

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

BRUCE DON BURTOFF,

Respondent.

Supreme Court Case
No. SC17-1403

The Florida Bar File
No. 2013-51,399(17H)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned Respondent, Bruce Don Burtoff, 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. The disciplinary measures to be imposed upon Respondent are as follows:
 - A. Public Reprimand to be served by publication.

B. Attendance at The Florida Bar's Ethics School within 6 months of the Order of the Supreme Court of Florida approving this consent judgment.

C. Payment of The Florida Bar's costs in this matter.

4. The following allegations and rules provide the basis for Respondent's guilty plea and for the discipline to be imposed in this matter:

A. In August of 2002, Mary and Charles Bullington, with the assistance of a lawyer in Tennessee, as they resided in that state at that time, became the settlors of The Bullington Revocable Trust and also created other testamentary documents, inclusive of individual wills.

B. In 2004, Respondent agreed to draft certain estate planning documents for his mother-in-law and step father-in-law, Mary and Charles Bullington, who had relocated to Florida.

C. Respondent drafted The Bullington Restated Trust, wherein Mary and Charles Bullington remained the settlors and also drafted a will for Mary Bullington and a will for Charles Bullington, with both wills being nearly identical and requiring that their residuary estates be "poured-over" into The Bullington Restated Trust. These testamentary documents were drafted in 2004 and provided to Mary and Charles Bullington for execution in 2004.

D. The couple each had adult children from previous marriages and pursuant to either of the referenced trusts, at the death of one of the settlors, that settlor's children would be entitled to a portion of the trust assets.

E. The Bullington Revocable Trust, which the Respondent had not drafted, contained similar terms to the The Bullington Restated Trust which the Respondent drafted for the Bullingtons.

F. At the death of Mrs. Bullington in 2012, a dispute arose regarding The Bullington Restated Trust, including the intent of the settlors relative to the testamentary disposition of trust assets.

G. In December of 2012, Respondent undertook the representation of his wife, the personal representative of Mrs. Bullington's estate, and on her behalf filed suit against Mr. Bullington, his former client.

H. Respondent took positions contrary to his former client, Charles Bullington, and continued to represent his wife in the probate matter when he knew or reasonably should have known he had a conflict of interest vis-à-vis his prior representation of Charles Bullington in 2004.

I. The Respondent was ultimately disqualified as counsel for the personal representative.

J. By the conduct set forth above, Respondent violated R. Regulating Fla. Bar 4-1.9(a) [A lawyer who has formerly represented a client in a

matter must not afterwards represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent.].

5. In mitigation of his actions Respondent asserts the following:

A. Respondent has been a member of The Florida Bar since 2002 and has not been previously disciplined. [Standard 9.32(a)] At the time he drafted the documents for the Bullingtons, Respondent had only been practicing law in Florida for two years.

B. Respondent enjoys an otherwise good reputation and good character. [Standard 9.32(g)]

C. Respondent has made full and free disclosure to the disciplinary board and has had a cooperative attitude toward these proceedings. [Standard 9.32(e)]

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

7. 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.

8. 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

\$2,062.96. 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.

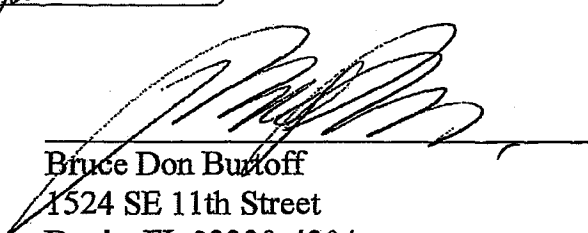
Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court Order, unless deferred by the Board of Governors of The Florida Bar.

9. 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 other Bar disciplinary matter in which Respondent is involved.

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

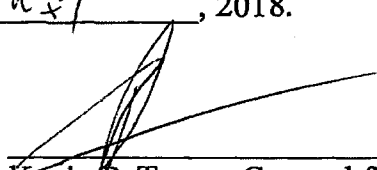
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Dated this 24 day of April, 2018.



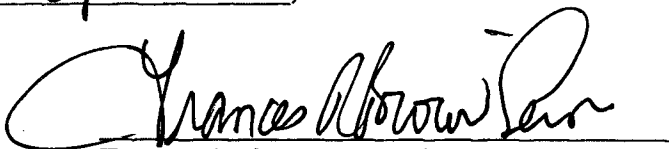
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Dated this 26th day of April, 2018.



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Dated this 26th day of April, 2018.



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