

FILED
By: _____
AUG 29 2014
Board of Disciplinary Appeals
appointed by the
Supreme Court of Texas

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
CLAUDE ROBERT GRAHAM § CAUSE NO. 54877
STATE BAR CARD NO. 24064208 §

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, Claude Robert Graham, (hereinafter called "Respondent"), showing as follows:

1. Pursuant to Rules 190.1 and 190.3, Texas Rules of Civil Procedure (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.
2. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.
3. Respondent is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at 11768 Mission Trace, San Antonio, Texas 78230.
4. On or about May 12, 2011, a Petition for Emergency Suspension (Exhibit 1) was filed in the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. Claude Robert Graham, Respondent*, in [TFB Case No. 2011-31,169(09E)(CES)].

5. On or about June 29, 2011, a Complaint (Exhibit 1) was filed in the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant, v. Claude Robert Graham, Respondent*, in [TFB File No. 2011-30,455(09E)].

6. On or about November 8, 2011, a Conditional Guilty Plea for Consent Judgment (Exhibit 1) was filed in the Supreme Court of Florida (Before a Referee) in a matter styled, *The Florida Bar, Complainant, v. Claude Robert Graham, Respondent*, in Case No. SC11-1309, TFB File No. 2011-30,455(09E). The Conditional Guilty Plea for Consent Judgment established that Respondent violated the following Rules Regulating the Florida Bar: **4-1.15** A lawyer shall comply with the Florida Bar Rules Regulating Trust Accounts; **5-1.1(b)** Money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses, is held in a trust and must be applied only to that purpose. Money and other property of clients coming into the hands of an attorney are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over such property upon demand shall be deemed a conversion; **5-1.2(b)** The following are the minimum trust accounting records that shall be maintained . . . ; **5-1.2[d]** The minimum trust accounting procedures that shall be followed by all members of the Florida Bar. . . are as follows . . . ; **5-1.2[f]** A lawyer or law firm that receives and disburses client or third-party funds or property shall maintain the records required by this chapter for 6 years subsequent to the final conclusion of each representation in which the trust funds or property were received.

7. On or about November 15, 2011, a Report of the Referee Accepting Consent Judgment (Exhibit 1) was filed in the Supreme Court of Florida (Before a Referee) in a matter styled, *The Florida Bar, Complainant, v. Claude Robert Graham, Respondent*, in Case No. SC11-1309, TFB File No. 2011-30,455(09E).

6. On or about December 22, 2011, an Order (Exhibit 2) was filed in the Supreme Court of Florida in a matter styled, *The Florida Bar, Complainant(s), v. Claude Robert Graham, Respondent(s)*, in Case No. SC11-1309, Lower Tribunal No(s): 2011-30,455(09E), that states in pertinent part as follows:

...The uncontested report of the referee is approved and respondent is suspended from the practice of law for three years ...

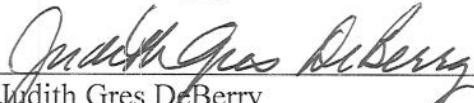
A certified copy of Petitioner's Exhibit 1 that contains the Petition for Emergency Suspension, Complaint, Conditional Guilty Plea for Consent Judgment, and Report of the Referee Accepting Consent Judgment and a copy the Order of the Supreme Court of Florida attached as Petitioner's Exhibit 2, are attached hereto made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce certified copies of Exhibits 1 and 2 at the time of the hearing in this case.

7. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enters a judgment imposing discipline identical with that imposed by the Supreme of the State of Florida and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: 512.427.1350
Facsimile: 512.427.4167
Email: Jdeberry@texasbar.com



Judith Gres DeBerry
State Bar Card No. 24040780

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Claude Robert Graham by personal service.

Claude Robert Graham
11768 Mission Trace
San Antonio, Texas 78230


Judith Gres DeBerry

**SUPREME COURT OF TEXAS
BOARD OF DISCIPLINARY APPEALS
INTERNAL PROCEDURAL RULES**

SECTION 1: GENERAL PROVISIONS	1
Rule 1.01 Definitions	1
Rule 1.02 General Powers.....	1
Rule 1.03 Additional Rules in Disciplinary Matters.....	1
Rule 1.04 Appointment of Panels	1
Rule 1.05 Record Retention	2
Rule 1.06 Trial Briefs	2
Rule 1.07 Service.....	2
Rule 1.08 Publication.....	2
Rule 1.09 Photocopying Costs.....	2
Rule 1.10 Abstracts	2
Rule 1.11 Hearing Setting and Notice.....	3
Rule 1.12 Time to Answer	3
Rule 1.13 Facsimile and Electronic Filing	3
Rule 1.14 Hearing Exhibits	4
Rule 1.15 BODA Work Product and Drafts	4
Rule 1.16 BODA Opinions.....	4
SECTION 2: ETHICAL CONSIDERATIONS	5
Rule 2.01 Representing or Counseling Parties in Disciplinary Matters	5
And Legal Malpractice Cases	5
Rule 2.02 Confidentiality.....	5
Rule 2.03 Disqualification and Recusal of BODA Members	5
Rule 2.04 Communications with BODA	6
SECTION 3: CLASSIFICATION APPEALS	6
Rule 3.01 Notice of Appeal.....	6
Rule 3.02 Complaint on Appeal	6
Rule 3.03 Notice of Disposition.....	6
SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS	6
Rule 4.01 Signing, Filing, and Service	6
Rule 4.02 Computation of Time	7
Rule 4.03 Record on Appeal.....	7
Rule 4.04 Time to File Record	8
Rule 4.05 Copies of the Record	9
Rule 4.06 Requisites of Briefs	9
Rule 4.07 Oral Argument	10
Rule 4.08 Motions Generally	11
Rule 4.09 Motions for Extension of Time	11
Rule 4.10 Decision and Judgment.....	11
Rule 4.11 Involuntary Dismissal.....	12
SECTION 5: PETITIONS TO REVOKE PROBATION	12
Rule 5.01 Initiation and Service	12
Rule 5.02 Hearing	12
SECTION 6: COMPULSORY DISCIPLINE MATTERS	13
Rule 6.01 Initiation of Proceeding	13
Rule 6.02 Notice of Decision	13
SECTION 7: RECIPROCAL DISCIPLINE MATTERS	13
Rule 7.01 Initiation of Proceeding	13
Rule 7.02 Order to Show Cause	13
Rule 7.03 Attorney's Response	13
SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS	13
Rule 8.01 Appointment of District Disability Committee	13
Rule 8.02 Hearing Order	14
Rule 8.03 Provisions for Physical or Mental Examinations.....	15
Rule 8.04 Ability to Compel Attendance.....	15
Rule 8.05 Respondent's Right to Counsel	15
Rule 8.06 Limited Discovery.....	15
Rule 8.07 Hearing	16
Rule 8.08 Notice of Decision	16
Rule 8.09 Confidentiality.....	16
SECTION 9: DISABILITY REINSTATEMENTS	16
Rule 9.01 Petition for Reinstatement	16
Rule 9.02 Discovery	17
Rule 9.03 Physical or Mental Examinations	17
Rule 9.04 Judgment	17
SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT	18
Rule 10.01 Docketing by the Clerk	18
Rule 10.02 Appellate Rules to Apply.....	18

**SUPREME COURT OF TEXAS
BOARD OF DISCIPLINARY APPEALS
INTERNAL PROCEDURAL RULES**

SECTION 1: GENERAL PROVISIONS

Rule 1.01 Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chairperson.
- (c) “Classification” is the determination pursuant to TEXAS RULES OF DISCIPLINARY PROCEDURE (“TRDP”) 2.10 by the Chief Disciplinary Counsel (“CDC”) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “Clerk” is the executive director or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “Executive Director” is the executive director of BODA.
- (f) “Panel” is any three-member grouping of BODA.
- (g) “Party” is a complainant, respondent, or the CDC.

Rule 1.02 General Powers

Pursuant to TRDP 7.08J, BODA shall have and exercise all the powers of either a trial court or appellate court, as the case may be, in hearing and determining disciplinary proceedings; except that BODA judgments and orders shall be enforced in accordance with TRDP 15.03.

Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TEXAS RULES OF CIVIL PROCEDURE (“TRCP”), TEXAS RULES OF APPELLATE PROCEDURE (“TRAP”), and TEXAS RULES OF EVIDENCE (“TRE”) apply to all disciplinary matters before BODA, except appeals from classification decisions, which are governed by Section 3 of these Internal Rules.

Rule 1.04 Appointment of Panels

- (a) BODA may consider any matter or motion through appointment of a panel, except as specified in subpart (b) of this Rule. The chair may delegate appointment of panels for any BODA action to the executive director. Decisions shall be by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting *en banc*. Nothing

contained in these rules shall be construed to give a party the right to be heard by BODA sitting *en banc*.

(b) Any disciplinary matter naming a BODA member as respondent shall be considered by BODA sitting *en banc*.

Rule 1.05 Record Retention

Records of appeals from classification decisions shall be retained by the BODA clerk for a period of at least three (3) years from the date of disposition. Records of other disciplinary matters shall be retained for a period of at least five (5) years from the date of final judgment, or for at least one (1) year after the date a suspension or disbarment ends, whichever is later.

Rule 1.06 Trial Briefs

In any disciplinary proceeding before BODA, all trial briefs and memoranda must be filed with the clerk no later than ten (10) days before the hearing, except upon leave of BODA.

Rule 1.07 Service

In any disciplinary proceeding before BODA initiated by service of a petition upon the respondent, service shall be by personal service, certified mail with return receipt requested and delivery restricted to respondent as addressee only, or in any other manner permitted by applicable rule(s) and authorized by BODA that is reasonably calculated under all the circumstances to apprise the respondent of the proceeding and to give him or her reasonable time to appear and answer. The CDC may serve a petition by certified mail itself without the appointment of a private process server. To establish service by certified or registered mail, the return receipt must contain the respondent's signature.

Rule 1.08 Publication

The office of the CDC shall publish these rules as part of the TDRPC and TRDP and notify each respondent in a compulsory discipline, reciprocal discipline, revocation of probation, or disability matter filed with BODA where these rules are available.

Rule 1.09 Photocopying Costs

The clerk of BODA may charge to the requestor a reasonable amount for the reproduction of non-confidential documents filed with BODA. BODA may set a fee for the reproduction of documents. The fee shall include compensation for staff and recovery of actual production costs.

Rule 1.10 Abstracts

BODA may, in its sole discretion, periodically prepare abstracts of inquiries, grievances, or disciplinary proceedings for publication pursuant to Texas Gov't Code § 81.072(b)(3) and Part VI of the TRDP.

Rule 1.11 Hearing Setting and Notice

(a) **Original Petitions.** For any compulsory case, reciprocal case, revocation of probation, or other matter initiated by the CDC filing a petition with BODA, the CDC may contact the BODA clerk for the next regular available hearing date before filing the original petition. The CDC may then include in the petition a hearing notice specifying the date, time, and place of the hearing. The hearing date must be at least thirty (30) days from the date that the petition is served on the respondent, except in the case of a petition to revoke probation.

(b) **Filing without notice.** The CDC may file any matter with BODA without first obtaining a hearing date so long as it thereafter serves notice on the respondent of the date, time, and place of the hearing in accordance with TRCP 21a (or other applicable TRCP) at least thirty (30) days before the hearing date, except in the case of a petition to revoke probation.

(c) **Expedited settings.** If a party desires a hearing on a matter on a date other than the next regular available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. The expedited hearing setting must be at least thirty (30) days from the date of service of the petition, motion or other pleading, except in the case of a petition to revoke probation. BODA may grant or deny a request for an expedited hearing date in its sole discretion.

(d) **Setting notices.** BODA shall notify the parties by first class mail of any hearing date, other than a hearing set on the next regularly available hearing date as noticed in an original petition or motion.

(e) **Announcement docket.** Attorneys and parties appearing before BODA shall check in with the BODA clerk in the courtroom immediately prior to the time docket call is scheduled to begin. The chair will call an announcement docket immediately following the call to order of BODA hearings. Attorneys for each party with a matter on the docket shall appear at that time to give their announcement of readiness, a time estimate for the hearing, and any preliminary motions or matters. The chair will set and announce the order of cases to be heard following the docket announcements.

Rule 1.12 Time to Answer

An answer to any matter pending before BODA may be filed at any time prior to the day of the hearing on the merits except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.13 Facsimile and Electronic Filing

(a) Any document required to be filed with BODA may be filed by facsimile transmission with a copy to the BODA clerk by first class mail. A document filed by facsimile will be considered filed the day it is received if received before 5:00 p.m. on a regular business day. Any document received by facsimile after 5:00 p.m. or received on a weekend or holiday officially observed by the State of Texas will be considered filed the next regular business day.

Rule 1.11 Hearing Setting and Notice

(a) **Original Petitions.** For any compulsory case, reciprocal case, revocation of probation, or other matter initiated by the CDC filing a petition with BODA, the CDC may contact the BODA clerk for the next regular available hearing date before filing the original petition. The CDC may then include in the petition a hearing notice specifying the date, time, and place of the hearing. The hearing date must be at least thirty (30) days from the date that the petition is served on the respondent, except in the case of a petition to revoke probation.

(b) **Filing without notice.** The CDC may file any matter with BODA without first obtaining a hearing date so long as it thereafter serves notice on the respondent of the date, time, and place of the hearing in accordance with TRCP 21a (or other applicable TRCP) at least thirty (30) days before the hearing date, except in the case of a petition to revoke probation.

(c) **Expedited settings.** If a party desires a hearing on a matter on a date other than the next regular available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. The expedited hearing setting must be at least thirty (30) days from the date of service of the petition, motion or other pleading, except in the case of a petition to revoke probation. BODA may grant or deny a request for an expedited hearing date in its sole discretion.

(d) **Setting notices.** BODA shall notify the parties by first class mail of any hearing date, other than a hearing set on the next regularly available hearing date as noticed in an original petition or motion.

(e) **Announcement docket.** Attorneys and parties appearing before BODA shall check in with the BODA clerk in the courtroom immediately prior to the time docket call is scheduled to begin. The chair will call an announcement docket immediately following the call to order of BODA hearings. Attorneys for each party with a matter on the docket shall appear at that time to give their announcement of readiness, a time estimate for the hearing, and any preliminary motions or matters. The chair will set and announce the order of cases to be heard following the docket announcements.

Rule 1.12 Time to Answer

An answer to any matter pending before BODA may be filed at any time prior to the day of the hearing on the merits except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.13 Facsimile and Electronic Filing

(a) Any document required to be filed with BODA may be filed by facsimile transmission with a copy to the BODA clerk by first class mail. A document filed by facsimile will be considered filed the day it is received if received before 5:00 p.m. on a regular business day. Any document received by facsimile after 5:00 p.m. or received on a weekend or holiday officially observed by the State of Texas will be considered filed the next regular business day.

(b) Any document required to be filed with BODA may be filed by emailing a copy of the document file to the email address designated by BODA for that purpose with a copy sent to the BODA clerk by first class mail. A document filed by email will be considered filed the day it is received if received before 5:00 p.m. on a regular business day. Any document received by email after 5:00 p.m. or received on a weekend or holiday officially observed by the State of Texas will be considered filed the next regular business day. The date and time of receipt shall be determined by the date and time shown on the BODA clerk's email.

(c) It is the responsibility of the party filing a document by facsimile or email to obtain the correct telephone number or email address for BODA and confirm that the document was received by BODA in legible form. Any document which is illegible or which cannot be opened as part of an email attachment by BODA will not be considered received or filed. Parties using facsimile or email filing must still comply with TRCP requirements for signatures.

(d) Papers will not be deemed filed if sent to any individual BODA member or other office or address.

Rule 1.14 Hearing Exhibits

Counsel should provide an original and twelve copies of any document, pleading, exhibit, or other material which the attorney intends to offer or otherwise make available to the BODA members at a hearing and not already filed with BODA prior to the hearing.

Rule 1.15 BODA Work Product and Drafts

Without limiting any exceptions or exemptions from disclosure contained in any other rules or statutes, a document or record of any nature, regardless of electronic or physical form, characteristics, or means of transmission, created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, by BODA staff or interns, or any other person acting on behalf of or at the direction of BODA.

Rule 1.16 BODA Opinions

(a) BODA may render judgment with or without written opinion in any disciplinary matter. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and shall be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this Rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this Rule and may be issued without a written opinion.

SECTION 2: ETHICAL CONSIDERATIONS

Rule 2.01 Representing or Counseling Parties in Disciplinary Matters And Legal Malpractice Cases

(a) No current member of BODA shall represent a party with respect to any disciplinary action or proceeding. No current member of BODA shall testify voluntarily or offer to testify voluntarily on behalf of a party in any disciplinary action or proceeding.

(b) No current BODA member may serve as an expert witness providing opinions regarding the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02 Confidentiality

(a) All BODA deliberations are confidential and shall not be disclosed by BODA members or staff. Classification appeals files and disability suspension files are confidential pursuant to the TRDP.

(b) If subpoenaed or otherwise compelled by law to testify in any proceeding, members of BODA shall not disclose matters discussed in conference concerning any disciplinary case, unless required to do so by a court of competent jurisdiction. If subpoenaed or otherwise compelled to attend any disciplinary proceeding, including depositions, a member of BODA shall promptly notify the chair of BODA and the CDC.

Rule 2.03 Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal respectively as provided in TRCP 18b.

(b) BODA members may, in addition to recusals pursuant to (a) above, voluntarily recuse themselves from any discussion and voting for any other reason.

(c) Nothing in these rules shall impute disqualification to lawyers who are members of or associated with BODA members' firms from serving on grievance committees or representing parties in disciplinary or legal malpractice cases; however, BODA members shall recuse themselves from any matter in which any lawyer who is a member of or associated with a BODA member's firm represents a party in any disciplinary proceeding or before BODA.

Rule 2.04 Communications with BODA

Correspondence or other communications relative to any matter pending before BODA must be conducted with the clerk and shall not be addressed directly to or conducted with any BODA member.

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Appeal

(a) If the grievance filed by the complainant is not classified as a complaint, the CDC shall notify the complainant of his or her rights to appeal as set out in TRDP 2.10 or other applicable rule.

(b) To facilitate the potential filing of an appeal, the CDC shall send the complainant an Appeal Notice form with the classification disposition which shall include, but is not limited to, the docket number of the matter, the time deadline for appealing as set out in TRDP 2.10 or other applicable provision, and information for mailing or faxing the Appeal Notice to BODA.

Rule 3.02 Complaint on Appeal

BODA shall review only the original grievance on appeals from classification decisions. The CDC shall forward a copy of the complete grievance to BODA with supporting documentation as originally filed. BODA shall not consider any supplemental information which was not reviewed as part of the original screening and classification decision.

Rule 3.03 Notice of Disposition

BODA shall mail complainant, respondent, and the CDC written notice of the decision of the appeal by first class mail to the addresses provided BODA by the CDC in the appeal transmittal.

SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01 Signing, Filing, and Service

(a) **Signing.** Each brief, motion or other paper filed shall be signed by at least one attorney for the party or by the party *pro se* and shall give the State Bar of Texas identification number, mailing address, telephone number, email address, and telecopier number, if any, of each attorney whose name is signed thereto, or of the party (if applicable).

