

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

JOSEPH LESTER BOLES JR.,
Respondent.

Supreme Court Case
No. SC22-1628

The Florida Bar File
Nos. 2020-30,785 (7B) and 2022-
30,358 (07B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Joseph Lester Boles Jr., and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

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

2. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

3. As to The Florida Bar File Case Nos. 2020-30,785 (7B) and 2022-30,358 (07B), there have been findings of probable cause by a grievance committee.



4. The disciplinary measures to be imposed upon respondent are as follows:

A. 90-day suspension from the practice of law with automatic reinstatement.

B. Payment of the bar's disciplinary costs.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations provide the basis for respondent's guilty plea in this matter:

A. Respondent's legal practice primarily consists of assisting people within his community with their estate planning needs. As part of respondent's practice, he routinely provides free wills for persons over the age of 65.

B. In The Florida Bar File No. 2020-30,785 (7B), the bar received a complaint from Ms. Chappelle. In or around January 2020, respondent met with Ms. Chappelle, and Judith Kobler to



assist them in the formation of a trust for Ms. Kobler's assets. Ms. Kobler requested that Ms. Chappelle serve as the trustee and to name respondent as the backup successor trustee. Respondent, however, failed to obtain written informed consent from Ms. Kobler to appoint himself as a backup successor trustee as required by Rule 4-1.8.

C. On or about March 3, 2020, Ms. Kobler passed away. Thereafter, upon request by Ms. Chappelle, respondent resigned as backup successor trustee.

D. In The Florida Bar File No. 2022-30,358 (7B), the bar received a complaint from Ms. Villet. In or around 2015, Ms. Villet first met with respondent in response to his advertisement offering free will preparation for persons over the age of 65 and then met with him on occasion over the years. Ms. Villet met with respondent again in March of 2021 to request respondent's legal assistance to modify her will and to request a special needs trust.

E. Upon reviewing the updated documents at home, Ms. Villet observed that respondent was named as the trustee of the trust and respondent's associate was named as the backup successor trustee, and respondent was named as the personal representative

in her will and respondent's associate was named as the backup personal representative.

F. Respondent stated that Ms. Villet requested him to be the go-to person for her estate planning needs.

G. Respondent failed to obtain the written informed consent from Ms. Villet to appoint himself in her estate planning documents as required by Florida Statute 733.617(8) of the Florida Probate Code and Florida Statute 736.0708 of the Florida Trust Code.

H. During the investigation of these matters, the bar discovered Case No. 55-2021-CP-000351-A, In Re: The Estate of Frances Alfreda Townsend, in the Circuit Court in and for St. Johns County, Florida.

I. In In Re: The Estate of Frances Alfreda Townsend, respondent filed a Petition for Administration in which he named himself as a surrogate designated beneficiary.

J. Respondent also drafted and filed affidavits for the beneficiaries designated in the will of Ms. Townsend in which they gave up all of their rights and responsibilities in the estate and designated respondent as the surrogate beneficiary.



K. Respondent failed to advise the beneficiaries to seek independent counsel before having them sign the waivers of their right as a beneficiary. The only asset remaining in the estate was the home of the decedent, Ms. Townsend.

L. Ultimately, respondent handled this matter on a *pro bono* basis and distributed the proceeds of the sale of the home to the beneficiaries.

7. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter: 4-1.8(a) and (c) (Conflict of Interest; Prohibited and Other Transactions); and 4-8.4(d) (Misconduct).

8. The Florida Bar has agreed to dismiss the following Rules Regulating The Florida Bar: 3-4.3 (Misconduct); and 4-1.7(a)(2) (Conflict of Interest; Current Clients).

9. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

10. In aggravation, respondent engaged in a pattern of misconduct and has substantial experience in the practice of law.

11. In mitigation, respondent has no prior discipline history as a member of The Florida Bar for over 38 years [Standard 3.3(b)(1)], he



rectified the consequences of his misconduct [Standard 3.3(b)(4)]; he made full and free disclosures during the investigation in this matter [Standard 3.3(b)(5)]; he has a positive reputation in the community for his work with the Council on Aging [Standard 3.3(b)(7)]; and, he showed remorse [Standard 3.3(b)(12)].

12. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

13. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

14. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$2,565.58. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy.



Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

15. Respondent acknowledges the 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 may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

16. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 14 day of MARCH, 2023.



Joseph Lester Boles Jr.
Respondent
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Dated this 14 day of March, 2023.



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Dated this 14th day of March, 2023.



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