

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

v.

JAMES PETER DEMETRIOU,  
Respondent.

Supreme Court Case  
No. SC2025-1092

The Florida Bar File  
No. 2024-30,117 (9A)

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**REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT**

I. **SUMMARY OF PROCEEDINGS**

The undersigned was appointed as referee under R. Regulating Fla. Bar 3-7.6 to preside over the proceedings in this case.

On July 24, 2025, The Florida Bar (the bar) filed its Complaint against respondent in these proceedings. The Supreme Court of Florida entered an order on July 29, 2025, designating the Chief Judge of the Tenth Judicial Circuit of Florida to appoint a referee in this case. On July 30, 2025, the Honorable James Alan Yancey was appointed to serve as referee.

Throughout these proceedings, the bar was represented by Bar Counsel Ashley Taylor Morrison. Respondent was *pro se*.

All of the pleadings, responses, exhibits received in evidence, and this report constitute the record in this case and are filed with the Supreme Court of Florida.

## II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during these proceedings was, a member of The Florida Bar, subject to the jurisdiction and Rules Regulating The Florida Bar adopted by the Supreme Court of Florida.

### B. Narrative Summary Of Case.

1. Respondent, a sole practitioner, maintained two trust accounts, one located in New York maintained for his representation of clients located in New York, and one in Florida maintained for his representation of clients located in Florida. Respondent, however, permitted a Florida client to deposit funds to the trust account maintained for New York clients as a matter of convenience. Respondent issued a check against the deposit without being aware that the bank placed a hold on the funds. The resulting insufficient funds notice led the bar to conduct an audit of respondent's Florida trust account. The bar's audit revealed that respondent was not in substantial compliance with the Rules Regulating The Florida Bar.

2. In August 2023, TDBank notified the bar of a check drawn on respondent's law office trust account that was returned due to insufficient funds.

3. Respondent advised the bar that the TDBank trust account in question was one he maintained for clients he represented in New York, where respondent also was admitted to practice law.

4. Because respondent was licensed to practice law in both New York and Florida, in January 2019, he opened a second attorney trust account at Axiom Bank for his Florida clients.

5. Respondent permitted a Florida client, who he represented in Florida matters, to directly deposit \$3,000.00 as payment for respondent's earned fees into the New York-related trust account as a matter of convenience for the client.

6. Respondent routinely permitted clients to make deposits for earned fee payments directly into his operating and attorney trust accounts as a convenience to himself and for his clients.

7. Respondent advised the bar that the insufficient funds issue in his TDBank trust account occurred when respondent issued a check against the Florida client's deposited funds without being aware that the bank had placed a hold on the deposited funds.

8. Although respondent initially claimed that he never deposited client funds into his Axiom Bank (Florida-related) trust account, the bar's audit revealed otherwise.

9. The bank statements respondent provided for his Florida Axiom Bank trust account showed 163 transactions, including 31 deposits, 12 withdrawals, 5 wire transfers, 111 transfers, 3 cashier's checks, and 1 debit.

10. The bar issued a subpoena to respondent for his trust account records for the Axiom Bank trust account.

11. In respondent's response to the bar's subpoena with respect to trust account records from his Axiom Bank trust account, he stated that no such records existed, stating "[f]or the entire time this account has been in existence, I have not had any matters for which I have been asked to hold monies in escrow for any client, or for any purpose."

12. During respondent's sworn statement taken in connection with the bar's investigation in this matter, respondent acknowledged that his Axiom Bank trust account records the bar obtained via subpoena from Axiom Bank showed at least two transactions in respondent's trust account involving client funds.

13. Respondent testified under oath during his sworn statement taken in connection with this matter that he had forgotten about these transactions.

14. Respondent did not maintain a receipts and disbursements journal, client ledgers, monthly reconciliations, and monthly

comparisons for his Axiom Bank trust account as required by the Rules Regulating The Florida Bar.

15. Respondent testified that he routinely deposited earned fees into his Axiom Bank trust account and that he routinely kept earned fees in the trust account.

16. Following the bar's investigation of this matter, respondent closed his Axiom Bank (Florida-related) trust account.

### III. RECOMMENDATIONS AS TO GUILT

In accord with the consent judgment, I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.3 (Misconduct and Minor Misconduct); 4-1.15 (Safekeeping Property); 5-1.1(a)(1) (Trust Account Required; Location of Trust Account; Commingling Prohibited); 5-1.2(b)(6) and 5-1.2(b)(7) (Minimum Trust Accounting Records); and 5-1.2(d)(1)(A) and 5-1.2(d)(1)(B) (Minimum Trust Accounting Procedures).

### IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Before recommending discipline under R. Regulating Fla. Bar 3-7.6(m)(2)(D), I considered the following personal history of respondent:

Age: 71

Date admitted to the Bar: January 27, 1982

Prior Discipline: None.

## V. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Florida Standards for Imposing Lawyer Sanctions before recommending discipline:

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

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

### 7.1 Deceptive Conduct or Statements and Unreasonable or Improper Fees

7.1(c) Public reprimand is appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

I find the following aggravating factors: substantial experience in the practice of law [Florida's Standards for Imposing Lawyer Sanctions 3.2(b)(9)].

I find the following mitigating factors: absence of a prior disciplinary record [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(1)] and full and free disclosure to the bar [Florida's Standards for Imposing Lawyer Sanctions 3.3(b)(5)].

## VI. CASE LAW

I considered the following case law before recommending discipline:

In The Florida Bar v. Chapman, 2022 WL 2167832 (Fla. June 16, 2022) (Unpublished Disposition), the Court approved a Report of Referee recommending acceptance of a Conditional Guilty Plea for Consent Judgment for a public reprimand and completion of Trust Accounting Workshop. Chapman failed to provide a client with an accounting upon demand detailing how Chapman had spent the retainer the client paid for the legal work performed and failed to communicate adequately with the client after the case settled. Chapman also failed to provide the client with all the settlement funds he was owed in a timely manner and, as a result, the bar conducted an audit of Chapman's trust account. The audit revealed Chapman failed to maintain her trust account in substantial minimum compliance with the Rules Regulating The Florida Bar. The trust account had a shortage that Chapman corrected. There was no evidence of intentional misappropriation of client funds. The shortage in Chapman's trust account was due to error, she did not personally benefit from it, and no clients were harmed or suffered any losses.

In The Florida Bar v. Sorce, 2020 WL 3606272 (Fla. July 2, 2020) (Unpublished Disposition), the Court approved the Conditional Guilty Plea for Consent Judgment for a public reprimand. Sorce was referred to The Florida Bar by his bank due to the issuance of an insufficient funds check from his trust account. After a thorough review of his trust account, the bar

found that Sorce commingled personal funds in the trust account by failing to promptly disburse his fees and by depositing the proceeds of the sale of his marital home into the trust account. While Sorce paid personal expenses from the trust account, the bar's investigation revealed that he only used personal funds to do so. There was no evidence of malfeasance with respect to client funds and all client funds were properly accounted for and promptly remitted. Sorce thereafter hired an accountant to review his trust account records and bring him into full compliance with the rules.

In The Florida Bar v. Alexander, 2019 WL 586637 (Fla. Feb. 7, 2019) (Unpublished Disposition), the Court approved a Report of Referee recommending acceptance of a Conditional Guilty Plea for Consent Judgment for a public reprimand and completion of Trust Accounting Workshop. Alexander wrote a check from his trust account to his operating account in an amount that exceeded the available balance, resulting in an insufficient funds notice. A portion of the funds were client funds that should have remained in the trust account. Alexander returned the funds to the trust account. The bar's audit found that Alexander commingled personal funds with client funds and that his trust account was not in substantial compliance with the bar's trust accounting rules. There was no evidence of misappropriation.

In The Florida Bar v. Herman, 2016 WL 6563101 (Fla. Nov. 3, 2016) (Unpublished Disposition), the Court approved the Conditional Guilty Plea for Consent Judgment for a public reprimand. The bar received an insufficient funds notice regarding Herman's trust account. Herman failed to follow required minimum trust accounting procedures and failed to maintain the minimum trust accounting records. Approximately 13 more checks were returned due to insufficient funds during the bar's investigation. Herman 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.

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE IMPOSED

Pursuant to the consent judgment, I recommend that respondent be found guilty of misconduct justifying disciplinary measures and be disciplined by:

- a. Public reprimand and the disposition order will be published in the *Southern Reporter*.
- b. Respondent must attend Trust Accounting Workshop where scheduled by the bar within 6 months of the order approving this consent judgment and pay associated fees totaling \$750.00 before attendance.
- c. Payment of the bar's disciplinary costs.

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

I find the following costs were reasonably incurred by The Florida

Bar:

Administrative Fee	\$1,250.00
Copy Costs	\$80.40
Court Reporters Fees	\$587.25
Investigative Costs	\$2,712.48
TOTAL	\$4,630.13

I recommend that the above costs be charged to respondent and that interest accrue at the statutory rate. If respondent does not satisfy the cost judgment within 30 days of the judgment becoming final, respondent will be delinquent and ineligible to practice law under R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 14th day of January, 2026.

/s/ James Alan Yancey

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James Alan Yancey, Referee

Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

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