(b) **Number of Copies.** Each party shall file an original and two (2) copies of all briefs and motions with the clerk. Only one copy of the clerk's record and reporter's record shall be filed.

(c) **Service.** Copies of all papers other than the record filed by any party shall, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 4.02 Computation of Time

(a) **Beginnings of Periods.** The date the chair of the evidentiary panel signs its decision shall constitute the date of notice under TRDP 2.21.

(b) **TRAP Followed.** Computation of time for purposes of this section shall follow TRAP 4.1 and 9.2(b).

Rule 4.03 Record on Appeal

(a) **Contents.** The record on appeal shall consist of a clerk's record and where necessary to the appeal, a reporter's record.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and reporter's record to be included in the record on appeal by written stipulation filed with the custodian of records of the evidentiary panel.

(c) **Responsibility for Filing Record.** The custodian of records of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record if a notice of appeal has been filed. The court reporter is responsible for timely filing the reporter's record if a notice of appeal has been filed, the appellant has requested that the reporter's record be prepared, and the party responsible for initiating the appeal has paid the reporter's fee or has made satisfactory arrangements with the reporter. The party initiating the appeal shall pay the cost of preparing the record.

(d) **Clerk's Record.**

- (1) Unless otherwise stipulated by the parties, the clerk's record on appeal shall include all papers on file with the evidentiary panel, including, but not limited to, the election letter, all pleadings upon which the hearing was held, the docket sheet, the evidentiary panel's charge, the final hearing order with attachments or exhibits, any findings of fact and conclusions of law, all other pleadings, the judgment or other order(s) appealed from, the notice of decision sent each party, any post-submission pleadings and briefs, and any notice of appeal.
- (2) Upon receipt of a copy of the notice of appeal, the custodian of records in the individual CDC office which conducted the evidentiary hearing shall prepare and transmit the clerk's record to BODA. If the CDC is unable for any reason to prepare and transmit the clerk's record by the due date, it shall promptly notify BODA and the parties, explain the reason(s) why it cannot be timely filed, and give the date by which it expects the clerk's record can be filed.
- (3) The clerk's record should be in the following form:
 - (i) contain a detailed index identifying each document included in the record, the date of filing, and the page where it first appears;

- (ii) arranged in ascending chronological order by document by date of filing or occurrence;
- (iii) tabbed with heavy index tabs to show the beginning of each document;
- (iv) consecutively numbered in the bottom right-hand corner of the pages;
- (v) bound together so that the record will lie flat when opened; and
- (vi) contain the custodian's certification that the documents contained in the clerk's record are true and correct copies and are all the documents required to be filed.

(e) **Reporter's Record.** The appellant, at or before the time prescribed for perfecting the appeal, shall make a written request to the official reporter for the reporter's record, designating the portion of the evidence and other proceedings to be included. A copy of such request shall be filed with the evidentiary panel and BODA and be served on the appellee. The reporter's record shall be certified by the official court reporter.

(f) **Non-Stenographic Recordings.** All testimony and evidence may be recorded at the evidentiary hearing by means other than stenographic recording, including videotape recordings; however, the non-stenographic recording shall not dispense with the requirement of a stenographic transcription of the hearing. In appeals to BODA, the non-stenographic recording must be transcribed and the transcription filed as the reporter's record.

(g) **Other Requests.** At any time before the clerk's record is prepared or within ten (10) days after service of a copy of appellant's request for the reporter's record, any party may request additional portions of the evidence and other proceedings to be included therein.

(h) **Inaccuracies or Defects.** Any inaccuracies in the record may be corrected by an agreement of the parties. Any dispute regarding the reporter's record shall be submitted by BODA to the evidentiary panel for resolution and to conform the reporter's record.

Rule 4.04 Time to File Record

(a) **Timetable.** The clerk's record and reporter's record (including a non-stenographic recording which has been transcribed) shall be filed with the BODA clerk within thirty (30) days after the date the notice of appeal is received by BODA. Failure to file either the clerk's record or the reporter's record within such time shall not affect BODA's jurisdiction, but shall be grounds for BODA exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or to apply presumptions against the appellant.

(b) **If No Record Filed.**

- (1) If the clerk's record or reporter's record has not been timely filed, the BODA clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within thirty (30) days. The BODA clerk must send a copy of this notice to all the parties and the evidentiary panel.
- (2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:
 - (i) the appellant failed to request a reporter's record; or
 - (ii)(a) appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record; and
 - (b) the appellant is not entitled to proceed without payment of costs.

(c) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record BODA may, upon written motion of a party or upon its own motion, direct a supplemental record to be certified and transmitted by the CDC or the official court reporter.

Rule 4.05 Copies of the Record

The record shall not be withdrawn from the custody of the BODA clerk. Any party may obtain a copy of the record or any designated part thereof by making written request to the clerk and paying copying charges.

Rule 4.06 Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within thirty (30) days after the later of the date on which the clerk's record or the reporter's record was timely filed.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within thirty (30) days after the filing of appellant's brief.

(c) **Contents.** Briefs shall contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents with page references where the discussion of each point relied upon may be found and also an index of authorities alphabetically arranged, together with reference to the pages of the brief where the same are

cited. The subject matter of each point or group of points shall be indicated in the table of contents;

- (3) a brief general statement of the nature of the cause or offense and the result;
- (4) a statement of the points upon which an appeal is predicated or the issues presented for review;
- (5) a brief of the argument;
- (6) prayer for relief; and,
- (7) an appendix consisting of copies of pertinent parts of the record upon which the party relies.

(d) **Length of Briefs.** Briefs shall be typewritten or otherwise legibly printed on letter-size (8½" x 11") paper and shall not exceed fifty (50) pages in length, exclusive of pages containing names and addresses of parties, table of contents, index of authorities, points of error, and any addenda or appendix containing statutes, rules, regulations, etc., except upon leave of BODA.

(e) **Amendment or Supplementation.** Briefs may be amended or supplemented upon leave of BODA.

(f) **Failure to File a Brief.** If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure and the appellee is not significantly injured by the appellant's failure to timely file a brief; or
- (2) decline to dismiss the appeal and give further direction to the case as it considers proper.

Rule 4.07 Oral Argument

(a) **Request.** A party desiring oral argument before BODA shall request same in writing and include the request in the notice of appeal or on the front cover of that party's first brief. BODA may grant or deny the request in its sole discretion. If oral argument is granted, the clerk shall notify the parties of the time and place for submission. BODA may also advance cases without oral argument or direct parties on its own initiative to appear and submit oral argument on a case. The parties may agree to submit the case without argument after requesting same.

(b) **Time Allowed.** Each party shall have twenty (20) minutes in which to argue. BODA may, upon request of a party or in its discretion, extend or shorten the time allowed for oral argument.

Rule 4.08 Motions Generally

An application for an order or other relief shall be made by filing a motion with the BODA clerk for same supported by sufficient cause with proof of service on all other parties. The motion shall state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other papers shall be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. BODA may determine a motion before a response is filed.

Rule 4.09 Motions for Extension of Time

(a) **When due.** Any request for extension of time other than to file a brief must be filed with the BODA clerk no later than fifteen (15) days after the last day allowed for filing the item in question.

(b) **Contents.** All motions for extension of time shall be in writing, comply with BODA Internal Procedural Rule 4.08, and specify the following:

- (1) the date of notice of decision of the evidentiary panel, together with the number and style of the case;
- (2) if the appeal has been perfected, the date when the appeal was perfected;
- (3) the original deadline for filing the item in question;
- (4) the length of time requested for the extension;
- (5) the number of extensions of time which have been granted previously regarding the item in question; and,
- (6) the facts relied upon to reasonably explain the need for an extension.

(c) **For Filing Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied upon to reasonably explain the need for an extension must be supported by an affidavit of the court reporter, which shall include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

Rule 4.10 Decision and Judgment

(a) **Decision.** BODA may affirm in whole or in part the decision of the evidentiary panel, modify the panel's finding(s) and affirm the finding(s) as modified, reverse in whole or in part the panel's finding(s) and render such decision as the panel should have rendered, or reverse the panel's finding(s) and remand the cause for further proceedings to be conducted by:

- (1) the panel that entered the finding(s); or,

- (2) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Notice of Orders and Judgment.** When BODA renders judgment or grants or overrules a motion, the clerk shall give notice to the parties or their attorneys of record of the disposition made of the cause or of the motion, as the case may be. The notice shall be given by first-class mail and be marked so as to be returnable to the clerk in case of nondelivery.

(c) **Mandate.** In every case where BODA reverses or otherwise modifies the judgment appealed from, BODA shall issue a mandate in accordance with its judgment and deliver it to the evidentiary panel.

Rule 4.11 Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

SECTION 5: PETITIONS TO REVOKE PROBATION

Rule 5.01 Initiation and Service

(a) Before filing a motion with BODA seeking to revoke the probation of an attorney who has been sanctioned, the CDC shall contact the BODA clerk to confirm whether the next regular available hearing date will comply with the thirty-day requirement of TRDP. The chair may designate a three-member panel to hear the motion, if necessary, to meet the thirty-day requirement of TRDP 2.23.

(b) Upon filing of the motion, the CDC shall serve the respondent in accordance with TRDP 2.23 with the motion and supporting documents, if any, in accordance with the TRCP and these rules. The CDC shall notify BODA of the date service is obtained on the respondent.

Rule 5.02 Hearing

Within thirty (30) days of service of the motion on the respondent, BODA shall docket and set the matter for a hearing and notify the parties of the time and place for the hearing; however, upon a showing of good cause by a party or upon its own motion, BODA may continue the case to a future hearing date as circumstances require.

SECTION 6: COMPULSORY DISCIPLINE MATTERS

Rule 6.01 Initiation of Proceeding

Pursuant to TRDP 8.03, the CDC shall file a petition for compulsory discipline with BODA and serve the respondent in accordance with the TRDP and Rule 1.07 above.

Rule 6.02 Notice of Decision

The BODA clerk shall mail a copy of the judgment to the parties within ten (10) days from the date the decision is signed by the chair. Transmittal of the judgment shall include all information required by the TRDP and the Supreme Court.

SECTION 7: RECIPROCAL DISCIPLINE MATTERS

Rule 7.01 Initiation of Proceeding

(a) Pursuant to TRDP 9.01 and 9.02, the CDC shall file a petition for reciprocal discipline with BODA when information is received indicating that an attorney licensed to practice law in Texas has been disciplined in another jurisdiction.

(b) The petition shall request that the respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction including a copy of the order or judgment, if any, rendered against the respondent. The CDC shall serve the respondent in accordance with Rule 1.07 above.

Rule 7.02 Order to Show Cause

Upon the filing of the petition with BODA, the chair shall immediately issue a show cause order including a hearing setting notice and forward it to the CDC, who shall serve the order on the respondent. The CDC shall notify BODA of the date service is obtained.

Rule 7.03 Attorney's Response

If, on or before the thirtieth day after service of the show cause order and hearing notice by the CDC, the respondent does not file an answer but thereafter appears at the hearing, BODA may, at the discretion of the chair, receive testimony from the respondent relating to the merits of the petition for reciprocal discipline.

SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01 Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds pursuant to TRDP 2.17P(2) or the CDC believes pursuant to TRDP 2.14C that a respondent is suffering from a disability, the rules in this section shall apply to the District Disability Committee *de novo* proceeding held pursuant to TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's report that an attorney is believed to be suffering from a disability, the BODA chair shall appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. The BODA clerk shall notify the CDC and respondent that a committee has been appointed and notify the respondent where the procedural rules governing disability proceedings are available.

(c) A respondent notified to appear at a District Disability Committee hearing may, at any time, waive that hearing in writing and enter into an agreed judgment of indefinite disability suspension or probated suspension, provided that the respondent is competent to so waive the hearing. If the respondent is not represented, the waiver shall include a statement by the respondent that he has been advised of his right to have counsel appointed for him and that he waives that right.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee shall be filed with the BODA clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA chair may appoint a substitute member.

Rule 8.02 Hearing Order

(a) Upon being notified that the District Disability Committee has been appointed by BODA, the CDC shall, within twenty (20) days, file with the BODA clerk and then serve upon the respondent either in person or by certified mail, return receipt requested with delivery restricted to the respondent as addressee with a copy by first class mail, a proposed hearing order containing a list of names and addresses of all witnesses expected to be called to testify before the District Disability Committee and all exhibits expected to be offered. If service is by certified mail, the return receipt with the respondent's signature must be filed with the BODA clerk.

(b) The respondent shall, within twenty (20) days after receiving the CDC's proposed hearing order, file with the BODA clerk and serve the CDC by certified mail a proposed hearing order including a list of names and addresses of all witnesses expected to be called to testify before the District Disability Committee and all exhibits expected to be offered. Respondent's failure to timely file the proposed hearing order will not affect the responsibility of the District Disability Committee to issue a final hearing order.

(c) The District Disability Committee chair may adopt either the CDC's proposed hearing order, the respondent's proposed hearing order, or an order of his or her own. The BODA clerk shall prepare the final hearing order at the instruction of the District Disability Committee chair and send to the parties by first class mail. The BODA clerk shall set the final hearing date at the instruction of the chair. The adopted order shall be the final hearing order and shall contain a date, time, and place for the hearing. That order may contain provisions requiring a physical or mental examination of the respondent.

(d) Requests for an extension of time to file the proposed hearing order by either party must be by written motion filed with the BODA clerk.

Rule 8.03 Provisions for Physical or Mental Examinations

(a) Upon motion by the CDC or upon its own motion, the District Disability Committee may order the respondent to submit to a physical and/or mental examination by a qualified health care or mental health care professional. The respondent shall be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination. Any objections(s) to the motion for an exam and request for a hearing shall be filed with the BODA clerk within fifteen (15) days of receipt of the motion.

(b) The examining professional shall file with the BODA clerk his detailed written report setting out findings, including results of all tests made, diagnoses and conclusions, and deliver a copy to the CDC and to the respondent.

(c) Nothing contained herein shall be construed to limit the respondent's right to an examination by a professional of his choice in addition to any exam ordered by BODA.

Rule 8.04 Ability to Compel Attendance

The respondent and the CDC may, if they so choose, confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses, enforceable by an order of a district court of proper jurisdiction, is available to the respondent and the CDC, by requesting a subpoena be issued as provided in TRCP 176.

Rule 8.05 Respondent's Right to Counsel

(a) The notice to the respondent that a District Disability Committee has been appointed and the notice transmitting the CDC's proposed hearing order shall state that the respondent may request appointment of counsel by BODA to represent him or her at the disability hearing.

(b) If the respondent wishes to have counsel appointed pursuant to TRDP Rule 12.02, a written request must be filed with the BODA clerk within sixty (60) days of the date respondent receives the CDC's proposed hearing order. Any request for appointment of counsel after sixty (60) days from the date of receipt of the proposed hearing order must show good cause for the failure to do so timely and that the request is not sought for delay only.

Rule 8.06 Limited Discovery

(a) In the sole discretion of the District Disability Committee, limited discovery is permissible upon a clear showing of good cause and substantial need. The parties seeking discovery must file with the BODA clerk a verified written request for discovery showing good cause and substantial need with the proposed hearing order.

(b) If good cause and substantial need are demonstrated, the District Disability Committee shall by written order permit the discovery, including in the final hearing order limitations or deadlines on the discovery. Such discovery, if any, as may be permitted, must be conducted by methods provided in the TRCP in effect at the time and may upon motion be enforced by a district court of proper jurisdiction.

(c) A decision of a District Disability Committee on a discovery matter may be reviewed only on appeal of the entire case. A reversal of the case may not be based upon the granting or denial of a discovery request without a showing of material unfairness or substantial harm.

Rule 8.07 Hearing

(a) The party seeking to establish the disability must prove by a preponderance of the evidence that the respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee shall admit all such probative and relevant evidence as he or she deems necessary for a fair and complete hearing, generally in accord with the TRE; provided, however, that the admission or exclusion of evidence shall be in the sole discretion of the chair. No ruling on evidence shall be a basis for reversal solely because it fails to strictly comply with the TRE.

(b) Such proceedings shall begin and conclude no earlier than thirty (30) days from the date the respondent receives the CDC's proposed hearing order nor later than ninety (90) days from that date; however, failure to do so does not affect the jurisdiction of the District Disability Committee to act. Nothing herein shall be construed to limit the parties' right to request a continuance of the hearing for good cause.

(c) If the Committee is unable for any reason to hold a hearing within ninety (90) days of the date the respondent receives the proposed hearing order, BODA may appoint a new committee to handle the case.

Rule 8.08 Notice of Decision

The District Disability Committee shall certify its finding and any recommendations to BODA which shall issue the final judgment in the matter.

Rule 8.09 Confidentiality

All proceedings before the District Disability Committee are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court.

SECTION 9: DISABILITY REINSTATEMENTS

Rule 9.01 Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. All such petitions shall be filed with the BODA clerk. The petitioner shall also serve a copy of the petition on the CDC as set forth in TRDP 12.06. After the petition is filed, the TRCP shall apply except when in conflict with these rules. Service shall be in accordance with the TRDP and these rules.

(b) The petition shall set forth the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition shall affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may seal all or any part of the record of the proceeding.

Rule 9.02 Discovery

The parties shall have sixty (60) days from the date of the filing of the petition for reinstatement in which to conduct discovery. The matter shall be set for a hearing by the BODA clerk on the next available hearing date after the expiration of the sixty (60) days, and the clerk shall so notify the parties of the time and place of the hearing. Nothing contained herein shall preclude either party from requesting a continuance for good cause.

Rule 9.03 Physical or Mental Examinations

(a) BODA may order the petitioner seeking reinstatement to submit to a physical and/or mental examination by a qualified health care or mental health care professional upon written motion of the CDC or its own motion. The petitioner shall be served with a copy of the motion and given at least seven (7) days to respond. BODA may grant or deny the motion with or without a hearing.

(b) The petitioner shall be given reasonable notice of the examination by written order specifying the name, address and telephone number of the person conducting the examination.

(c) The examining professional shall deliver to BODA and the parties a copy of a detailed written report setting out findings, including results of all tests made, diagnoses and conclusions.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing contained herein shall be construed to limit the petitioner's right to an examination by a professional of his choice in addition to any exam ordered by BODA.

Rule 9.04 Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include such other orders as protecting the public and the petitioner's potential clients may require.

SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT

Rule 10.01 Docketing by the Clerk

(a) All appeals to the Supreme Court from determinations by BODA on a decision of a District Grievance Committee's evidentiary panel concerning the imposition or failure to impose sanctions, appeals from determinations on compulsory discipline, reciprocal discipline, revocations of probation, and disability suspensions will be docketed by the clerk of the Supreme Court in the same manner as petitions for review.

(b) No fee shall be charged by the clerk for filing any appeal from BODA decisions.

(c) The notice of appeal must be filed directly with the clerk of the Supreme Court within fourteen (14) days after receipt of notice of a final determination by BODA. The record must be filed within sixty (60) days after BODA's determination. The appealing party's brief is due thirty (30) days after the record, and the responding party's brief must be filed within thirty (30) days thereafter.

