. Though respondent remained counsel of record, respondent failed to communicate with Mr. Jensen or respond to Mr. Jensen's repeated requests for information regarding his case.

17. On or about February 9, 2020, Mr. Jensen filed a complaint with The Florida Bar alleging respondent's misconduct.

18. In his response to the bar, respondent stated that he joined a new law firm in April 2018. Respondent stated that the computer which contained his former firm's client files was damaged in July 2019, and he was unable to access them.

19. Respondent further stated that during this time period he was unable to access emails associated with his former law firm which were linked to his Florida E-filing portal account.

20. As a result, respondent stated that he missed the Notice of

Case Management Conference for the September 18, 2019 hearing.

21. Respondent stated that his failure to appear at the case management conference was unintentional.

22. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

(a) 4-1.3 Diligence. A lawyer shall act with reasonable diligence and promptness in representing a client.

(b) 4-1.4(a) Communication: Informing Client of Status of Representation. A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in terminology, is required by these rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(c) 4-1.4(b) Communication: Duty to Explain Matters to

Client. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(d) 4-3.2 Expediting Litigation. A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this Complaint has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to James F. Feuerstein III, at james@muscalaw.com; and that a copy has been furnished by United States Mail via certified mail No. 7020 0090 0000 6804 8361, return receipt requested to James F. Feuerstein III, Respondent, whose record bar address is Musca Law, P.A., 3708 S. John Young Parkway, Suite D, Orlando, FL 32839-9204, United States Mail via certified mail No. 7020 0090 0000 6804 8408, return receipt requested to James F. Feuerstein III, 22724 Stallion Drive, Sorrento, Florida 32776-9184 and United States Mail via certified mail No. 7020 0090 0000 6804 8392, return receipt requested to James F. Feuerstein III, Musca Law, P.A., 37 North Orange Avenue, Suite 500, Orlando, FL 32801-2459 and via email to Ashley Taylor Morrison, Bar Counsel, amorrison@floridabar.org, on this 20th day of August, 2021.



Patricia Ann Toro Savitz
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Ashley Taylor Morrison, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424, and amorrison@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.