

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOSEPH LESTER BOLES, JR.,

Respondent.

Supreme Court Case
No. SC-

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

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against Joseph Lester Boles, Jr., 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 22, 1984, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in St. Johns County, Florida, at all times material.
3. The Seventh Judicial Circuit Grievance Committee "B" 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.

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4. Respondent's legal practice primarily consists of assisting people within his community with their estate planning needs.

5. As part of respondent's practice, he routinely provides free wills for persons over the age of 65.

6. In The Florida Bar File No. 2020-30,785 (7B), the bar received a complaint from Ms. Chappelle.

7. 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.

8. At the time of the meeting, Ms. Kobler was ill with an aggressive form of cancer.

9. At the time of the meeting, respondent suggested that he would be the successor trustee for Ms. Kobler's trust.

10. Ms. Chappelle had concerns regarding respondent acting as the successor trustee, and Ms. Kobler directed respondent to designate Ms. Chappelle as successor trustee.

11. Ultimately, when the documents were drafted respondent unilaterally appointed himself and his law partner (who is also respondent's stepson) as backup successor trustees.

12. Respondent stated that Ms. Kobler requested the firm members

to serve as the backup successor trustees and that they agreed to do so.

13. Respondent, however, failed to obtain written informed consent from Ms. Kobler to appoint himself as a backup successor trustee.

14. On or about March 3, 2020, Ms. Kobler passed away.

15. Thereafter, upon request by Ms. Chappelle, respondent resigned as backup successor trustee.

16. In The Florida Bar File No. 2022-30,358 (7B), the bar received a complaint from Ms. Villet.

17. 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.

18. In or around March 2021, Ms. Villet sought respondent's legal assistance to modify her will.

19. Upon reviewing the updated documents at home, Ms. Villet observed that respondent had made himself the trustee of a trust for which she had not even requested.

20. Respondent's law partner was named as the backup successor trustee.

21. Ms. Villet further observed that respondent unilaterally appointed himself as the personal representative in her will, appointed

himself as her healthcare surrogate, and appointed himself as Ms. Villet's preneed guardian in the event of her future incapacity.

22. Respondent's law partner was named as the backup personal representative, backup healthcare surrogate, and backup preneed guardian.

23. Respondent also created a document granting himself power of attorney for Ms. Villet. Again, respondent's law partner was named as the backup power of attorney.

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

25. Respondent failed to obtain the written informed consent from Ms. Villet to appoint himself as the personal representative of her estate.

26. Ms. Villet ultimately went to another attorney to assist her with revoking the trust and drafting new estate planning documents.

27. 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.

28. 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.

29. 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.

30. Respondent failed to advise the beneficiaries to seek independent counsel before having them sign the waivers of their right as a beneficiary.

31. The only asset remaining in the estate was the home of the decedent, Ms. Townsend.

32. Respondent stated that if he was able to sell the home and receive a profit, he would donate the funds to the Council on Aging.

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

(a) 3-4.3 Misconduct and Minor Misconduct. The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful

or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.

(b) 4-1.7(a)(2) Conflict of Interest; Current Clients. Except as provided in subdivision (b), a lawyer must not represent a client if there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(c) 4-1.8(a) Conflict of Interest; Prohibited and Other Transactions; Business Transactions with or Acquiring Interest Adverse to Client. A lawyer is prohibited from entering into a business transaction with a client or knowingly acquiring an ownership, possessory, security, or other pecuniary interest adverse to a client, except a lien granted by law to secure a lawyer's fee or expenses, unless: (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner that can

be reasonably understood by the client; (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(d) 4-1.8(c) Conflict of Interest; Gifts to Lawyer or Lawyer's Family. A lawyer is prohibited from soliciting any gift from a client, including a testamentary gift, or preparing on behalf of a client an instrument giving the lawyer or a person related to the lawyer any gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this subdivision, related persons include a spouse, child, grandchild, parent, grandparent, or other relative with whom the lawyer or the client maintains a close, familial relationship.

(e) 4-8.4(d) Misconduct. A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.

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 document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Counsel for Respondent, Warren William Lindsey, at warren@warrenlindseylaw.com; and that a copy has been furnished by United States Mail via certified mail No. 7020 1810 0000 0813 3464, return receipt requested to Warren William Lindsey, whose record bar address is P.O. Box 505, Winter Park, FL 32790-0505, and via email to Carrie Constance Lee, Bar Counsel, clee@floridabar.org, on this 29th day of November, 2022.



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 Carrie Constance Lee, 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 clee@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.