(d) The BODA clerk shall include the information contained in subpart (c) above with transmittal of each final determination to the parties.

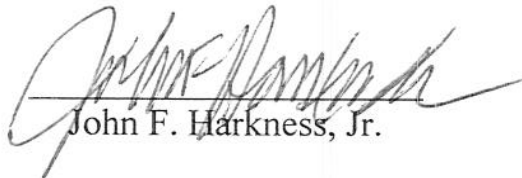
Rule 10.02 Appellate Rules to Apply

(a) The TRAP will apply to these appeals to the extent they are relevant. Oral argument may be granted on motion. The case shall be reviewed under the substantial evidence rule. The Court's decisions on sanctions, compulsory discipline, reciprocal discipline, revocations of probation, and disability suspension cases will be announced on the Court's orders. Following review by the Court, these appeals will be available for public inspection in the office of the Clerk of the Supreme Court, unless the file or some portion thereof is confidential under the TRDP.

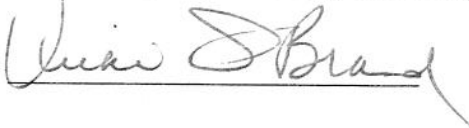
(b) The Court may affirm a decision of BODA by order without written opinion.

CERTIFICATION

I, John F. Harkness, Jr., as Executive Director of The Florida Bar and the official custodian of records thereof, hereby certify that the attached documents are true and correct copies of the documents maintained in the matter of The Florida Bar vs. Claude Robert Graham; The Florida Bar File Nos. 2011-30,455(09E) and 2011-31,169(09E); Supreme Court Case No. SC11-1309.

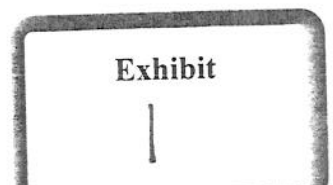

John F. Harkness, Jr.

Sworn to and subscribed before me this 15th day of August, 2014 by John F. Harkness, Jr., who is personally known to me.





Notary Seal



IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

Supreme Court Case No: _____
[TFB Case No. 2011-31,169(09E)(CES)]

v.

CLAUDE ROBERT GRAHAM,

Respondent.

_____ /

PETITION FOR EMERGENCY SUSPENSION

This petition of The Florida Bar seeks emergency relief and requires the immediate attention of the Court pursuant to R. Regulating Fla. Bar 3-5.2. The Florida Bar seeks the emergency suspension of Claude Robert Graham, Attorney No. 592803, from the practice of law in Florida based upon facts that establish clearly and convincingly that Claude Robert Graham appears to be misappropriating client funds and causing great public harm as will be shown by facts supported by the affidavit of Clark V. Pearson, CPA, attached hereto as Exhibit "A," as follows:

1. The filing of this Petition for Emergency Suspension has been authorized by the Executive Director of The Florida Bar.

2. Respondent, Claude Robert Graham, is and at all times hereinafter mentioned, was a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

3. Respondent is currently the subject of a bar disciplinary matter that has been assigned The Florida Bar file number 2011-30,455(09E).

4. The bar's investigation of this matter has indicated that respondent misappropriated client funds from his trust account.

5. On or about October 12, 2010, Wachovia Bank sent The Florida Bar an NSF Report concerning respondent's trust account. The report indicated that the NSF items amounted to \$664.99.

6. The bar's Chief Auditor, Clark V. Pearson, thereafter performed a compliance audit of respondent's trust records from Wachovia Bank for the period of January 1, 2010 through February 28, 2011.

7. Due to respondent's failure to comply fully with the Rules Regarding Trust Accounting Records and Procedures, the bar's auditor was required to recreate respondent's trust account records. Many of the few trust account financial records provided by respondent were inaccurate and incomplete.

8. The bar's audit revealed shortages in respondent's trust account. The highest shortage was \$165,286.08 on October 31, 2010, and the shortage on the last month of the bar's audit amounted to \$155,638.86.

9. The shortages in respondent's trust account were caused primarily by respondent's online transfers from respondent's trust account to his operating account for his own personal use.

10. The converted client trust funds were being held for clients in personal injury matters, in part, to pay the clients' medical liens.

11. On March 23, 2011, respondent deposited \$92,678.50 of his personal funds into his trust account to correct the shortage. On March 31, 2011, respondent deposited an additional \$39,551.45 of his personal funds into his trust account to correct the shortage.

12. Based upon the February 28, 2011 trust comparison, despite respondent's deposits of personal funds into his trust account, a shortage remained of approximately \$23,408.91.

13. Respondent's two deposits of his personal funds into his trust account indicate respondent's acknowledgment that he had significant trust shortages.

14. The enclosed affidavit of the bar's Chief Auditor, Clark V. Pearson, is used by the bar to support this Petition for Emergency Suspension.

WHEREFORE, based on the aforementioned facts, the bar asserts the respondent has caused, or is likely to cause, immediate and serious harm to his clients and/or the public and that immediate action must be taken for the protection

of the respondent's clients and the public. Therefore, pursuant to Rule Regulating The Florida Bar 3-5.2, The Florida Bar respectfully requests this Court to:

A. Suspend respondent from the practice of law until further order of this Court.

B. Order the respondent to accept no new clients from the date of this Court's order and to cease representing any clients after 30 days from the date of this Court's order. In addition, respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will seek to withdraw from said representation within 30 days from the date of this Court's order and will immediately turn over to any successor the complete financial records of any estate, guardianship or trust upon the successor's appointment.

C. Order respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record as required by Rule 3-5.1(g) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing all clients, opposing counsel and courts so informed within 30 days after receipt of the Court's order.

D. Order respondent to refrain from withdrawing or disbursing any money from any trust account related to his law practice until further order of this Court, a judicial referee appointed by this Court or by order of the Circuit Court in

an inventory attorney proceeding instituted under Rule 1-3.8, Rules Regulating The Florida Bar and to deposit any fees, or other sums received in connection with the practice of law or in connection with the respondent's employment as a personal representative, guardian or trustee, paid to the respondent during the first 30 days after issuance of this Court's order of emergency suspension, into a specified trust account from which withdrawal may only be made in accordance with restrictions imposed by this Court. Further, the respondent shall be required to notify bar counsel of The Florida Bar of the receipt and location of said funds within 30 days of the order of emergency suspension.

E. Order that the respondent not withdraw any money from any trust account or other financial institution account related to his law practice or transfer any ownership of any real or personal property purchased in whole or in part with funds properly belonging to clients, probate estates for which he served as personal representative, guardianship estates for which he served as guardian, and trusts for which he served as trustee without approval of this Court, a judicial referee appointed by this Court, or by the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8, Rules Regulating The Florida Bar.

F. Order the respondent to notify, in writing, all banks and financial institutions where the respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or

related to services rendered as a guardian, or related to services rendered as a trustee, or where respondent maintains an account that contains funds that originated from a probate estate for which he was personal representative, guardianship estate for which he was guardian, or trust for which he was trustee, of the provisions of this Court's order of suspension and to provide all the aforementioned banks and financial institutions with a copy of this Court's order. Further, the respondent shall be required to provide bar counsel with an affidavit listing each bank or financial institution he provided with a copy of said order.

G. Order the respondent to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar.

Respectfully submitted,

John F. Harkness, Jr.
Kenneth Lawrence Marvin

KENNETH LAWRENCE MARVIN
Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850)561-5600
Attorney No. 200999

John F. Harkness, Jr.

JOHN F. HARKNESS, JR.
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850)561-5600
Attorney No. 123390

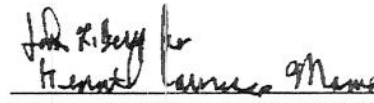
and

Kenneth H. P. Bryk

KENNETH H. P. BRYK
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, FL 32801-1050
(407)425-5424
Attorney No. 164186

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been furnished by hand delivery to the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1925; a copy of the foregoing has been furnished by certified mail no. 7160-3901-9843-2748-7212, return receipt requested, to Chandler Robinson Muller, Counsel for Respondent, at P. O. Box 2128, Winter Park, Florida 32790-2128; by email transmission to Chandler Robinson Muller, Counsel for Respondent at cmuller@cmullerlaw.com; and a copy of the foregoing has been furnished by regular U.S. mail to Bar Counsel, Kenneth H. P. Bryk, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, this 12th day of May, 2011.



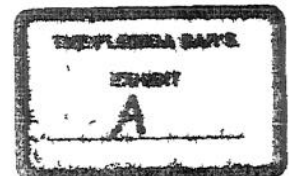
KENNETH LAWRENCE MARVIN
Staff Counsel

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally appeared Clark V. Pearson, CPA, Chief Auditor for The Florida Bar, who after being duly sworn, deposes and says the following:

1. I have been employed by The Florida Bar since August 1978, to perform compliance audits of attorney trust account records. My business address is The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801.
2. I am a Certified Public Accountant and am currently licensed to practice in Florida. I am a member of the Florida and American Institutes of Certified Public Accountants. I have been qualified as an expert witness on over 40 occasions in trust accounting matters before a referee.
3. On April 1, 2011, I was requested to perform a compliance audit of the trust records pertaining to the Respondent, C. Robert Graham. The audit period was from January 1, 2010 through February 28, 2011.
4. The audit was requested due to an NSF report that was provided to The Florida Bar by Wachovia Bank. The report indicated that the NSF items amounted to \$664.99 when the account balance was \$349.62. A copy of the report is enclosed as **Attachment 1**.
5. Accordingly, the respondent's trust records were requested, but the records received from respondent were substantially incomplete. Although bank statements, checks and deposit slips were furnished, no monthly comparisons were provided by the respondent. Other records provided by respondent identified as "Trust Ledger Sheet" and "CRG Trust" for each of several months, did not comply with any of the bar's requirements for ledger cards or journals. For examples,



copies of five pages of the ledger sheets and five pages of the CRG Trust pages are enclosed as **Attachment 2**.

6. Pursuant to the bar's request, the respondent attempted to re-construct his trust records, but he was unable to provide satisfactory records. No trust journal was prepared, and the ledger cards were inaccurate and incomplete. Respondent's monthly comparison also contained errors. Copies of the February and March 2010 comparisons are enclosed as **Attachment 3**.

7. Using QuickBooks, an accounting program, I recorded the respondent's trust transactions, starting with the February 26, 2010 balances, based upon the clients listing as of that date. I adjusted respondent's comparison for three clients to reflect respondent's liability to those clients. The ledger cards for those clients are enclosed as **Attachment 4**.

8. After making the above adjustments, I recorded all of the transactions, using the bank records, the ledger cards as re-constructed by the respondent and the closing statements where available. Trust ledger cards and the trust journal were created in QuickBooks, and the reports are enclosed as **Attachment 5** and **Attachment 6**, respectively. The respondent's ledger card is printed on the last two pages of **Attachment 5**.

9. Due primarily to transfers from respondent's trust account to his operating account, the trust account had a shortage of \$24,901.85 by March 31, 2010. By April 30, 2010, the respondent's shortage had increased to \$64,901.81. I charged the respondent for some checks where the client had no identifiable trust funds on deposit. I made adjustments for the benefit of the respondent for his one-third fee and for costs that he had expended on clients' behalf. I also made adjustments to increase the client liability for medical payments due to the various medical providers. I prepared monthly comparisons for the twelve months of the audit period on a schedule that is enclosed as **Attachment 7**.

10. Respondent had shortages in his trust account for each month of the audit period. The shortages between March 2010 and February 2011 ranged from the

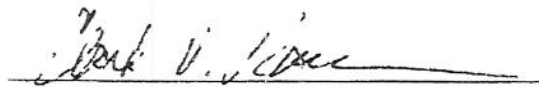
lowest shortage of \$24,901.85 in March 2010 to the highest shortage of \$165,286.08 at October 31, 2010. As of February 28, 2011, the trust account had a shortage of \$155,638.86. The shortages are reflected on **Attachment 7** on the line attributed to respondent "zzzC. Robert Graham" at the bottom of the page.

11. By letter dated March 23, 2011, respondent informed the bar that he had deposited \$92,678.50 into his trust account to "maintain the correct balance that should be reflected" in the trust account. The deposit slip provided by respondent to the bar reflected a \$92,678.50 deposit into the trust account. On March 31, 2011, respondent informed the bar that he had deposited an additional \$39,551.45 into the trust account. The deposit slip provided by respondent to the bar reflected a \$39,551.45 deposit into the trust account. The respondent's two deposits into trust reflect respondent's acknowledgment that he had trust account shortages. Copies of the respondent's letter and deposit slips are enclosed as **Attachment 8**.


12. Despite respondent's two deposits into his trust account, the trust account is still short by \$23,408.91, based upon the February 28, 2011 trust comparison.

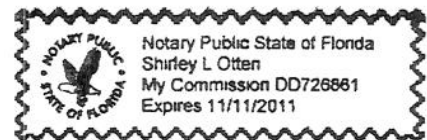
13. Based upon the results of my examination to date, it is my professional opinion that the Respondent, C. Robert Graham, is not in substantial compliance with the bar's rules governing trust accounts.

FURTHER AFFIANT SAYETH NOT.


CLARK V. PEARSON, CPA

Sworn to and subscribed before me this 21st day of April, 2011.


(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commission Name of Notary Public)

Personally Known

DEP DATE 10/12/2010
SYS TIME.....04:42:04

WACHOVIA BANK, A DIVISION OF WELLS FARGO BANK, N.A.
LAWYERS TRUST ACCOUNT NSF REPORT
FOR ORG - 003

PAGE 001

REPORT..42506-00

ORG	REG	BNK	SVC	CTY	BRN	MSC	OFF	APL	PRD	P/C	CURRENT BALANCE	AVG BALANCE	TOTAL OF NSF ITEMS
224	09016		DC	IGLT	C. ROBERT GRAHAM PL				349.62		5,703		664.99
					IOLTA TRUST ACCOUNT								
					3165 WICHORY BL.								
					ORLANDO FL 32803								



Attch 1

Trust Ledger Sheet

01-2010

	Initials	Date
Prepared By		
Approved By		

	1	2	3	4
	NAMEs	CK#	Payments	Deposit
1	01 5	Wetland ER	1093	357 00
2	01 5	Russ Leo	1094	283 00
3	01 5	PMP 6	1095	677 00
4	01 5	Advanced Regm	1092	100 00
5		VOID	1097	VOID
6		VOID	1094	VOID
7	01 5	PMP 2	1102	610 00
8	01 5	Cable - payments	1103	805
9	01 5	Health Center	1104	26 29 80
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				

ATEH 2-1

Trust Ledger sheet
02-2010

	Initials	Date
Prepared By		
Approved By		

	Names	CK #	Payments	Report
1	207 Eddie Marks	1108	18,157.39	
2	VOID	1109	VOID	
3	VOID	1111	VOID	
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				

112

Trust Ledger Sheet

03 - 2010

	Initials	Date
Prepared By		
Approved By		

	Name	CK#	Payment	Registered
1	317 Julie Van	1120	3274 21	
2	317 CR6 Costs	1110	220 81	
3	317 Pm PC	1114	2900 00	
4	123 Van Nguyen	1121	7257 64	
5	317 CR6 Costs	1122	416 67	
6	317 Austin Collins	1123	1,070 00	
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				

23

TRUST LEDGE Sheet

	Initials	Date
Prepared By		
Approved By		

04 - 2010

	1	2	3	4	
1	No Checks Written				1
2					2
3					3
4					4
5					5
6					6
7					7
8					8
9					9
10					10
11					11
12					12
13					13
14					14
15					15
16					16
17					17
18					18
19					19
20					20
21					21
22					22
23					23
24					24
25					25
26					26
27					27
28					28
29					29
30					30
31					31
32					32
33					33
34					34
35					35
36					36
37					37
38					38
39					39
40					40

2/1/10

Trust Ledger Sheets

	Initials	Date
Prepared By		
Approved By		

05-2010

	Name	Ch #	2	3	4	5
1	505 Natalie Porada	1124			2800.00	
2	509 Jose Marrero	1125			3970.84	
3	510 Maria Good	1126			750.83	
4	519 Jennifer Christensen	1127			900.00	
5	521 TOT LE	1128			4,000.00	
6	525 Julie Van	1129			16,777.06	
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						

215

CRR TRUST

2010

Check Payment and Deposit Register - Month: _____ Year: _____									
Date	Check	Paid to	Payment/Debit	Code	Deposit/Credit	Balance	Salary/Wage	Payroll Deductions	
		MARY							
2/18		ALLSTATE - RENTAL			10,000.00				
2/11	1120	JOHN VONN	(3,894.21)						
2/17	1110	CFG - COSTS	(120.00)						
2/17	1116	PHPC - JOHN VONN	(240.00)						
2/22	1121	VAN HUNG NGUYEN	(7,257.67)						
2/23	1122	CLA - COSTS	(1,600.00)						
2/25		DEBIT CARD							
2/26	1123	LA BOUT - COSTS	(1,000.00)						
2/26		1 plus 1994 copy			2,000.00				
2/26		GRCS - THOMPSON			10,000.00				
		MARY							
2/16		PARENTS DOMINOZ (GOODS)			2,400.00				
2/16	1124	WALMART (GOODS)	(2,200.00)						
2/16	1125	TRAC HOUSEHOLD	(3,975.86)						
2/19	1126	B.C. and K. HONER	(1,790.85)						
2/19	1127	KROGER (ADMIN. SEC)	(900.00)						
2/19	1128	WALMART (GOODS)							
2/19	1129	WALMART (GOODS)			8,500.00				

COMPARISON RECONCILIATION

2.26 2018

OUTSTANDING BALANCE TRUST ACCT

\$ 106,908.27(A)

CLIENT SUB-ACCOUNTS

NAME	BALANCE
1. <u>Von Julie</u>	\$ <u>6,187.92</u>
2. <u>Nguyen, Van M</u>	\$ <u>3,368.33</u>
3. <u>Patel, Heena</u>	\$ <u>9964.54</u>
4. <u>Patel, Dilpkumar</u>	\$ <u>14,651.21</u>
5. <u>Parman, Ramila</u>	\$ <u>6664.67</u>
6. _____	\$ _____
7. _____	\$ _____
8. _____	\$ _____
9. _____	\$ _____
10. _____	\$ _____
11. _____	\$ _____
12. _____	\$ _____
13. _____	\$ _____
14. _____	\$ _____
15. _____	\$ _____
TOTAL SUB-ACCT.	\$ <u>42,818.67</u> (B)

RECONCILED BALANCE (A) minus (B)

\$ 64,089.60

Explanation:

ATCH 3-1

COMPARISON RECONCILIATION

9.31 2010

OUTSTANDING BALANCE TRUST ACCT

\$ 67,047.25 (A)

