

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

WILLIAM RONALD ALEXANDER,  
JR.,

Respondent.

Supreme Court Case  
No. SC18-1378

The Florida Bar File  
No. 2018-30,293(07A)

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**REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT**

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On August 16, 2018, The Florida Bar filed its Complaint against respondent in these proceedings. The parties entered into a Conditional Guilty Plea for Consent Judgment. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

## II. FINDINGS OF FACT

A. Jurisdictional Statement: Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case: Pursuant to the Conditional Guilty Plea for Consent Judgment entered into by the parties, I find:

1. The Florida Bar received a notice of an overdraft in respondent's trust account. Respondent provided a written response advising that he was unaware of the overdraft and that he miscalculated the amount of funds in the trust account. The overdraft occurred because respondent wrote a check from his trust account to his operating account for \$1,500.00, when the balance was only \$1,441.81. Pursuant to the records respondent provided, at least \$175.00 of the \$1,441.81 balance was client funds that should have remained in the account. Respondent returned the funds to the trust account.

2. The compliance audit revealed that respondent's trust account was not in substantial compliance with the bar's trust accounting rules. The bank statements and checks for respondent's trust account held at PNC bank indicated the trust account was titled "Alexander Law Group PA IOTA Client Trt Fnd." The title did not include "trust account" as required. The receipts and disbursement journals respondent provided did not identify the client or descriptions for several

transactions. Respondent also provided ledger cards that did not include the reasons for transactions and in at least two client matters respondent did not provide ledger cards. The monthly reconciliations respondent provided were not compliant with the trust accounting rules and respondent failed to provide any monthly comparisons for the audit period as required. During the audit period, the respondent commingled personal funds with client funds in the trust account.

3. The bar's audit found no evidence of misappropriation of client funds.

### III. RECOMMENDATIONS AS TO GUILT

Pursuant to the Conditional Guilty Plea for Consent Judgment entered into by the parties, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.15 Safekeeping Property; Compliance With Trust Accounting Rules; 5-1.1(a)(1) Trust Account Required; Commingling Prohibited; 5-1.2(b)(1), (6), (7) Minimum Trust Accounting Records; 5-1.2(d) Minimum Trust Accounting Procedures; and, 5-1.1(b) Application of Trust Funds or Property to Specific Purpose.

#### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

##### 4.1 Failure to Preserve the Client's Property

4.13 Public reprimand is appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.

##### 9.22 Aggravating Factors

(i) substantial experience in the practice of law.

##### 9.32 Mitigating Factors

(a) absence of a prior disciplinary record;

(b) absence of a dishonest or selfish motive;

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

(l) remorse.

Additionally, as mitigation is defined as “any” consideration or factors that may justify a reduction in the degree of discipline to be imposed (“catch-all”), I also considered the fact that there was no evidence of any misappropriation of client funds. *See 9.31, Rules for Imposing Lawyer Sanctions.*

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Lanigan, 2017 WL 3301476 (Fla. Aug. 3, 2017) –

Respondent received a public reprimand and a two-year period of probation to include Ethics School and restitution. The Florida Bar received two insufficient funds notices pertaining to overdrafts in respondent's trust accounts. The bar's audit revealed several technical trust account violations but no evidence of misappropriation. Respondent also neglected three separate client matters and failed to clearly explain the nature and basis of his legal fees. Respondent presented significant mitigation, and he had no prior discipline.

The Florida Bar v. Herman, 2016 WL 6563101 (Fla. Nov. 3, 2016) – The

Court approved the conditional guilty plea and consent judgment for discipline and publicly reprimanded Herman. The Florida Bar received an insufficient funds notice regarding Herman's trust account. Respondent failed to follow required minimum trust accounting procedures and maintain the minimum trust accounting records. Several checks issued from his operating account were returned for insufficient funds and respondent commingled funds by leaving earned fees in the trust account in order to use the funds to make personal disbursements from the trust account. There was no evidence of misappropriation of client funds.

The Florida Bar v. Merkle, 2016 WL 1065864 (Fla. Mar. 17, 2016) – The Court approved the consent judgment and publicly reprimanded Merkle and placed him on probation for two years requiring quarterly certifications of his trust account. Respondent violated trust accounting rules and recordkeeping requirements. He failed to maintain all required records on his trust account and failed to perform the required monthly reconciliations to ensure that funds in his trust account were being properly maintained. As a result, he failed to maintain the correct funds in his account at all times.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

Pursuant to the Conditional Guilty Plea for Consent Judgment entered into by the parties, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

- A. Public reprimand to be administered by publication.
- B. Respondent shall attend trust accounting workshop within 6 months of order approving this Conditional Guilty Plea for Consent Judgment and pay the \$750.00 fee associated with this workshop.
- C. Payment of the disciplinary costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 48

Date admitted to the Bar: April 25, 1996

Prior Discipline: None.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$99.20
Bar Counsel Costs	\$91.56
Court Reporters' Fees	\$504.31
Audit Costs	\$1,281.80
Administrative Fee	\$1,250.00
 TOTAL	 \$3,226.87

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 2d day of January 2019.

/s/ Meredith Charbula  
MEREDITH CHARBULA  
Referee

Original To:

Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927

Conformed Copies (via e-mail only) to:

William Ronald Alexander Jr., Respondent, 138 West New York Avenue, Suite 1, Deland, Florida 32720-5474, [walexanderlaw@gmail.com](mailto:walexanderlaw@gmail.com)

Keshara Davis Cowans, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, [kcowans@floridabar.org](mailto:kcowans@floridabar.org),  
[orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org)

Staff Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace Suite 130, Sunrise, Florida 33323 [aquintel@floridabar.org](mailto:aquintel@floridabar.org)