CLIENT SUB-ACCOUNTS

NAME	BALANCE
1. <u>Von, Julie</u>	\$ <u>6187.92</u>
2. <u>Nguyen, Van m</u>	\$ <u>3368.33</u>
3. <u>Patel, Heer</u>	\$ <u>9924.54</u>
4. <u>Patel, Dilpkumar</u>	\$ <u>14,631.21</u>
5. <u>Pannar, Ronda</u>	\$ <u>6666.67</u>
6. <u>Nguyen, Thuy T</u>	\$ <u>6666.67</u>
7. <u>Nguyen, Long</u>	\$ <u>13,733.34</u>
8. _____	\$ _____
9. _____	\$ _____
10. _____	\$ _____
11. _____	\$ _____
12. _____	\$ _____
13. _____	\$ _____
14. _____	\$ _____
15. _____	\$ _____
TOTAL SUB-ACCT.	\$ <u>62818.68</u> (B)

RECONCILED BALANCE (A) minus (B)

\$ 4,228.55

Explanation:

3-2

CLIENT: Martino, Jose

Prepared By	Initials	Date
Approved By		

NEEDLES:				
	1	2	3	4
DESCRIPTION	CHECK #	DB	GR	BALANCE
23 Settlement			8500.00	8500.00
Atty Fees		2833.33		5666.67
Costs		765.85		4900.82
19 Premises Costs	Chk 1127	1900.00		3000.82
29 Clear title	Chk 1125	3575.64		2500.00
Cost to file		25.00		-0-

4-3

04/12/11

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

Date	Type	Num	Name	Memo	Debit	Credit	Balance
Trust Liabilities							
Abraham, Porche							
7/13/10	Deposit		Unknown	Settlement		2,750.00	2,750.00
8/20/10	Check	1140	Porche Abraham	Proceeds	2,458.04		291.96
8/31/10	Gene...	13	C. Robert Graham PL	Costs per settlement	291.96		0.00
Total Abraham, Porche					2,750.00	2,750.00	0.00
Arucho, Luis							
12/2/10	Deposit		Unknown	Settlement		10,000.00	10,000.00
12/6/10	Check	DM	Transfer to ****	1/3 fee	3,333.33		6,666.67
Total Arucho, Luis					3,333.33	10,000.00	6,666.67
Boston, David							
10/11/10	Deposit		Unknown	Settlement		22,000.00	22,000.00
10/14/10	Check	DM	Transfer to ****	1/3 fee	7,333.33		14,666.67
11/29/10	Check	1026	David Boston	Proceeds	11,240.21		3,426.46
11/30/10	Gene..	14	C. Robert Graham PL	Costs per settlement	632.38		2,794.10
Total Boston, David					19,205.90	22,000.00	2,794.10
Burgos, Manuel							
6/28/10	Deposit		Unknown	Settlement		6,000.00	6,000.00
6/28/10	Check	DM	Transfer to ****	1/3 fees	1,200.00		4,800.00
8/27/10	Check	1143	Manuel Burgos	Proceeds	4,732.01		67.99
8/31/10	Gene...	15	C. Robert Graham PL	Costs per settlement	67.99		0.00
Total Burgos, Manuel					6,000.00	6,000.00	0.00
Collins, Rusty							
3/25/10	Deposit		Unknown	Deposit		1,000.00	1,000.00
3/26/10	Check	1123	Russell Brasher		1,000.00		0.00
Total Collins, Rusty					1,000.00	1,000.00	0.00
Dang, Christine							
7/12/10	Deposit		Unknown	Settlement		135,000.00	135,000.00
7/31/10	Gene...	6	C. Robert Graham PL	Hourly fee per closing	2,164.66		132,835.34
8/20/10	Check	1137	Christine Dang	Proceeds	132,835.34		0.00
Total Dang, Christine					135,000.00	135,000.00	0.00
Delossantos, Carmen							
9/15/10	Deposit		USAA	Settlement		2,466.60	2,466.60
9/23/10	Check	1150	Carmen Delossantos	Property damage	2,466.60		0.00
Total Delossantos, Carmen					2,466.60	2,466.60	0.00
Dinh, Toan							
8/17/10	Deposit		State Farm	Settlement		10,000.00	10,000.00
8/17/10	Check	DM	Transfer to ****		3,333.33		6,666.67
Total Dinh, Toan					3,333.33	10,000.00	6,666.67
Doan, Jenny							
8/18/10	Check	DM	Transfer to ****		3,666.66		-3,666.66
8/23/10	Deposit		Unknown	Settlement		11,000.00	7,333.34
Total Doan, Jenny					3,666.66	11,000.00	7,333.34
Garcia, Jenndalix							
6/28/10	Deposit		Unknown	Deposit		2,000.00	2,000.00
6/28/10	Check	DM	Transfer to ****	1/3 fees	666.66		1,333.34
6/30/10	Gene...	16		Due for therapy per closing		57.69	1,391.03
9/29/10	Check	1153	Jennifer Garcia	Proceeds for Jenndalix Garcia (minor)	591.03		800.00
Total Garcia, Jenndalix					1,257.69	2,057.69	800.00
Garcia, Jennifer							
6/28/10	Deposit		Unknown	Settlement		6,000.00	6,000.00
6/28/10	Check	DM	Transfer to ****	1/3 fees	2,000.00		4,000.00
6/30/10	Gene..	17		Meds due per closing		191.03	4,191.03
9/29/10	Check	1151	Jennifer Garcia	Proceeds	2,915.95		1,275.08
Total Garcia, Jennifer					4,915.95	6,191.03	1,275.08

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

04/12/11

Date	Type	Num	Name	Memo	Debit	Credit	Balance
Graham Cattle Company, LTD							
7/1/10	Deposit		Graham Cattle Company	Wire transfer		24,662.50	24,662.50
7/1/10	Check	1019	Steve Huffington	Work on GCC	10,000.00		14,662.50
7/13/10	Check	DM	Transfer to ****9102		4,000.00		10,662.50
7/15/10	Check	1021	The Texas Exchange Co.		750.00		9,912.50
7/26/10	Check	DM	Transfer to ****9102		4,000.00		5,912.50
7/31/10	Gene...	9	C. Robert Graham PL	To adjust to zero	5,912.50		0.00
8/31/10	Deposit		Unknown	Deposit		17,621.00	17,621.00
9/1/10	Check	DM	Transfer to ****9102		2,920.00		14,701.00
9/3/10	Check	DM	Transfer to ****9102		2,500.00		12,201.00
9/9/10	Check	DM	Transfer to ****9102		4,000.00		8,201.00
9/15/10	Check	DM	Transfer to ****9102		2,300.00		5,901.00
9/15/10	Check	DM	Transfer to ****9102		2,500.00		3,401.00
9/30/10	Gene...	10	C. Robert Graham PL	To adjust to zero	3,401.00		0.00
11/9/10	Deposit		Graham Cattle Company	Deposit		35,000.00	35,000.00
11/9/10	Check	DM	Transfer to ****9102		4,000.00		31,000.00
11/10/10	Check	DM	Transfer to ****9102		2,000.00		29,000.00
11/15/10	Check	DM	Transfer to ****9102		3,500.00		25,500.00
11/16/10	Check	DM	Transfer to ****9102		3,000.00		22,500.00
11/23/10	Check	D<	Transfer to ****9102		2,000.00		20,500.00
11/24/10	Deposit		Graham Cattle Company	Deposit		25,000.00	45,500.00
11/24/10	Check	DM	Transfer to ****9102		10,000.00		35,500.00
11/29/10	Check	DM	Transfer to ****9102		10,000.00		25,500.00
11/30/10	Gene...	12	C. Robert Graham PL	To adjust to zero	25,500.00		0.00
Total Graham Cattle Company, LTD					102,283.50	102,283.50	0.00
Hamlette, Salah							
7/13/10	Deposit		Unknown	Settlement		1,750.00	1,750.00
8/20/10	Check	1139	Salah Hamlette	Proceeds	1,301.07		448.93
8/31/10	Gene...	18		To adjust to meds due per settlement	303.13		145.80
Total Hamlette, Salah					1,604.20	1,750.00	145.80
Huynh, Quang							
6/16/10	Deposit		Allstate	Settlement		6,166.67	6,166.67
7/31/10	Gene...	4	C. Robert Graham PL	1/3 fee per settlement	2,055.56		4,111.11
10/14/10	Deposit		Unknown	Settlement		18,000.00	22,111.11
10/15/10	Check	DM	Transfer to ****9102		6,000.00		16,111.11
10/22/10	Check	1161	Quang Huynh	Proceeds	3,906.11		12,205.00
11/9/10	Check	1024	Quang Huynh	Proceeds	10,800.00		1,405.00
12/20/10	Check	1030	Injury and Accident Clinic	Q Huynh	200.00		1,205.00
12/31/10	Gene...	19		To adjust to meds due	5.00		1,200.00
Total Huynh, Quang					22,966.67	24,166.67	1,200.00
James, Temeaker							
5/17/10	Deposit		Unknown	Settlement		8,125.00	8,125.00
5/31/10	Gene...	1	C. Robert Graham PL	Assumed 1/3 Fees	2,713.33		5,411.67
7/12/10	Check	1132	Temeaker James	Proceeds	4,584.17		827.50
7/12/10	Check	1133	Agency for Healthcare Administration	Subrogation	688.32		139.18
7/12/10	Check	1134	Rice Cole Law Firm	Mediation fee	139.18		0.00
Total James, Temeaker					8,125.00	8,125.00	0.00
Le, Tot							
5/31/10	Gene...	28		To adjust for meds due		1,166.67	1,166.67
Total Le, Tot					0.00	1,166.67	1,166.67
Marrero, Jose							
3/1/10	Deposit		Unknown	Beginning Balance		5,666.67	5,666.67
5/19/10	Check	1125	Jose Marrero	Proceeds	3,975.84		1,690.83
5/19/10	Check	1126	C. Robert Graham PL	Costs	790.83		900.00
5/19/10	Check	1127	Premier Chiromed	Full & Final Paymt	900.00		0.00
Total Marrero, Jose					5,666.67	5,666.67	0.00
Nguyen, Hien							
6/7/10	Deposit		Unknown	Med Paymts		4,700.36	4,700.36
6/16/10	Deposit		Allstate	Settlement		6,166.67	10,867.03
7/31/10	Gene...	5	C. Robert Graham PL	1/3 fee of settlement	2,055.56		8,811.47
10/14/10	Deposit		Unknown	Settlement		18,833.33	27,644.80
10/21/10	Check	DM	Transfer to ****9102	1/3 fee	6,277.77		21,367.03
10/22/10	Check	1162	Hien Nguyen	Proceeds	2,055.56		19,311.47
11/9/10	Check	1025	Hien Nguyen	Proceeds	12,555.00		6,756.47
12/16/10	Check	1027	Injury and Accident Clinic	H Nyugen	5,696.91		1,059.56
12/31/10	Gene...	20		To adjust to meds due	209.56		850.00
Total Nguyen, Hien					28,850.36	29,700.36	850.00

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

04/12/11

Date	Type	Num	Name	Memo	Debit	Credit	Balance
Nguyen, Hiep							
1/21/11	Deposit		State Farm	Settlement		10,000.00	10,000.00
1/25/11	Check	DM	Transfer to ****	1/3 fee	3,333.33		6,666.67
Total Nguyen, Hiep					3,333.33	10,000.00	6,666.67
Nguyen, Lan							
2/8/11	Deposit		Unknown	Settlement		6,556.00	6,556.00
2/11/11	Check	DM	Transfer to ****	1/3 fee	2,185.33		4,370.67
2/28/11	Gene...	29	C. Robert Graham PL	Adjust costs per ledger	67.20		4,303.47
Total Nguyen, Lan					2,252.53	6,556.00	4,303.47
Nguyen, Long							
3/25/10	Deposit		Unknown	Settlement		20,000.00	20,000.00
3/29/10	Check	DM	Transfer to ****		6,666.66		13,333.34
8/3/10	Deposit		Unknown	Settlement		9,000.00	22,333.34
8/31/10	Gene...	7	C. Robert Graham PL	1/3 fee	3,000.00		19,333.34
9/8/10	Check	1147	Long Nguyen	Proceeds	4,994.68		14,338.66
10/29/10	Check	1163	Long Nguyen	Proceeds	11,317.80		3,020.86
10/31/10	Gene...	21		Adjust to meds due	15.69		3,005.17
Total Nguyen, Long					25,994.83	29,000.00	3,005.17
Nguyen, Mai							
8/3/10	Deposit		Unknown	Settlement		11,000.00	11,000.00
8/31/10	Gene...	8	C. Robert Graham PL	1/3 fee	3,666.66		7,333.34
9/8/10	Check	1146	Mai Nguyen	Proceeds	6,141.01		1,192.33
9/30/10	Gene...	22		Adjust to meds due	8.33		1,184.00
Total Nguyen, Mai					9,816.00	11,000.00	1,184.00
Nguyen, Sang							
8/19/10	Check	DM	Transfer to ****		4,666.66		-4,666.66
8/23/10	Deposit		Unknown	Settlement		14,000.00	9,333.34
Total Nguyen, Sang					4,666.66	14,000.00	9,333.34
Nguyen, Thuy							
3/26/10	Deposit		Unknown	Settlement		10,000.00	10,000.00
3/29/10	Check	DM	Transfer to ****		3,333.33		6,666.67
7/12/10	Deposit		Unknown	Settlement		10,000.00	16,666.67
7/31/10	Gene...	11	C. Robert Graham PL	Assumed 1/3 fee	3,333.33		13,333.34
Total Nguyen, Thuy					6,666.66	20,000.00	13,333.34
Nguyen, Van							
2/16/11	Deposit		Unknown	Settlement		12,500.00	12,500.00
2/17/11	Check	DM	Transfer to ****		2,500.00		10,000.00
2/22/11	Check	1031	Thomas E. Woods, Esq.	Fees	2,500.00		7,500.00
Total Nguyen, Van					5,000.00	12,500.00	7,500.00
Nguyen, Van M.							
3/1/10	Deposit		Unknown	Beginning Balance		10,666.66	10,666.66
3/19/10	Check	1121	Van M. Nguyen	Proceeds	7,257.64		3,409.02
3/23/10	Check	1122	C. Robert Graham PL	Costs	40.69		3,368.33
Total Nguyen, Van M.					7,298.33	10,666.66	3,368.33
Nguyen, Vanessa							
8/23/10	Deposit		Unknown	Settlement		6,500.00	6,500.00
8/25/10	Check	DM	Transfer to ****		2,166.66		4,333.34
Total Nguyen, Vanessa					2,166.66	6,500.00	4,333.34
Nguyen, Viet							
8/17/10	Deposit		Unknown	Settlement		2,352.00	2,352.00
8/31/10	Check	1144	Viet Nguyen	Lost Wages reimb	2,352.00		0.00
Total Nguyen, Viet					2,352.00	2,352.00	0.00
Otero, Paul							
1/10/11	Deposit		Unknown	Settlement		10,000.00	10,000.00
1/11/11	Check	DM	Transfer to ****	1/3 fee	3,333.33		6,666.67
Total Otero, Paul					3,333.33	10,000.00	6,666.67
Pafford, James							
5/4/10	Deposit		Unknown	Settlement		8,500.00	8,500.00
5/14/10	Check	DM	Transfer to ****		2,833.33		5,666.67
8/26/10	Check	1142	James Pafford	Proceeds	5,042.39		624.28
8/31/10	Gene...	23		Adjust to meds due	24.28		600.00
1/25/11	Check	1167	Physical Medicine Pain Center	J Pafford	500.00		100.00
Total Pafford, James					8,400.00	8,500.00	100.00

04/12/11

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

Date	Type	Num	Name	Memo	Debit	Credit	Balance
Parmar, Ramila							
3/1/10	Deposit		Unknown	Beginning Balance		6,666.67	6,666.67
3/8/10	Deposit		Unknown	Settlement		10,000.00	16,666.67
3/10/10	Check	DM	Transfer to ****9122		3,333.33		13,333.34
Total Parmar, Ramila					3,333.33	16,666.67	13,333.34
Patel, Dilpkuma							
3/1/10	Deposit		Unknown	Beginning Balance		18,831.21	18,831.21
Total Patel, Dilpkuma					0.00	18,831.21	18,831.21
Patel, Heena							
3/1/10	Deposit		Unknown	Beginning Balance		9,964.54	9,964.54
Total Patel, Heena					0.00	9,964.54	9,964.54
Phan, Thao							
7/28/10	Deposit		Unknown	Settlement		10,000.00	10,000.00
7/29/10	Check	DM	Transfer to ****9122		3,333.33		6,666.67
1/25/11	Check	1188	Thao Phan	Proceeds	4,133.54		2,533.13
1/25/11	Check	1169	Injury and Accident Clinic	T Phan	2,500.00		33.13
1/25/11	Check	1170	C. Robert Graham PL	Costs	33.13		0.00
Total Phan, Thao					10,000.00	10,000.00	0.00
Rodriguez, Juan							
5/7/10	Deposit		Unknown	Settlement		11,250.00	11,250.00
5/31/10	Gene..	2	C. Robert Graham PL	Assumed 1/3 fee	3,750.00		7,500.00
6/7/10	Check	1130	Juan Rodriguez	Partial Proceeds	2,000.00		5,500.00
9/3/10	Deposit		GEICO	Settlement		5,000.00	10,500.00
9/30/10	Gene..	24	C. Robert Graham PL	Assumed 1/3 fee	1,866.67		8,633.33
Total Rodriguez, Juan					7,416.67	16,250.00	8,633.33
Rodriguez, Raul							
6/28/10	Deposit		Unknown	Settlement		6,000.00	6,000.00
6/28/10	Check	DM	Transfer to ****9122	1/3 fees	2,000.00		4,000.00
9/29/10	Check	1152	Raul Rodriguea	Proceeds	2,765.95		1,234.05
9/30/10	Gene..	25		To adjust to meds due		191.03	1,425.08
Total Rodriguez, Raul					4,765.95	6,191.03	1,425.08
Rosado, Natalie							
5/4/10	Deposit		Unknown	Settlement		400.00	400.00
5/4/10	Deposit		Unknown	Settlement		2,400.00	2,800.00
5/5/10	Check	1124	Natalie Rosado	Property Damage	2,800.00		0.00
11/22/10	Check	DM	Transfer to ****9122	1/3 fee	3,000.00		-3,000.00
11/23/10	Deposit		Unknown	Settlement		9,000.00	6,000.00
11/30/10	Gene..	30	C. Robert Graham PL	To adjust costs per ledger	99.76		5,900.24
Total Rosado, Natalie					5,899.76	11,800.00	5,900.24
Tran, Peter							
6/10/10	Deposit		Unknown	Deposit		8,000.00	8,000.00
6/11/10	Check	DM	Transfer to ****9122		2,833.33		5,166.67
6/30/10	Gene..	26		To adjust to meds due		239.16	5,405.83
12/7/10	Check	1164	Peter Tran	Proceeds	4,949.21		456.62
1/25/11	Check	1166	Physical Medicine Pain Center	P Tran	100.00		356.62
1/25/11	Gene..	31		To adjust for meds paid 1/11	100.00		256.62
Total Tran, Peter					7,982.54	8,239.16	256.62
Trinh, Duoc							
5/27/10	Deposit		Unknown	Settlement		9,820.00	9,820.00
5/31/10	Gene..	3	C. Robert Graham PL	Assumed 1/3 fee	3,273.34		6,546.66
1/18/11	Check	1165	Duoc Trinh	Proceeds	3,273.33		3,273.33
Total Trinh, Duoc					6,546.67	9,820.00	3,273.33
Trinh, Han							
12/13/10	Deposit		Unknown	Settlement		65,000.00	65,000.00
12/16/10	Check	DM	Transfer to ****9122		26,000.00		39,000.00
12/22/10	Check	DM	Transfer to ****9122	Probate fee	3,250.00		35,750.00
12/28/10	Check	DM	Transfer to ****9122	Probate fee	3,250.00		32,500.00
Total Tnnh, Han					32,500.00	65,000.00	32,500.00
Ullah, Mohammed							
6/21/10	Deposit		Unknown	Settlement		56,250.00	56,250.00
6/23/10	Check	1131	Tom Woods	Attorney's Fees	11,250.00		45,000.00
6/24/10	Check	DM	Transfer to ****9122		11,250.00		33,750.00
7/13/10	Check	1020	Mohammad Ullah	Proceeds	31,996.01		1,753.99
7/13/10	Check	1022	Physical Medicine Pain Center	M Ullah	1,000.00		753.99
7/13/10	Check	1023	Hand Surgery Center	M Ullah	89.00		664.99
7/31/10	Gene..	27	C. Robert Graham PL	To adjust for costs	664.99		0.00
Total Ullah, Mohammed					56,250.00	56,250.00	0.00

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

04/12/11

Date	Type	Num	Name	Memo	Debit	Credit	Balance
Van, Julie							
3/1/10	Deposit		Unknown	Beginning Balance		30,000.00	30,000.00
3/17/10	Check	1110	C. Robert Graham PL	Costs	220.81		29,779.19
3/17/10	Check	1116	Physical Medicine Pain Center	J Van	2,900.00		26,879.19
3/17/10	Check	1120	Julie Van	Proceeds	3,894.21		22,984.98
5/27/10	Check	1129	Julie Van	Proceeds	16,797.06		6,187.92
Total Van, Julie					23,812.08	30,000.00	6,187.92
zzzC. Robert Graham							
3/1/10	Deposit		Unknown	Beginning Balance		27,312.52	27,312.52
3/1/10	Check	DM	Transfer to ****		4,500.00		22,812.52
3/2/10	Check	DM	Transfer to ****		5,000.00		17,812.52
3/2/10	Check	DM	Transfer to ****		6,666.66		11,145.86
3/3/10	Check	DM	Transfer to ****		3,333.33		7,812.53
3/8/10	Check	DM	Transfer to ****		5,000.00		2,812.53
3/11/10	Check	DM	Transfer to ****		4,000.00		-1,187.47
3/12/10	Check	1018	Ferarro and Mandeler?		6,047.72		-7,235.19
3/15/10	Check	DM	Transfer to ****		3,333.33		-10,568.52
3/15/10	Check	DM	Transfer to ****		5,000.00		-15,568.52
3/16/10	Check	DM	Transfer to ****		6,000.00		-21,568.52
3/23/10	Check	DM	Transfer to ****		3,333.33		-24,901.85
4/1/10	Check	DM	Transfer to ****		3,000.00		-27,901.85
4/2/10	Check	DM	Transfer to ****		3,333.33		-31,235.18
4/5/10	Check	DM	Transfer to ****		4,500.00		-35,735.18
4/6/10	Check	DM	Transfer to ****		3,333.33		-39,068.51
4/12/10	Check	DM	Transfer to ****		2,500.00		-41,568.51
4/12/10	Check	DM	Transfer to ****		3,333.33		-44,901.84
4/12/10	Check	DM	Transfer to ****		6,666.66		-51,568.50
4/13/10	Check	DM	Transfer to ****		1,666.66		-53,235.16
4/15/10	Check	DM	Transfer to ****		3,333.33		-56,568.49
4/20/10	Check	DM	Transfer to ****		1,666.66		-58,235.15
4/22/10	Check	DM	Transfer to ****		3,333.33		-61,568.48
4/26/10	Check	DM	Transfer to ****		3,333.33		-64,901.81
5/3/10	Check	DM	Transfer to ****		3,250.00		-68,151.81
5/4/10	Check	DM	Transfer to ****		2,833.33		-70,985.14
5/10/10	Check	DM	Transfer to ****		4,500.00		-75,485.14
5/11/10	Check	DM	Transfer to ****		5,000.00		-80,485.14
5/14/10	Check	DM	Transfer to ****		1,625.00		-82,110.14
5/19/10	Check	DM	Transfer to ****		3,333.33		-85,443.47
5/21/10	Check	1128	Tot Le	Proceeds (but no deposit)	4,000.00		-89,443.47
5/24/10	Check	DM	Transfer to ****		2,055.55		-91,499.02
5/25/10	Check	DM	Transfer to ****		2,055.55		-93,554.57
5/31/10	Gene...	1	C. Robert Graham PL	Assumed 1/3 fees re Teamaker		2,713.33	-90,841.24
5/31/10	Gene...	2	C. Robert Graham PL	Assumed fee re Rodriguez		3,750.00	-87,091.24
5/31/10	Gene...	3	C. Robert Graham PL	Assumed fee re Trinh		3,273.34	-83,817.90
5/31/10	Gene...	28		To adjust for meds due re Le	1,166.67		-84,984.57
6/2/10	Check	DM	Transfer to ****		3,333.33		-88,317.90
6/4/10	Check	DM	Transfer to ****		3,333.33		-91,651.23
6/14/10	Check	DM	Transfer to ****		1,333.33		-92,984.56
6/15/10	Check	DM	Transfer to ****		2,000.00		-94,984.56
6/16/10	Check	DM	Transfer to ****		3,333.33		-98,317.89
6/18/10	Check	DM	Transfer to ****		6,666.66		-104,984.55
6/28/10	Check	DM	Transfer to ****	1/3 fees	800.00		-105,784.55
8/29/10	Check	DM	Transfer to ****		3,333.33		-109,117.88
6/30/10	Gene...	16		Due to Int'l Therapy per closing	57.69		-109,175.57
6/30/10	Gene...	17		Meds due per closing	191.03		-109,366.60
6/30/10	Gene...	26		To adjust to meds due for Tran	239.16		-109,605.76
7/1/10	Check	DM	Transfer to ****		4,000.00		-113,605.76
7/1/10	Check	DM	Transfer to ****		5,000.00		-118,605.76
7/2/10	Check	DM	Transfer to ****		3,333.33		-121,939.09
7/6/10	Check	DM	Transfer to ****		3,333.33		-125,272.42
7/7/10	Check	DM	Transfer to ****		3,500.00		-128,772.42
7/8/10	Check	DM	Transfer to ****		3,333.33		-132,105.75
7/8/10	Check	DM	Transfer to ****		3,500.00		-135,605.75
7/12/10	Check	1134	Rice Cole Law Firm	Mediation fee	298.32		-135,904.07
7/12/10	Check	1135	Shands at UF	Medical Records - James	45.00		-135,949.07
7/12/10	Check	1136	C. Robert Graham PL	Cost re James	745.01		-136,694.08
7/12/10	Check	DM	Transfer to ****		3,333.33		-140,027.41
7/12/10	Check	DM	Transfer to ****		3,333.33		-143,360.74
7/14/10	Check	DM	Transfer to ****		3,333.33		-146,694.07
7/20/10	Check	DM	Transfer to ****		3,333.33		-150,027.40
7/31/10	Gene...	4	C. Robert Graham PL	1/3 fee from Huynh		2,055.56	-147,971.84
7/31/10	Gene...	5	C. Robert Graham PL	1/3 fee from Hien Nguyen		2,055.56	-145,916.28
7/31/10	Gene...	6	C. Robert Graham PL	Hourly fee re Dang per closing		2,164.66	-143,751.62
7/31/10	Gene...	9	C. Robert Graham PL	AJE from Graham Cattle		5,912.50	-137,839.12
7/31/10	Gene...	11	C. Robert Graham PL	Thuy Nguyen assumed 1/3 fee		3,333.33	-134,505.79
7/31/10	Gene...	27	C. Robert Graham PL	To adjust for costs re Ullah		664.99	-133,840.80
8/3/10	Check	DM	Transfer to ****		2,000.00		-135,840.80

C. Robert Graham PL
Ledger Card Report
 March 2010 through February 2011

04/12/11

Date	Type	Num	Name	Memo	Debit	Credit	Balance
8/5/10	Check	DM	Transfer to ****9002		6,666.66		-142,507.46
8/9/10	Check	DM	Transfer to ****9002		3,333.33		-145,840.79
8/10/10	Check	DM	Transfer to ****9002		3,333.33		-149,174.12
8/12/10	Check	DM	Transfer to ****9002		3,333.33		-152,507.45
8/26/10	Check	DM	Transfer to ****9002		3,333.33		-155,840.78
8/27/10	Check	DM	Transfer to ****9002		3,333.33		-159,174.11
8/30/10	Check	DM	Transfer to ****9002		2,500.00		-161,674.11
8/31/10	Gene..	7	C. Robert Graham PL	1/3 fee re Long Nguyen		3,000.00	-158,674.11
8/31/10	Gene...	8	C. Robert Graham PL	1/3 fee re Mai Nguyen		3,666.66	-155,007.45
8/31/10	Gene...	13	C. Robert Graham PL	Abraham costs per settlement		291.96	-154,715.49
8/31/10	Gene...	15	C. Robert Graham PL	Burgos costs per settlement		67.99	-154,647.50
8/31/10	Gene...	18		To adjust to meds due per settlement		303.13	-154,344.37
8/31/10	Gene...	23		Adjust to meds due		24.28	-154,320.09
9/9/10	Check	DM	Transfer to ****9002		3,333.33		-157,653.42
9/13/10	Check	DM	Transfer to ****9002		3,333.33		-160,986.75
9/17/10	Check	DM	Transfer to ****9002		3,500.00		-164,486.75
9/20/10	Check	DM	Transfer to ****9002		1,000.00		-165,486.75
9/21/10	Check	DM	Transfer to ****9002		2,000.00		-167,486.75
9/24/10	Deposit		Graham Cattle Company	Deposit		9,300.00	-158,186.75
9/24/10	Check	DM	Transfer to ****9002		2,000.00		-160,186.75
9/27/10	Check	DM	Transfer to ****9002		1,333.33		-161,520.08
9/29/10	Deposit		Broadway National	Funds Transfer		16,000.00	-145,520.08
9/29/10	Check	DM	Transfer to ****9002		8,000.00		-153,520.08
9/30/10	Gene..	10	C. Robert Graham PL	AJE from Graham Cattle		3,401.00	-150,119.08
9/30/10	Gene...	22		Adjust to meds due		8.33	-150,110.75
9/30/10	Gene...	24	C. Robert Graham PL	J Rodriguez 1/3 fee		1,666.67	-148,444.08
9/30/10	Gene...	25		To adjust to meds due re R Rodriguez	191.03		-148,635.11
10/1/10	Check	DM	Transfer to ****9002		2,000.00		-150,635.11
10/5/10	Check	DM	Transfer to ****9002		1,000.00		-151,635.11
10/12/10	Check	DM	Transfer to ****9002		1,000.00		-152,635.11
10/20/10	Check	1156	C. Robert Graham PL	Costs re B Conlon but no deposit	346.00		-152,981.11
10/20/10	Check	1157	Florida Pain Management	Re Bettina Conlon but no deposit	704.40		-153,685.51
10/20/10	Check	1158	Riverside Surgery Center	Re Conlon but no deposit	631.86		-154,317.37
10/20/10	Check	1159	Suncoast Anesthesia	Re Conlon but no deposit	330.40		-154,647.77
10/20/10	Check	1160	Bettina Conlon	Proceeds but no deposit	1,320.67		-155,968.44
10/22/10	Check	DM	Transfer to ****9002		6,000.00		-161,968.44
10/28/10	Check	DM	Transfer to ****9002		3,333.33		-165,301.77
10/31/10	Gene..	21		Adjust to meds due		15.69	-165,286.08
11/3/10	Check	DM	Transfer to ****9002		1,800.00		-167,086.08
11/30/10	Gene...	12	C. Robert Graham PL	AJE from Graham Cattle		25,500.00	-141,586.08
11/30/10	Gene..	14	C. Robert Graham PL	Boston costs per settlement		632.36	-140,953.72
11/30/10	Gene..	30	C. Robert Graham PL	To adjust Rosado costs per ledger card		99.76	-140,853.96
12/8/10	Check	DM	Transfer to ****9002		5,000.00		-145,853.96
12/16/10	Check	1029	Injury and Accident Clinic	Tot Le but no funds	1,500.00		-147,353.96
12/31/10	Gene...	19		To adjust to meds due		5.00	-147,348.96
12/31/10	Gene...	20		To adjust to meds due		209.56	-147,139.40
1/25/11	Gene...	31		To adjust for Tran meds paid in 1/11		100.00	-147,039.40
1/28/11	Check	DM	Transfer to ****9002		3,333.33		-150,372.73
1/31/11	Check	DM	Transfer to ****9002		2,000.00		-152,372.73
2/28/11	Check	DM	Transfer to ****9002		3,333.33		-155,706.06
2/28/11	Gene..	29	C. Robert Graham PL	Adjust Lan Nguyen costs per ledger		67.20	-155,638.86
Total zzzC. Robert Graham					273,234.24	117,595.38	-155,638.86
Total Trust Liabilities					865,447.43	896,806.84	31,359.41
TOTAL					865,447.43	896,806.84	31,359.41

C. Robert Graham PL Trust Journal

As of February 28, 2011

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
Mar '10 - Feb 11								0.00
3/1/10	Depo...		Unknown	Van, Julie	Beginning Balance		30,000.00	30,000.00
3/1/10	Depo...		Unknown	Nguyen, Van M.	Beginning Balance		10,666.66	40,666.66
3/1/10	Depo...		Unknown	Patel, Heena	Beginning Balance		9,964.54	50,631.20
3/1/10	Depo...		Unknown	Patel, Dilpkuma	Beginning Balance		16,631.21	67,262.41
3/1/10	Depo...		Unknown	Parmar, Ramila	Beginning Balance		6,666.67	73,929.08
3/1/10	Check	DM	Transfer to ****	zzzC. Robert Graham	Beginning Balance	4,500.00	27,312.52	101,241.60
3/1/10	Depo...		Unknown	Marrero, Jose	Beginning Balance		5,666.67	96,741.60
3/2/10	Check	DM	Transfer to ****	zzzC. Robert Graham		5,000.00		102,408.27
3/2/10	Check	DM	Transfer to ****	zzzC. Robert Graham		6,666.66		97,408.27
3/3/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		90,741.61
3/6/10	Depo...		Unknown	Parmar, Ramila	Settlement		10,000.00	87,408.28
3/8/10	Check	DM	Transfer to ****	zzzC. Robert Graham		5,000.00		92,408.28
3/10/10	Check	DM	Transfer to ****	Parmar, Ramila		3,333.33		89,074.95
3/11/10	Check	DM	Transfer to ****	zzzC. Robert Graham		4,000.00		85,074.95
3/12/10	Check	1018	Ferarro and Mandelner?	zzzC. Robert Graham		6,047.72		79,027.23
3/15/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		75,693.90
3/15/10	Check	DM	Transfer to ****	zzzC. Robert Graham		5,000.00		70,693.90
3/16/10	Check	DM	Transfer to ****	zzzC. Robert Graham		6,000.00		64,693.90
3/17/10	Check	1110	C. Robert Graham PL	Van, Julie	Costs	220.81		64,473.09
3/17/10	Check	1116	Physical Medicine Pain Center	Van, Julie	J Van	2,900.00		61,573.09
3/17/10	Check	1120	Julie Van	Van, Julie	Proceeds	3,894.21		57,678.88
3/19/10	Check	1121	Van M. Nguyen	Nguyen, Van M.	Proceeds	7,257.64		50,421.24
3/23/10	Check	1122	C. Robert Graham PL	Nguyen, Van M.	Costs	40.69		50,380.55
3/23/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		47,047.22
3/25/10	Depo...		Unknown	Nguyen, Long	Settlement		20,000.00	67,047.22
3/25/10	Depo...		Unknown	Collins, Rusty	Deposit		1,000.00	68,047.22
3/26/10	Depo...		Unknown	Nguyen, Thuy	Settlement		10,000.00	78,047.22
3/26/10	Check	1123	Russell Brasher	Collins, Rusty		1,000.00		77,047.22
3/29/10	Check	DM	Transfer to ****	Nguyen, Long		6,666.66		70,380.56
3/29/10	Check	DM	Transfer to ****	Nguyen, Thuy		3,333.33		67,047.23
4/1/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,000.00		64,047.23
4/2/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		60,713.90
4/5/10	Check	DM	Transfer to ****	zzzC. Robert Graham		4,500.00		56,213.90
4/6/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		52,880.57
4/12/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,500.00		50,380.57
4/12/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		47,047.24
4/13/10	Check	DM	Transfer to ****	zzzC. Robert Graham		6,666.66		40,380.58
4/15/10	Check	DM	Transfer to ****	zzzC. Robert Graham		1,666.66		38,713.92
4/20/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		35,380.59
4/22/10	Check	DM	Transfer to ****	zzzC. Robert Graham		1,666.66		33,713.93
4/26/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		30,380.60
5/3/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,250.00		27,047.27
5/4/10	Depo...		Unknown	Rosado, Natalia	Settlement		400.00	23,797.27
5/4/10	Depo...		Unknown	Rosado, Natalie	Settlement		2,400.00	24,197.27
5/4/10	Depo...		Unknown	Pafford, James	Settlement		8,500.00	26,597.27
5/4/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,833.33		32,263.94

Handwritten signature/initials

C. Robert Graham PL Trust Journal

As of February 28, 2011

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
5/5/10	Check	1124	Natalie Rosado	Rosado, Natalie	Property Damage	2,800.00		29,463.94
5/7/10	Depo...		Unknown	Rodriguez, Juan	Settlement		11,250.00	40,713.94
5/10/10	Check	DM	Transfer to ****	zzzC. Robert Graham		4,500.00		36,213.94
5/11/10	Check	DM	Transfer to ****	zzzC. Robert Graham		5,000.00		31,213.94
5/14/10	Check	DM	Transfer to ****	zzzC. Robert Graham		1,625.00		29,588.94
5/14/10	Check	DM	Transfer to ****	Pafford, James		2,833.33		26,755.61
5/17/10	Depo...		Unknown	James, Temeaker	Settlement		8,125.00	34,880.61
5/19/10	Check	1125	Jose Marrero	Marrero, Jose	Proceeds	3,975.84		30,904.77
5/19/10	Check	1126	C. Robert Graham PL	Marrero, Jose	Costs	790.83		30,113.94
5/19/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		26,780.61
5/19/10	Check	1127	Premier Chiromed	Marrero, Jose		900.00		25,880.61
5/21/10	Check	1128	Tot Le	zzzC. Robert Graham	Full & Final Paymt	4,000.00		21,880.61
5/24/10	Check	DM	Transfer to ****	zzzC. Robert Graham	Proceeds (but no deposit)	2,055.55		19,825.06
5/25/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,055.55		17,769.51
5/27/10	Depo...		Unknown	Trinh, Duoc	Settlement		9,820.00	27,589.51
5/27/10	Check	1129	Julie Van	Van, Julie	Proceeds	16,797.06		10,792.45
5/31/10	Gene...	1	C. Robert Graham PL	James, Temeaker	Assumed 1/3 Fees	2,713.33		8,079.12
5/31/10	Gene...	1	C. Robert Graham PL	zzzC. Robert Graham	Assumed 1/3 fees re Teamaker		2,713.33	10,792.45
5/31/10	Gene...	2	C. Robert Graham PL	Rodriguez, Juan	Assumed 1/3 fee	3,750.00		7,042.45
5/31/10	Gene...	2	C. Robert Graham PL	zzzC. Robert Graham	Assumed fee re Rodriguez		3,750.00	10,792.45
5/31/10	Gene...	3	C. Robert Graham PL	Trinh, Duoc	Assumed 1/3 fee	3,273.34		7,519.11
5/31/10	Gene...	3	C. Robert Graham PL	zzzC. Robert Graham	Assumed fee re Trinh		3,273.34	10,792.45
5/31/10	Gene...	28	Transfer to ****	Le, Tot	To adjust for meds due	1,166.67		11,959.12
5/31/10	Gene...	28	Transfer to ****	zzzC. Robert Graham	To adjust for meds due re Le	3,333.33		10,792.45
6/2/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		7,459.12
6/4/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		4,125.79
6/7/10	Depo...		Unknown	Nguyen, Hien	Med Paymts		4,700.36	8,826.15
6/7/10	Check	1130	Juan Rodriguez	Nguyen, Hien	Partial Proceeds	2,000.00		14,826.15
6/10/10	Depo...		Unknown	Tran, Peter	Deposit		8,000.00	11,992.82
6/11/10	Check	DM	Transfer to ****	Tran, Peter		2,833.33		10,659.49
6/14/10	Check	DM	Transfer to ****	zzzC. Robert Graham		1,333.33		10,659.49
6/15/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,000.00		8,659.49
6/16/10	Depo...		Allstate	Nguyen, Hien	Settlement		6,166.67	14,826.16
6/16/10	Depo...		Allstate	Huyng, Quang	Settlement		6,166.67	20,992.83
6/16/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		17,659.50
6/18/10	Check	DM	Transfer to ****	zzzC. Robert Graham		6,666.66		10,992.84
6/21/10	Depo...		Unknown	Ullah, Mohammed	Settlement		56,250.00	67,242.84
6/23/10	Check	1131	Tom Woods	Ullah, Mohammed	Attorney's Fees	11,250.00		55,992.84
6/24/10	Check	DM	Transfer to ****	Ullah, Mohammed		11,250.00		44,742.84
6/28/10	Depo...		Unknown	Burgos, Manuel	Settlement		6,000.00	50,742.84
6/28/10	Depo...		Unknown	Garcia, Jennifer	Settlement		6,000.00	56,742.84
6/28/10	Depo...		Unknown	Rodriguez, Raul	Settlement		6,000.00	62,742.84
6/28/10	Depo...		Unknown	Garcia, Jennidalix	Deposit		2,000.00	64,742.84
6/28/10	Check	DM	Transfer to ****	Burgos, Manuel	1/3 fees	1,200.00		63,542.84
6/28/10	Check	DM	Transfer to ****	Rodriguez, Raul	1/3 fees	2,000.00		61,542.84
6/28/10	Check	DM	Transfer to ****	Garcia, Jennifer	1/3 fees	2,000.00		59,542.84
6/28/10	Check	DM	Transfer to ****	Garcia, Jennidalix	1/3 fees	666.66		58,876.18
6/28/10	Check	DM	Transfer to ****	zzzC. Robert Graham	1/3 fees	800.00		58,076.18
6/29/10	Check	DM	Transfer to ****	zzzC. Robert Graham	1/3 fees	3,333.33		54,742.85

2

C. Robert Graham PL Trust Journal

As of February 28, 2011

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
6/30/10	Gene	16		zzzc Robert Graham	Due to Int'l Therapy per closing	57.69		54,685.16
6/30/10	Gene	16		Garcia, Jennidallx	Due for therapy per closing		57.69	54,742.85
6/30/10	Gene	17		zzzc Robert Graham	Meds due per closing	191.03		54,551.82
6/30/10	Gene	17		Garcia, Jennifer	Meds due per closing		191.03	54,742.85
6/30/10	Gene	26		zzzc Robert Graham	To adjust to meds due for Tran	239.16		54,503.69
6/30/10	Gene	26		Tran, Peter	To adjust to meds due		239.16	54,742.85
7/1/10	Depo			Graham Cattle Company, LTD	Wire transfer		24,662.50	79,405.35
7/1/10	Check	1019	Steve Huffington	Graham Cattle Company, LTD	Work on GCC			69,405.35
7/1/10	Check	DM	Transfer to ****	zzzc Robert Graham		10,000.00		65,405.35
7/1/10	Check	DM	Transfer to ****	zzzc Robert Graham		4,000.00		60,405.35
7/1/10	Check	DM	Transfer to ****	zzzc Robert Graham		5,000.00		55,405.35
7/2/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		52,072.02
7/6/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		48,738.69
7/7/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,500.00		45,238.69
7/8/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		41,905.36
7/8/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,500.00		38,405.36
7/12/10	Depo		Unknown	Nguyen, Thuy	Settlement		10,000.00	28,405.36
7/12/10	Depo		Unknown	Dang, Christine	Settlement		135,000.00	163,405.36
7/12/10	Depo	1132	Temeaker James	James, Temeaker	Proceeds	4,584.17		158,821.19
7/12/10	Check	1133	Agency for Healthcare Admini	James, Temeaker	Subrogation	688.32		158,132.87
7/12/10	Check	1134	Rice Cole Law Firm	James, Temeaker	Mediation fee	139.18		157,993.69
7/12/10	Check	1134	Rice Cole Law Firm	zzzc Robert Graham	Mediation fee	298.32		157,695.37
7/12/10	Check	1135	Shands at UF	zzzc Robert Graham	Medical Records - James	45.00		157,650.37
7/12/10	Check	1136	C. Robert Graham PL	zzzc Robert Graham	Cost re James	745.01		156,905.36
7/12/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		153,572.03
7/12/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		150,238.70
7/13/10	Depo		Unknown	Abraham, Porche	Settlement		2,750.00	147,488.70
7/13/10	Depo		Unknown	Hamlette, Saiah	Settlement		1,750.00	145,738.70
7/13/10	Check	1020	Mohammad Ulliah	Ulliah, Mohammed	Proceeds	31,996.01		113,742.69
7/13/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		4,000.00		109,742.69
7/13/10	Check	1022	Physical Medicine Pain Center	Ulliah, Mohammed	M Ulliah	1,000.00		108,742.69
7/13/10	Check	1023	Hand Surgery Center	Ulliah, Mohammed	M Ulliah	69.00		108,673.69
7/14/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		105,340.36
7/15/10	Check	1021	The Texas Exchange Co	Graham Cattle Company, LTD		750.00		104,590.36
7/20/10	Check	DM	Transfer to ****	zzzc Robert Graham		3,333.33		101,257.03
7/26/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		4,000.00		97,257.03
7/28/10	Depo		Unknown	Phan, Thao	Settlement		10,000.00	87,257.03
7/29/10	Check	DM	Transfer to ****	Phan, Thao		3,333.33		83,923.70
7/31/10	Gene	4	C Robert Graham PL	Huynh, Quang	1/3 fee per settlement		2,055.56	81,868.14
7/31/10	Gene	4	C Robert Graham PL	zzzc Robert Graham	1/3 fee from Huynh		2,055.56	79,812.58
7/31/10	Gene	5	C Robert Graham PL	Nguyen, Hien	1/3 fee of settlement		2,055.56	77,757.02
7/31/10	Gene	5	C Robert Graham PL	zzzc Robert Graham	1/3 fee from Hien Nguyen		2,055.56	75,701.46
7/31/10	Gene	6	C Robert Graham PL	Dang, Christine	Hourly fee per closing		2,164.66	73,536.80
7/31/10	Gene	6	C Robert Graham PL	zzzc Robert Graham	Hourly fee re Dang per closing		2,164.66	71,372.14
7/31/10	Gene	9	C Robert Graham PL	Graham Cattle Company, LTD	To adjust to zero		5,912.50	65,459.64
7/31/10	Gene	9	C Robert Graham PL	zzzc Robert Graham	AJE from Graham Cattle		5,912.50	59,547.14
7/31/10	Gene	11	C Robert Graham PL	Nguyen, Thuy	Assumed 1/3 fee		3,333.33	56,213.81
7/31/10	Gene	11	C Robert Graham PL	zzzc Robert Graham	Thuy Nguyen assumed 1/3 fee		3,333.33	52,880.48
7/31/10	Gene	27	C Robert Graham PL	Ulliah, Mohammed	To adjust for costs		664.99	52,215.49
7/31/10	Gene	27	C Robert Graham PL	zzzc Robert Graham	To adjust for costs re Ulliah		664.99	51,550.50

63

**C. Robert Graham PL
Trust Journal
As of February 28, 2011**

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
8/3/10	Depo...		Unknown	Nguyen, Mai	Settlement		11,000.00	148,903.70
8/3/10	Depo...		Unknown	Nguyen, Long	Settlement		9,000.00	157,903.70
8/3/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,000.00		155,903.70
8/5/10	Check	DM	Transfer to ****	zzzC. Robert Graham		6,666.66		149,237.04
8/9/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		145,903.71
8/10/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		142,570.38
8/12/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		139,237.05
8/17/10	Depo...		Unknown	Nguyen, Viet	Settlement		2,352.00	141,589.05
8/17/10	Depo...		State Farm	Dinh, Toan	Settlement		10,000.00	151,589.05
8/17/10	Check	DM	Transfer to ****	Dinh, Toan		3,333.33		148,255.72
8/18/10	Check	DM	Transfer to ****	Doan, Jenny		3,666.66		144,589.06
8/19/10	Check	DM	Transfer to ****	Nguyen, Sang		4,666.66		139,922.40
8/20/10	Check	1137	Christine Dang	Dang, Christine	Proceeds	132,835.34		7,087.06
8/20/10	Check	1139	Salah Hamlette	Hamlette, Salah	Proceeds	1,301.07		5,785.99
8/20/10	Check	1140	Porche Abraham	Abraham, Porche	Proceeds	2,458.04		3,327.95
8/23/10	Depo...		Unknown	Nguyen, Sang	Settlement		6,500.00	9,827.95
8/23/10	Depo...		Unknown	Nguyen, Sang	Settlement		14,000.00	23,827.95
8/23/10	Depo...		Unknown	Doan, Jenny	Settlement		11,000.00	34,827.95
8/25/10	Check	DM	Transfer to ****	Nguyen, Vanessa		2,166.66		32,661.29
8/26/10	Check	1142	James Pafford	Pafford, James	Proceeds	5,042.39		27,618.90
8/26/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		24,285.57
8/27/10	Check	1143	Manuel Burgos	Burgos, Manuel	Proceeds	4,732.01		19,553.56
8/27/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		16,220.23
8/30/10	Check	DM	Transfer to ****	zzzC. Robert Graham		2,500.00		13,720.23
8/31/10	Depo...		Unknown	Graham Cattle Company, LTD	Deposit		17,621.00	31,341.23
8/31/10	Gene...	7	C. Robert Graham PL	Nguyen, Long	1/3 fee	3,000.00		28,341.23
8/31/10	Gene...	7	C. Robert Graham PL	zzzC. Robert Graham	1/3 fee re Long Nguyen		3,000.00	31,341.23
8/31/10	Gene...	8	C. Robert Graham PL	Nguyen, Mai	1/3 fee			27,674.57
8/31/10	Gene...	8	C. Robert Graham PL	zzzC. Robert Graham	1/3 fee re Mai Nguyen	3,666.66		31,341.23
8/31/10	Check	1144	Viet Nguyen	Nguyen, Viet	Lost Wages reimb.	2,352.00		28,989.23
8/31/10	Gene...	13	C. Robert Graham PL	Abraham, Porche	Costs per settlement	291.96		28,697.27
8/31/10	Gene...	13	C. Robert Graham PL	zzzC. Robert Graham	Abraham costs per settlement		291.96	28,989.23
8/31/10	Gene...	15	C. Robert Graham PL	Burgos, Manuel	Costs per settlement	67.99		28,921.24
8/31/10	Gene...	15	C. Robert Graham PL	zzzC. Robert Graham	Burgos costs per settlement		67.99	28,989.23
8/31/10	Gene...	18	C. Robert Graham PL	Hamlette, Salah	To adjust to meds due per settlement	303.13		28,686.10
8/31/10	Gene...	18	C. Robert Graham PL	zzzC. Robert Graham	To adjust to meds due per settlement		303.13	28,989.23
8/31/10	Gene...	23	C. Robert Graham PL	Pafford, James	Adjust to meds due	24.28		28,964.95
8/31/10	Gene...	23	C. Robert Graham PL	zzzC. Robert Graham	Adjust to meds due		24.28	28,989.23
9/1/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		2,920.00		26,069.23
9/3/10	Depo...		GEICO	Rodriguez, Juan	Settlement		5,000.00	31,069.23
9/3/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		2,500.00		28,569.23
9/8/10	Check	1146	Mai Nguyen	Nguyen, Mai	Proceeds	6,141.01		22,428.22
9/8/10	Check	1147	Long Nguyen	Nguyen, Long	Proceeds	4,994.68		17,433.54
9/9/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		14,100.21
9/9/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		4,000.00		10,100.21
9/13/10	Check	DM	Transfer to ****	zzzC. Robert Graham		3,333.33		6,766.88
9/15/10	Depo...		USAA	Delossantos, Carmen			2,466.60	9,233.48
9/15/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD	Settlement	2,300.00		6,933.48
9/15/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		2,500.00		4,433.48

54

**C. Robert Graham PL
Trust Journal
As of February 28, 2011**

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
9/17/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		3,500.00		933.48
9/20/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		1,000.00		-66.52
9/21/10	Check	DM	Transfer to **** 9442	zzc Robert Graham	Property damage	2,000.00		-2,066.52
9/23/10	Check	1150	Carmen Delossantos	Delossantos, Carmen	Deposit	2,466.60		-4,533.12
9/24/10	Depo	DM	Graham Cattle Company	zzc Robert Graham		2,000.00	9,300.00	4,766.88
9/24/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		1,333.33		2,766.88
9/27/10	Check	DM	Broadway National	zzc Robert Graham	Funds Transfer	16,000.00		17,433.55
9/29/10	Depo	DM	Transfer to **** 9442	zzc Robert Graham		8,000.00		9,433.55
9/29/10	Check	DM	Jennifer Garcia	Garcia, Jennifer	Proceeds	2,915.95		6,517.60
9/29/10	Check	1152	Raul Rodriguez	Rodriguez, Raul	Proceeds	2,765.95		3,751.65
9/29/10	Check	1153	Jennifer Garcia	Garcia, Jennidalex	Proceeds for Jennidalex Garcia (minor)	591.03		3,160.62
9/30/10	Gene	10	C Robert Graham PL	Graham Cattle Company, LTD	To adjust to zero	3,401.00		-240.38
9/30/10	Gene	10	C Robert Graham PL	zzc Robert Graham	AJE from Graham Cattle		3,401.00	3,160.62
9/30/10	Gene	22		Nguyen, Mai	Adjust to meds due	8.33		3,152.29
9/30/10	Gene	22		zzc Robert Graham	Adjust to meds due		8.33	3,160.62
9/30/10	Gene	24	C Robert Graham PL	Rodriguez, Juan	Assumed 1/3 fee	1,666.67		1,493.95
9/30/10	Gene	24	C Robert Graham PL	zzc Robert Graham	J Rodriguez 1/3 fee	1,666.67		3,160.62
9/30/10	Gene	25		zzc Robert Graham	To adjust to meds due re R Rodriguez	191.03		2,969.59
9/30/10	Gene	25		Rodriguez, Raul	To adjust to meds due	191.03		3,160.62
10/1/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		2,000.00		1,160.62
10/5/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		1,000.00		60.62
10/11/10	Check	DM	Unknown	Boston, David	Settlement		22,000.00	22,160.62
10/12/10	Check	DM	Unknown	zzc Robert Graham	Settlement		18,833.33	21,160.62
10/14/10	Depo	DM	Unknown	Nguyen, Hien	Settlement		18,000.00	3,160.62
10/14/10	Depo	DM	Unknown	Huynh, Quang	1/3 fee	7,333.33		50,660.62
10/14/10	Check	DM	Transfer to **** 9442	Boston, David		6,000.00		44,660.62
10/15/10	Check	DM	Transfer to **** 9442	Huynh, Quang		348.00		44,314.62
10/20/10	Check	1156	C Robert Graham PL	zzc Robert Graham	Costs re B Conlon but no deposit	704.40		43,610.22
10/20/10	Check	1157	Florida Pain Management	zzc Robert Graham	Re Bettina Conlon but no deposit	631.86		42,978.36
10/20/10	Check	1158	Riverside Surgery Center	zzc Robert Graham	Re Conlon but no deposit	330.40		42,647.96
10/20/10	Check	1159	Suncoast Anesthesia	zzc Robert Graham	Re Conlon but no deposit	1,320.67		41,327.29
10/20/10	Check	1160	Bettina Conlon	zzc Robert Graham	Proceeds but no deposit	6,277.77		35,049.52
10/21/10	Check	DM	Transfer to **** 9442	Nguyen, Hien	1/3 fee	3,906.11		31,143.41
10/22/10	Check	1161	Quang Huynh	Huynh, Quang	Proceeds	2,055.56		29,087.85
10/22/10	Check	1162	Hien Nguyen	Nguyen, Hien	Proceeds	6,000.00		23,087.85
10/22/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		3,333.33		19,754.52
10/28/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		11,317.80		8,436.72
10/29/10	Check	1163	Long Nguyen	Nguyen, Long	Proceeds	15.69		8,421.03
10/31/10	Gene	21		Nguyen, Long	Adjust to meds due		15.69	8,436.72
10/31/10	Gene	21		zzc Robert Graham	Adjust to meds due		15.69	8,452.41
11/3/10	Check	DM	Transfer to **** 9442	zzc Robert Graham		1,800.00		6,652.41
11/9/10	Depo	DM	Graham Cattle Company	Graham Cattle Company, LTD	Deposit		35,000.00	41,652.41
11/9/10	Check	1024	Quang Huynh	Huynh, Quang	Proceeds	10,800.00		30,852.41
11/9/10	Check	1025	Hien Nguyen	Nguyen, Hien	Proceeds	12,555.00		18,281.72
11/9/10	Check	DM	Transfer to **** 9442	Graham Cattle Company, LTD		4,000.00		14,281.72
11/10/10	Check	DM	Transfer to **** 9442	Graham Cattle Company, LTD		2,000.00		12,281.72
11/15/10	Check	DM	Transfer to **** 9442	Graham Cattle Company, LTD		3,500.00		8,781.72
11/16/10	Check	DM	Transfer to **** 9442	Graham Cattle Company, LTD		3,000.00		5,781.72

65

**C. Robert Graham PL
Trust Journal
As of February 28, 2011**

04/12/11

Date	Type	Num	Name	Account	Memo	Debit	Credit	Balance
11/22/10	Check	DM	Transfer to ****	Rosado, Natalie	1/3 fee	3,000.00		2,781.72
11/23/10	Depo		Unknown	Rosado, Natalie	Settlement		9,000.00	11,781.72
11/23/10	Check	D<	Transfer to ****	Graham Cattle Company, LTD		2,000.00		9,781.72
11/24/10	Depo		Graham Cattle Company	Graham Cattle Company, LTD	Deposit		25,000.00	34,781.72
11/24/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		10,000.00		24,781.72
11/29/10	Check	DM	Transfer to ****	Graham Cattle Company, LTD		10,000.00		14,781.72
11/29/10	Check	1026	David Boston	Boston, David	Proceeds			3,541.51
11/30/10	Gene	12	C Robert Graham PL	Graham Cattle Company, LTD	To adjust to zero		25,500.00	-21,958.49
11/30/10	Gene	12	C Robert Graham PL	zzzC Robert Graham	AJE from Graham Cattle			3,541.51
11/30/10	Gene	14	C Robert Graham PL	Boston, David	Costs per settlement	632.36		2,909.15
11/30/10	Gene	14	C Robert Graham PL	zzzC Robert Graham	Boston costs per settlement		632.36	3,541.51
11/30/10	Gene	30	C Robert Graham PL	Rosado, Natalie	To adjust costs per ledger			3,441.75
11/30/10	Gene	30	C Robert Graham PL	zzzC Robert Graham	To adjust Rosado costs per ledger card		99.76	3,541.51
11/30/10	Gene	30	C Robert Graham PL	zzzC Robert Graham	Settlement	10,000.00		13,541.51
12/2/10	Depo		Unknown	Arucho, Luis	1/3 fee	3,333.33		10,208.18
12/6/10	Check	DM	Transfer to ****	Arucho, Luis	Proceeds	4,949.21		5,258.97
12/7/10	Check	1164	Peter Tran	Tran, Peter		5,000.00		258.97
12/8/10	Check	DM	Transfer to ****	zzzC Robert Graham			65,000.00	65,258.97
12/13/10	Depo		Unknown	Trinh, Han	Settlement			65,258.97
12/16/10	Check	1027	Injury and Accident Clinic	Nguyen, Hien	H Nyugen	5,696.91		59,562.06
12/16/10	Check	1029	Injury and Accident Clinic	zzzC Robert Graham	Tot Le but no funds	1,500.00		58,062.06
12/16/10	Check	DM	Transfer to ****	Trinh, Han		26,000.00		32,062.06
12/20/10	Check	1030	Injury and Accident Clinic	Huynh, Quang	Q Huynh	200.00		31,862.06
12/22/10	Check	DM	Transfer to ****	Trinh, Han	Probate fee	3,250.00		28,612.06
12/28/10	Check	DM	Transfer to ****	Trinh, Han	Probate fee	3,250.00		25,362.06
12/31/10	Gene	19	Unknown	zzzC Robert Graham	To adjust to meds due	5.00	5.00	25,367.06
12/31/10	Gene	19	Unknown	Huynh, Quang	To adjust to meds due			25,362.06
12/31/10	Gene	20	Unknown	Nguyen, Hien	To adjust to meds due	209.56		25,152.50
12/31/10	Gene	20	Unknown	zzzC Robert Graham	To adjust to meds due		209.56	25,362.06
1/10/11	Depo		Unknown	Otero, Paul	Settlement		10,000.00	35,362.06
1/11/11	Check	DM	Transfer to ****	Otero, Paul	1/3 fee	3,333.33		32,028.73
1/18/11	Check	1165	Duoc Trinh	Trinh, Duoc	Proceeds	3,273.33		28,755.40
1/21/11	Depo		State Farm	Nguyen, Hiep	Settlement		10,000.00	38,755.40
1/25/11	Check	1166	Physical Medicine Pain Center	Tran, Peter	P Tran	100.00		38,655.40
1/25/11	Check	1167	Physical Medicine Pain Center	Pafford, James	J Pafford	500.00		38,155.40
1/25/11	Check	1168	Thao Phan	Phan, Thao	Proceeds	4,133.54		34,021.86
1/25/11	Check	1169	Injury and Accident Clinic	Phan, Thao	T Phan	2,500.00		31,521.86
1/25/11	Check	1170	C Robert Graham PL	Phan, Thao	Costs	33.13		31,488.73
1/25/11	Check	DM	Transfer to ****	Nguyen, Hiep	1/3 fee	3,333.33		28,155.40
1/25/11	Gene	31	Unknown	Tran, Peter	To adjust for meds paid 1/11	100.00		28,055.40
1/25/11	Gene	31	Unknown	zzzC Robert Graham	To adjust for Tran meds paid in 1/11		100.00	28,155.40
1/28/11	Check	DM	Transfer to ****	zzzC Robert Graham		3,333.33		24,822.07
1/31/11	Check	DM	Transfer to ****	zzzC Robert Graham		2,000.00		22,822.07
2/8/11	Depo		Unknown	Nguyen, Lan	Settlement		6,556.00	29,378.07
2/11/11	Check	DM	Transfer to ****	Nguyen, Lan	1/3 fee	2,185.33		27,192.74
2/16/11	Depo		Unknown	Nguyen, Van	Settlement		12,500.00	39,692.74
2/17/11	Check	DM	Transfer to ****	Nguyen, Van		2,500.00		37,192.74
2/22/11	Check	1031	Thomas E Woods, Esq	Nguyen, Van	Fees	2,500.00		34,692.74
2/28/11	Check	DM	Transfer to ****	zzzC Robert Graham		3,333.33		31,359.41
2/28/11	Gene	29	C Robert Graham PL	Nguyen, Lan	Adjust costs per ledger	67.20		31,292.21

6-6

C. Robert Graham PL
Monthly Comparisons
 March 2010 - February 2011

	<u>Mar 10</u>	<u>Apr 10</u>	<u>May 10</u>	<u>Jun 10</u>	<u>Jul 10</u>	<u>Aug 10</u>
Trust Liabilities						
Abraham, Porche	0 00	0 00	0 00	0 00	2,750 00	0 00
Arucho, Luis	0 00	0 00	0 00	0 00	0 00	0 00
Boston, David	0 00	0 00	0 00	0 00	0 00	0 00
Burgos, Manuel	0 00	0 00	0 00	4,800 00	4,800 00	0 00
Collins, Rusty	0 00	0 00	0 00	0 00	0 00	0 00
Dang, Christine	0 00	0 00	0 00	0 00	132,835 34	0 00
Delossantos, Carmen	0 00	0 00	0 00	0 00	0 00	0 00
Dinh, Toan	0 00	0 00	0 00	0 00	0 00	6,666 67
Doan, Jenny	0 00	0 00	0 00	0 00	0 00	7,333 34
Garcia, Jenndalix	0 00	0 00	0 00	1,391 03	1,391 03	1,391 03
Garcia, Jennifer	0 00	0 00	0 00	4,191 03	4,191 03	4 191 03
Graham Cattle Company, LTD	0 00	0 00	0 00	0 00	0 00	17,621 00
Hamlette, Salah	0 00	0 00	0 00	0 00	1,750 00	145 80
Huynh, Quang	0 00	0 00	0 00	6,166 67	4,111 11	4,111 11
James, Temeaker	0 00	0 00	5,411 67	5,411 67	0 00	0 00
Le, Tot	0 00	0 00	1,166 67	1,166 67	1,166 67	1,166 67
Marrero, Jose	5,666 67	5,666 67	0 00	0 00	0 00	0 00
Nguyen, Hien	0 00	0 00	0 00	10,867 03	8,811 47	8,811 47
Nguyen, Hiep	0 00	0 00	0 00	0 00	0 00	0 00
Nguyen, Lan	0 00	0 00	0 00	0 00	0 00	0 00
Nguyen, Long	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34	19,333 34
Nguyen, Mai	0 00	0 00	0 00	0 00	0 00	7,333 34
Nguyen, Sang	0 00	0 00	0 00	0 00	0 00	9,333 34
Nguyen, Thuy	6,666 67	6 666 67	6,666 67	6,666 67	13,333 34	13,333 34
Nguyen, Van	0 00	0 00	0 00	0 00	0 00	0 00
Nguyen, Van M.	3,368 33	3,368 33	3,368 33	3,368 33	3,368 33	3,368 33
Nguyen, Vanessa	0 00	0 00	0 00	0 00	0 00	4,333 34
Nguyen, Viet	0 00	0 00	0 00	0 00	0 00	0 00
Otero, Paul	0 00	0 00	0 00	0 00	0 00	0 00
Pafford, James	0 00	0 00	5,666 67	5,666 67	5,666 67	600 00
Parmar, Ramila	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34
Patel, Dilpkuma	16,631 21	16,631 21	16 631 21	16,631 21	16,631 21	16,631 21
Patel, Heena	9,964 54	9,964 54	9,964 54	9,964 54	9,964 54	9,964 54
Phan, Thao	0 00	0 00	0 00	0 00	6,666 67	6,666 67
Rodriguez, Juan	0 00	0 00	7,500 00	5,500 00	5,500 00	5,500 00
Rodriguez, Raul	0 00	0 00	0 00	4,000 00	4,000 00	4,000 00
Rosado, Natalie	0 00	0 00	0 00	0 00	0 00	0 00
Tran, Peter	0 00	0 00	0 00	5,405 83	5,405 83	5,405 83
Trinh, Duoc	0 00	0 00	6 546 66	6,546 66	6,546 66	6,546 66
Trinh, Han	0 00	0 00	0 00	0 00	0 00	0 00
Ullah, Mohammed	0 00	0 00	0 00	33 750 00	0 00	0 00
Van, Julie	22,984 98	22 984 98	6,187 92	6,187 92	6,187 92	6 187 92
zzzC. Robert Graham	24,901 85	-64,901 81	-84,984 57	-109,605 76	-133,840 80	-154,320 09
Total Trust Liabilities	<u>67,047 23</u>	<u>27 047 27</u>	<u>10 792 45</u>	<u>54 742 85</u>	<u>137,903 70</u>	<u>28,989 23</u>
TOTAL	<u><u>67,047.23</u></u>	<u><u>27,047.27</u></u>	<u><u>10,792.45</u></u>	<u><u>54,742.85</u></u>	<u><u>137,903.70</u></u>	<u><u>28,989.23</u></u>

ARCH 7-1

C. Robert Graham PL
Monthly Comparisons
 March 2010 - February 2011

	<u>Sep 10</u>	<u>Oct 10</u>	<u>Nov 10</u>	<u>Dec 10</u>	<u>Jan 11</u>	<u>Feb 11</u>
Trust Liabilities						
Abraham, Porche	0 00	0 00	0 00	0 00	0 00	0 00
Arucho, Luis	0 00	0 00	0 00	6,666 67	6,666 67	6,666 67
Boston, David	0 00	14,666 67	2,794 10	2,794 10	2,794 10	2,794 10
Burgos, Manuel	0 00	0 00	0 00	0 00	0 00	0 00
Collins, Rusty	0 00	0 00	0 00	0 00	0 00	0 00
Dang, Christine	0 00	0 00	0 00	0 00	0 00	0 00
Delossantos, Carmen	0 00	0 00	0 00	0 00	0 00	0 00
Dinh, Toan	6,666 67	6,666 67	6,666 67	6,666 67	6,666 67	6,666 67
Doan, Jenny	7,333 34	7,333 34	7,333 34	7,333 34	7,333 34	7,333 34
Garcia, Jenndalix	800 00	800 00	800 00	800 00	800 00	800 00
Garcia, Jennifer	1,275 08	1,275 08	1,275 08	1,275 08	1,275 08	1,275 08
Graham Cattle Company, LTD	0 00	0 00	0 00	0 00	0 00	0 00
Hamiette, Saiah	145 80	145 80	145 80	145 80	145 80	145 80
Huynh, Quang	4,111 11	12,205 00	1,405 00	1,200 00	1,200 00	1,200 00
James, Temeaker	0 00	0 00	0 00	0 00	0 00	0 00
Le, Tot	1,166 67	1,166 67	1,166 67	1,166 67	1,166 67	1,166 67
Marrero, Jose	0 00	0 00	0 00	0 00	0 00	0 00
Nguyen, Hien	8,811 47	19,311 47	6,756 47	850 00	850 00	850 00
Nguyen, Hiep	0 00	0 00	0 00	0 00	6,666 67	6,666 67
Nguyen, Lan	0 00	0 00	0 00	0 00	0 00	4,303 47
Nguyen, Long	14,338 66	3,005 17	3,005 17	3,005 17	3,005 17	3,005 17
Nguyen, Mai	1,184 00	1,184 00	1,184 00	1,184 00	1,184 00	1,184 00
Nguyen, Sang	9,333 34	9,333 34	9,333 34	9,333 34	9,333 34	9,333 34
Nguyen, Thuy	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34
Nguyen, Van	0 00	0 00	0 00	0 00	0 00	7,500 00
Nguyen, Van M.	3,368 33	3,368 33	3,368 33	3,368 33	3,368 33	3,368 33
Nguyen, Vanessa	4,333 34	4,333 34	4,333 34	4,333 34	4,333 34	4,333 34
Nguyen, Viet	0 00	0 00	0 00	0 00	0 00	0 00
Otero, Paul	0 00	0 00	0 00	0 00	6,666 67	6,666 67
Pafford, James	600 00	600 00	600 00	600 00	100 00	100 00
Parmar, Ramila	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34	13,333 34
Patel, Dilpkuma	16,631 21	16,631 21	16,631 21	16,631 21	16,631 21	16,631 21
Patel, Heena	9,964 54	9,964 54	9,964 54	9,964 54	9,964 54	9,964 54
Phan, Thao	6,666 67	6,666 67	6,666 67	6,666 67	0 00	0 00
Rodriguez, Juan	8,833 33	8,833 33	8,833 33	8,833 33	8,833 33	8,833 33
Rodriguez, Raul	1,425 08	1,425 08	1,425 08	1,425 08	1,425 08	1,425 08
Rosado, Natalie	0 00	0 00	5,900 24	5,900 24	5,900 24	5,900 24
Tran, Peter	5,405 83	5,405 83	5,405 83	456 62	256 62	256 62
Trinh, Duoc	6,546 66	6,546 66	6,546 66	6,546 66	3,273 33	3,273 33
Trinh, Han	0 00	0 00	0 00	32,500 00	32,500 00	32,500 00
Ullah, Mohammed	0 00	0 00	0 00	0 00	0 00	0 00
Van, Julie	6,187 92	6,187 92	6,187 92	6,187 92	6,187 92	6,187 92
zzzC. Robert Graham	-148,635 11	-165,286 08	-140,853 96	-147,139 40	-152,372 73	-155,638 86
Total Trust Liabilities	<u>3,160 62</u>	<u>8,436 72</u>	<u>3,541 51</u>	<u>25,362 06</u>	<u>22,822 07</u>	<u>31,359 41</u>
TOTAL	<u><u>3,160.62</u></u>	<u><u>8,436.72</u></u>	<u><u>3,541.51</u></u>	<u><u>25,362.06</u></u>	<u><u>22,822.07</u></u>	<u><u>31,359.41</u></u>

7-2

THE LAW OFFICES OF
GRAHAM & ASSOCIATES

ATTORNEYS & COUNSELORS AT LAW
3165 McCrory Pl., Ste. 151
Orlando, Florida 32803
Tel: 407.897.1116
Fax: 407.897.8596
Email: bob@grahamlawyer.com

March 23, 2011

Mr. Kenneth H.P. Bryk, Esq.
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida, 32801-5200

MAR 23 2011

RE: Claude R. Graham
File # 2011-30,455 (09E)

KA

Dear Mr. Bryk,

The purpose of this communication is to provide information on my conduct related to the IOLTA account that is in question.

Wachovia IOLTA account number [REDACTED] is the IOLTA account that only I sign on. It is apparent with the reconciliation procedure that you have provided for me, that I am not compliant with the balance due in the account.

I have made a deposit into the above account to maintain the correct balance that should be reflected on my account. I have reconciled, as per your instructions, the February 2011 IOLTA statement, so the balance amount would mirror the most current statement.

I have requested another attorney licensed in Florida to write the remaining checks to be distributed from this account until it is closed. I am removing myself from the signature position on the above IOLTA account and voluntarily shall never open another IOLTA account in Florida.

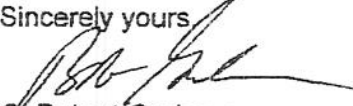
Ms. Teri Michelle Jones, Esq., Florida Bar Number is 554936 is the attorney that has offered to assist me. She has never signed on my IOLTA account or ever reviewed any of my IOLTA statement/s. She is accepting my request for assistance and knows of my issues with the bar.

It is my humble request to the Florida Bar to allow her to assist me, provided that she is under no liability to any past issues that I have with my IOLTA account.

My desire to do the above is to continue to be able to provide assistance to my clients which I represent on pro bono issues, foreclosure issues and the remainder of my personal injury clients.

I want to thank you for all of the courtesy and time explaining what I needed to do to maintain the IOLTA account.

Sincerely yours


G. Robert Graham

AKH C-1

03-1701/637
BRANCH 08016

C ROBERT GRAHAM PL
3165 MCCRORY PL
ORLANDO, FL 32803

Wachovia Bank
A Division of
Wells Fargo Bank, N.A.
COLONIAL PLAZA FINANCIAL CENTER
ORLANDO

DATE 3 20 11

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL
LIST CHECKS SEPARATELY OR ATTACH LIST
DOLLARS CENTS

A CHECK OF \$92,678.50 WAS MADE
TO ACCT# [REDACTED] ON 03 20 11.

WE ARE DELAYING THE AVAILABILITY OF THE
FUNDS YOU DEPOSITED AS INDICATED BELOW:

AMOUNT HELD \$4,900.00
DATE AVAILABLE 03/25/2011

AMOUNT HELD \$87,678.50
DATE AVAILABLE 03/25/2011

WE ARE TAKING THIS ACTION BECAUSE:

THE SUM OF THE CHECKS YOU DEPOSITED ON
THIS DAY EXCEEDS \$5,000.

DEPOSIT TO ACCT# 2XXXXXXXXX [REDACTED]
AMOUNT \$92,678.50
03 20 11 0801 0155 # 0000 45

Calendar Date: 03 20 11
Deposit Effective Date: 03 25 11

Thank You For Your Business

15403052521

CURRENCY

CDR

LIST CHECKS

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

TOTAL ITEMS

\$

TOTAL FROM REVERSE

\$

92,678 50

92678 50
92678 50

PLEASE ENTER TOTAL HERE

Wachovia Bank
A Division of
Wells Fargo Bank, N.A.
COLONIAL PLAZA FINANCIAL CENTER
ORLANDO

DEPOSIT TO ACCT# 2XXXXXXXXX
AMOUNT \$39,551.45

00 00 00 0000 0000 0000

Time: 10:18 AM

Calendar Date: 05/31/11

Deposit Effective Date: 05/31/11

Thank You For Your Business

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT

C. ROBERT GRAHAM PL
3165 MCCRORY PL
ORLANDO, FL 32803

BRANCH 09016

DATE 05/31/11

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL
LIST CHECKS SEPARATELY OR ATTACH LIST
DOLLARS CENTS

CURRENCY

COM

LIST CHECKS

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

1916

39,551 45

TOTAL
ITEMS

\$

TOTAL
FROM
REVERSE

\$

PLEASE ENTER TOTAL HERE

deposit
from
CMB

39,551 45

8-3

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case No. _____
TFB File No. 2011-30,455(09E)

CLAUDE ROBERT GRAHAM,

Respondent.

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against Claude Robert Graham, respondent, Attorney No. 592803, pursuant to the Rules Regulating The Florida Bar 3-5.2(e) and alleges:

1. The respondent, Claude Robert Graham was and still is, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar. Respondent was placed on Emergency Suspension by order of the Supreme Court of Florida dated May 20, 2011.
2. Respondent practiced law in Orange County, Florida, at all times material.
3. Respondent misappropriated client funds from his trust account, failed to maintain proper trust account records and failed to follow proper trust accounting procedures.

4. On or about October 12, 2010, Wachovia Bank sent The Florida Bar an NSF Report concerning respondent's trust account. The report indicated that the NSF items amounted to \$664.99.

5. The bar's Chief Auditor, Clark V. Pearson, thereafter performed a compliance audit of respondent's trust records from Wachovia Bank for the period of March 1, 2010 through February 28, 2011.

6. Due to respondent's failure to comply fully with the Rules Regarding Trust Accounting Records and Procedures, the bar's auditor was required to recreate respondent's trust account records.

7. Many of the few trust account financial records provided by respondent were inaccurate and incomplete. Respondent did not comply with the requirements for client ledger cards or journals, and he failed to maintain accurate monthly comparisons.

8. The bar's audit revealed shortages in respondent's trust account. The highest shortage was \$165,286.08 on October 31, 2010, and the shortage on the last month of the bar's audit amounted to \$155,638.86.

9. The shortages in respondent's trust account were caused primarily by respondent's online transfers from respondent's trust account to his operating account for his own personal use.

10. The converted client trust funds were being held for clients in personal injury matters, in part, to pay the clients' medical liens.

11. Based upon the February 28, 2011 trust comparison, a shortage remained of approximately \$155,638.86.

12. On March 23, 2011, respondent deposited \$92,678.50 of his personal funds into his trust account to correct the shortage. On March 31, 2011, respondent deposited an additional \$39,551.45 of his personal funds into his trust account to correct the shortage. Assuming there were no other transactions to increase or decrease the shortage, despite respondent's deposits of personal funds into his trust account, a shortage remained of \$23,408.91.

13. Respondent's two deposits of his personal funds into his trust account indicate respondent's acknowledgment that he had significant trust shortages.

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

a. 4-1.15 A lawyer shall comply with The Florida Bar Rules Regulating Trust Accounts;

b. 4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

c. 5-1.1(b) Money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses, is held in trust

and must be applied only to that purpose. Money and other property of clients coming into the hands of an attorney are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over such property upon demand shall be deemed a conversion;

d. 5-1.2(b) The following are the minimum trust accounting records that shall be maintained. These records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. (1) A separate bank or savings and loan association account or accounts in the name of the lawyer or law firm and clearly labeled and designated as a "trust account." (2) Original or clearly legible copies of deposit slips if the copies include all data on the originals and, in the case of currency or coin, an additional cash receipts book, clearly identifying: (A) the date and source of all trust funds received; and (B) the client or matter for which the funds were received. (3) Original canceled checks or clearly legible copies of original canceled checks, all of which must be numbered consecutively, if the copies include all endorsements and all other data and tracking information. (4) Other documentary support for all disbursements and transfers from the trust account. (5) A separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least: (A) the identification of the client or matter for

which the funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred. (6) A separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing: (A) the identification of the client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred. (7) All bank or savings and loan association statements for all trust accounts;

e. 5-1.2(c) The minimum trust accounting procedures that shall be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property are as follows: (1) The lawyer shall cause to be made monthly: (A) reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal; and (B) a comparison between the total of the reconciled

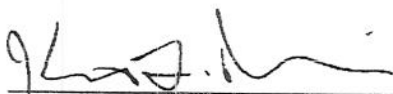
balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons therefore. (2) At least annually, the lawyer shall prepare a detailed listing identifying the balance of the unexpended trust money held for each client or matter. (3) The above reconciliations, comparisons, and listings shall be retained for at least 6 years. (4) The lawyer or law firm shall authorize, at the time the account is opened, and request any bank or savings and loan association where the lawyer is a signatory on a trust account to notify Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, in the event the account is overdrawn or any trust check is dishonored or returned due to insufficient funds or uncollected funds, absent bank error. (5) The lawyer shall file with The Florida Bar between June 1 and August 15 of each year a trust accounting certificate showing compliance with these rules on a form approved by the board of governors; and,

f. 5-1.2(d) A lawyer or law firm that receives and disburses client or third-party funds or property shall maintain the records required by this chapter for 6 years subsequent to the final conclusion of each representation in which the trust funds or property were received.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.


KENNETH H. P. BRYK

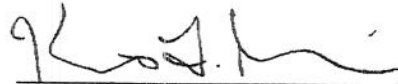
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 164186


KENNETH LAWRENCE MARVIN

Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 200999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served the original of the foregoing Complaint to Thomas D. Hall, Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida, 32399-1927; a copy of the foregoing, by certified mail No. 7160-3901-9843-2058-3515, return receipt requested, to Respondent's Counsel, Chandler R. Muller, at Muller & Sommerville P.A., Post Office Box 2128, Winter Park, Florida 32790-2128, and a copy of the foregoing by first-class mail to Kenneth H. P. Bryk, Bar Counsel, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, on this 2nd day of June 2011.



KENNETH LAWRENCE MARVIN
Staff Counsel

NOTICE OF TRIAL COUNSEL

PLEASE TAKE NOTICE that the trial counsel in this matter is Kenneth H. P. Bryk, Bar Counsel, whose address and telephone number are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC11-1309
TFB File No. 2011-30,455(09E)

v.

CLAUDE ROBERT GRAHAM,

Respondent.
_____ /

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Claude Robert Graham, and files this Conditional Guilty Plea pursuant to R. Regulating Fla. Bar 3-7.9.

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. The 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 No. 2011-30,455(09E), respondent was placed on emergency suspension by order of the Supreme Court of Florida dated May 20, 2011.

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

- A. Three year suspension from the practice of law; and
 - B. Payment of the disciplinary costs, totaling \$6,516.73.
5. This plea is based upon the following factual scenario:
- A. Respondent had shortages in his trust account, failed to maintain proper trust account records and failed to follow proper trust accounting procedures.
 - B. On or about October 12, 2010, Wachovia Bank sent The Florida Bar an NSF Report concerning respondent's trust account. The report indicated that the NSF items amounted to \$664.99.
 - C. The bar's Chief Auditor, Clark V. Pearson, thereafter performed a compliance audit of respondent's trust records from Wachovia Bank for the period of March 1, 2010 through February 28, 2011.
 - D. Due to respondent's failure to comply fully with the Rules Regarding Trust Accounting Records and Procedures, the bar's auditor was required to recreate respondent's trust account records.
 - E. The Florida Bar's audit revealed that respondent's trust account financial records were disorganized, inaccurate and incomplete. The respondent had not complied with the Rule 5 requirements to create and maintain client ledger cards, journals and monthly comparisons.

F. The Florida Bar's audit also revealed shortages in respondent's trust account. These shortages were primarily caused by respondent's online transfers of funds from his trust account to his operating account.

G. It appears that the shortages were the product of respondent's grossly negligent failure to maintain trust account records and to follow proper trust accounting procedures rather than misappropriation.

H. Thereafter, respondent has taken all appropriate steps to rectify the issues regarding his failure to maintain proper trust account records and follow proper trust accounting procedures.

I. Immediately upon learning of the amounts of the shortages from the bar's auditor, respondent placed personal funds into his trust account to protect his clients and correct the shortage. No clients were harmed by the shortages. No client filed a complaint.

J. During the course of the bar's investigation, respondent hired a CPA and bookkeeper and his trust account is now in substantial compliance with the requirements of the Rules Regulating Trust Accounts.

K. Respondent's misconduct is directly related to the disabling effects of mental health disorders from which he suffers [Attention Deficit Hyperactivity Disorder and Major Depressive Disorder]. Such disabling effects include disorganization, taking on too many tasks, forgetfulness,

fatigue, and the sense of being overwhelmed. Respondent voluntarily disclosed the disorders to the bar and provided his doctor's progress reports.

L. Respondent provided the bar with an affidavit of a colleague attesting to his good moral character.

6. The respondent admits that by reason of the foregoing he has violated the following Rules Regulating The Florida Bar: **4-1.15** A lawyer shall comply with The Florida Bar Rules Regulating Trust Accounts; **5-1.1(b)** Money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of an attorney are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over such property upon demand shall be deemed a conversion; **5-1.2(b)** The following are the minimum trust accounting records that shall be maintained. These records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. (1) A separate bank or savings and loan association account or accounts in the name of the lawyer or law firm and clearly labeled and designated as a "trust account." (2) Original or clearly legible copies of deposit slips if the copies include all data on the originals and, in the case of currency or coin, an additional cash receipts book, clearly identifying: (A) the date and source

of all trust funds received; and (B) the client or matter for which the funds were received. (3) Original canceled checks or clearly legible copies of original canceled checks, all of which must be numbered consecutively, if the copies include all endorsements and all other data and tracking information. (4) Other documentary support for all disbursements and transfers from the trust account. (5) A separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least: (A) the identification of the client or matter for which the funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred. (6) A separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing: (A) the identification of the client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred. (7) All bank or savings and loan association statements for all trust accounts; 5-1.2(c) The minimum trust accounting procedures that shall be followed by all members of The Florida Bar (when a choice of laws analysis indicates that

the laws of Florida apply) who receive or disburse trust money or property are as follows: (1) The lawyer shall cause to be made monthly: (A) reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal; and (B) a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons therefore. (2) At least annually, the lawyer shall prepare a detailed listing identifying the balance of the unexpended trust money held for each client or matter. (3) The above reconciliations, comparisons, and listings shall be retained for at least 6 years. (4) The lawyer or law firm shall authorize, at the time the account is opened, and request any bank or savings and loan association where the lawyer is a signatory on a trust account to notify Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, in the event the account is overdrawn or any trust check is dishonored or returned due to insufficient funds or uncollected funds, absent bank error. (5) The lawyer shall file with The Florida Bar between June 1 and August 15 of each year a trust accounting certificate showing compliance with these rules on a form approved by the board of governors; and, 5-

1.2(d) A lawyer or law firm that receives and disburses client or third-party funds or property shall maintain the records required by this chapter for 6 years subsequent to the final conclusion of each representation in which the trust funds or property were received.

7. Factors and considerations of mitigation relevant to the discipline include the following: Respondent did not act with a selfish or dishonest motive [9.32(b)]; he has made a timely, good faith effort to rectify the consequences of his misconduct [9.32(d)]; he enjoys a good character and reputation both professionally and personally [9.32(g)]; he made full and free disclosure and evidenced a cooperative attitude [9.32(e)]; his misconduct was the product of mental health disabilities or impairments [9.32(h)]; and he is remorseful [9.32(1)].

8. 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.

9. If this plea is approved, then the respondent agrees to pay all reasonable costs associated with this case pursuant to R. Regulating Fla. Bar 3-7.6(q) in the amount of \$6,516.73. 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, the 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 R. Regulating Fla. Bar 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.

10. The respondent acknowledges his 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 will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved.

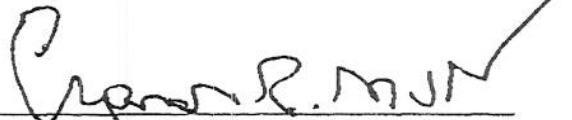
11. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of The Rules Regulating The Florida Bar.

Dated this 8 day of November 2011.



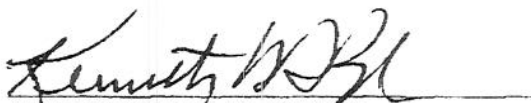
CLAUDE ROBERT GRAHAM
Respondent
Florida Bar No. 592803

Dated this 10 day of November 2011.



CHANDLER R. MULLER
Counsel for Respondent
Florida Bar No. 112381

Dated this ~~9~~¹⁰th day of November 2011.



KENNETH H. P. BRYK
Bar Counsel
Florida Bar No. 164186

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

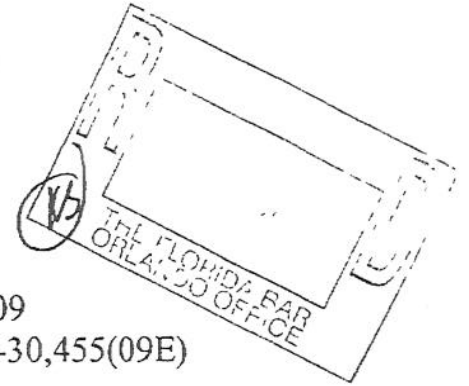
Complainant,

v.

CLAUDE ROBERT GRAHAM,

Respondent.

Case No. SC11-1309
TFB File No. 2011-30,455(09E)



REPORT OF THE 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 June 29, 2011, The Florida Bar filed its Complaint against respondent in these proceedings. 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.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Kenneth H. P. Bryk

For The Respondent - Chandler R. Muller

II. FINDINGS OF FACT

After considering all the pleadings and evidence this referee finds pursuant to the Conditional Guilty Plea for Consent Judgment that the facts of the Consent Judgment are admitted. The Conditional Guilty Plea for Consent Judgment is attached hereto and incorporated herein.

III. RECOMMENDATIONS AS TO GUILT

As to each count of the complaint this referee makes the following recommendations as to guilt or innocence: Pursuant to the Conditional Guilty Plea for Consent Judgment, this referee finds the respondent guilty as admitted in the Conditional Guilty Plea for Consent Judgment.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

This referee recommends that respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

- A. Three year suspension from the practice of law; and
- B. Payment of the disciplinary costs.

This referee considered the following Standards prior to recommending discipline:

4.1 Failure to Preserve the Client's Property

4.12 Suspension is appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

9.22 Aggravating Factors

- (c) a pattern of misconduct; and
- (d) multiple offenses.

9.32 Mitigating Factors

- (b) absence of a dishonest or selfish motive;
- (d) timely good faith effort to make restitution or rectify consequences of misconduct;
- (e) full and free disclosure and or cooperative attitude toward proceedings;
- (g) character and reputation;
- (h) mental or physical disability or impairment; and,
- (l) remorse.

This referee considered the following case law prior to recommending discipline:

In The Florida Bar v. Riggs, 944 So.2d 167 (Fla. 2006), an attorney was suspended for 3 years for commingling trust funds, for trust shortages, for failing to keep adequate trust records, and for failing to supervise his employee's

maintenance of the trust account. The Court determined that Riggs presented sufficient mitigation to support a 3 year suspension rather than disbarment.

In The Florida Bar v. Wolf, 930 So.2d 574 (Fla. 2006), an attorney was suspended for 2 years for sloppy bookkeeping resulting in misappropriations unaccompanied by any intent to steal. A bar audit had revealed Wolf had deposited funds into his operating account that should have been held in trust. He did this to cover shortages. Wolf claimed this was done negligently as a result of an employee incorrectly making the deposits. The accounting irregularities covered a period of a year. The Court noted that because Wolf's misappropriation conduct had been rooted in negligence, as opposed to intentional misconduct, his case warranted suspension rather than disbarment. Wolf had prior disciplinary offenses.

In The Florida Bar v. Mason, 826 So.2d 985 (Fla. 2002), an attorney was suspended for two years after making 82 transfers funds from her trust account to her operating account which caused shortages in her trust account based on poor recordkeeping, although at least some of the transfers were used intentionally to cover shortages in the operating account. In aggravation, the attorney engaged in a pattern of misconduct, and, through gross negligence, she submitted statements to the bar concerning her trust account that were false. In mitigation, she had no prior disciplinary history, she was experiencing severe marital problems at the time, she

made a timely good faith effort to correct the problems, she was inexperienced in the administrative responsibilities of handling a sole law practice, she had a good reputation, and she was remorseful. There was no evidence the attorney intentionally stole client funds. Rather, her errors were due to mistakes in accounting practices and no clients lost any funds.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

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

Age: 61

Date admitted to the bar: September 27, 2002

Prior Discipline: Respondent was placed on emergency suspension by order of the Supreme Court of Florida dated May 20, 2011, for trust account shortages.

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

This referee finds the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$3,272.73
Court Reporters' Fees	\$1,090.65
Copy Costs	\$103.35
Witness Costs	\$800.00
Administrative Fee	\$1,250.00
TOTAL	\$6,516.73

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.

/s/ WM. BRUCE SMITH
11/15/2011
WM. BRUCE SMITH
Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

Kenneth H. P. Bryk, Bar Counsel, 1000 Legion Place, Suite 1625, Orlando,
Florida 32801-1050

Chandler R. Muller, Counsel for Respondent, Muller & Sommerville, P.A., Post
Office Box 2128, Winter Park, Florida 32790-2128

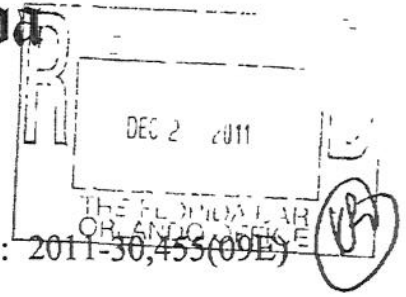
Mr. Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 East Jefferson
Street, Tallahassee, Florida 32399-2300

Supreme Court of Florida

THURSDAY, DECEMBER 22, 2011

CASE NO.: SC11-1309

Lower Tribunal No(s): 2011-30,455(09E)



THE FLORIDA BAR

vs. CLAUDE ROBERT
GRAHAM

Complainant(s)

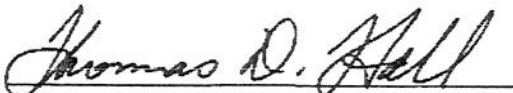
Respondent(s)

The uncontested report of the referee is approved and respondent is suspended from the practice of law for three years. Respondent is currently suspended; therefore this suspension is effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(g). Respondent is further directed to comply with all other terms and conditions of the report and the consent judgment.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Claude Robert Graham in the amount of \$6,516.73, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



kb
Served:

KENNETH LAWRENCE MARVIN
KENNETH H.P. BRYK ✓
CHANDLER ROBINSON MULLER
HON. WM. BRUCE SMITH, CHIEF JUDGE

Exhibit

2