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FILED

SID J. WHITE

APR 9 1984

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
IN RE: PETITION FOR
RESIGNATION BY:

GLEN R. PETERSON,
Petitioner.

CONFIDENTIAL
The Florida Bar
Case No.'s 14-81N15, 14-81N16,
14-81N17, 14-81N35, 14-83N03,
14-83N15 and 14-83N21

PETITION FOR RESIGNATION PENDING DISCIPLINARY
PROCEEDINGS PURSUANT TO RULE 11.08 OF
THE INTEGRATION RULE

COMES NOW the Petitioner, Glen R. Peterson, and files this, his Petition for Resignation Pending Disciplinary Proceedings pursuant to Rule 11.08 of the Integration Rule and states the following:

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

2. Petitioner was admitted to practice law in the State of Florida on November 21, 1977.

3. On July 29, 1982, Petitioner was publicly reprimanded by the Supreme Court of Florida for communicating with two jurors during the luncheon recess of a case in which Petitioner was representing the plaintiffs in violation of Florida Bar Code of Professional Responsibility, Disciplinary Rule 7-108(B)(1). Petitioner was also placed on one year probation with the condition that he be required to pass the ethics portion of the Florida Bar Examination. Petitioner acknowledges that he has not yet taken the ethics portion of the Florida Bar Examination.

4. The following constitutes a statement of all pending complaints filed against Petitioner with The Florida Bar:

(A) In The Florida Bar Case No. 14-81N15, 14-81N16 and 14-81N17, it is alleged by three separate complainants that:

(i) Sometime before July 22, 1980, Petitioner contracted for various services while building his new home near Bear Creek, Florida.

(ii) Petitioner failed to make full payment to three of the contractors for their services.

(iii) On or about July 22, 1980, Petitioner filed with Bay County Land and Abstract a sworn affidavit stating there were no monies owed mechanics and/or materialmen for work on his new home and there were no outstanding liens against his new home.

(iv) At the time Petitioner signed the sworn affidavit, there were at least three individuals who Petitioner knew were owed money and had not been paid as of July 22, 1980.

(B) In The Florida Bar Case No. 14-81N35, it is alleged that:

(i) On or about April 2, 1979, Mr. and Mrs. Melvin L. Flora retained Petitioner to answer a mechanics lien foreclosure suit filed against them by Mr. Larry L. Elam of Elam Home Builders and to counterclaim against Mr. Elam for defective workmanship.

(ii) The above-mentioned case was heard on November 13, 1980 and November 14, 1980 before the Honorable W. Fred Turner, Circuit Court Judge, Fourteenth Judicial Circuit of the State of Florida In and For Bay County, Florida.

(iii) On Friday afternoon, November 14, 1980, Judge Turner announced his intention to continue the proceedings on Saturday, November 15, 1980 as his calendar was full the following week.

(iv) Petitioner failed to appear in court on Saturday, November 15, 1980 on behalf of his clients. Accordingly, Judge Turner had to continue the proceedings.

(C) In The Florida Bar Case No. 14-83N03, it is alleged that:

(i) On July 16, 1981, Petitioner filed suit in the County Court for Bay County (Case No. F11229-SP, hereinafter "county court action") against State Farm Fire and Casualty Company and First Federal Savings and Loan Association of Panama City seeking recovery of an unearned insurance premium of \$535.00 on a home owner's insurance policy he purchased to insure a home in Bay County, Florida.

(ii) Petitioner alleged in the county court action that he had paid the insurance premium to State Farm directly from his personal checking account.

(iii) The insurance premium was actually paid to State Farm by First Federal and not by Petitioner.

(iv) On or about December 18, 1981, Petitioner filed a notice of dismissal with prejudice in the county court action. An order was entered on December 21, 1981 by the Honorable Thomas R. Ellinor, County Court Judge for Bay County, dismissing the county court action with prejudice.

(v) State Farm and First Federal each filed a Motion For Imposition of Costs and Attorneys' Fees against Petitioner, pursuant to Section 57.105, Florida Statutes (1981).

(vi) In May of 1982, Judge Ellinor issued an order awarding attorneys' fees and costs to State Farm and First Federal, finding that Petitioner failed to present a justiciable issue of law or fact because Petitioner did not produce documentary proof of his claim and because jurisdiction was properly with the bankruptcy court and not with the county court. (Petitioner had filed a Chapter 11 Petition for Discharge on April 13, 1981 on his own behalf in the Bankruptcy Court in the United States District Court for the Northern District of Florida. However, Petitioner filed the county court action in his proper name and not in behalf of the trustee in bankruptcy.)

(D) In The Florida Bar Case No. 14-83N15, it is alleged that:

(i) Petitioner was retained by Delmar and Estelle Glass to assist them in their collection efforts against Nationwide Insurance Company arising out

of the destruction of their residence on September 2, 1980 by fire.

(ii) Sometime in 1981, Petitioner filed suit to collect on the Glass' insurance policy with Nationwide.

(iii) In the course of the suit, Petitioner filed and argued a Motion In Limine to exclude evidence of previous fires involving the Glass' from being admitted at trial. The Motion In Limine was heard and denied on October 7, 1981.

(iv) Trial in the above-referenced suit commenced sometime in November 1981 and subsequently, a jury verdict was delivered for Nationwide and against the Glass'. The Glass' informed Petitioner they wished to appeal.

(v) Petitioner filed a notice of appeal and on or about November 30, 1981 accepted and cashed a check from the Glass' in the amount of \$4,000.00 representing the costs of having a transcript of the trial prepared for use on appeal. However, Petitioner never ordered the transcript of the trial.

(vi) Petitioner was chastised at oral argument on the appeal by the Court for not having supplied the Court with a transcript of the trial.

(vii) The District Court of Appeal affirmed the trial court ruling in favor of Nationwide Insurance Company and against the Glass' in part due to the lack of a perfected record for use on appeal.

(viii) Petitioner has not reimbursed the Glass' the \$4,000.00 he accepted to cover the cost of preparing the transcript.

(E) In The Florida Bar Case No. 14-83N21, it is alleged that:

(i) On November 25, 1981, Petitioner mailed a letter to Dr. Marion C. Eldridge, 323 South Main Street, Blountstown, Florida 32424, in which he informed Dr. Eldridge that he was interested in referring all of his prospective clients who require medical evaluation or treatment to the doctor's office.

(ii) Attached to the letter from the Petitioner to Dr. Eldridge are copies of two letters from Dr. J. T. Caldwell II, a chiropractor in Bay County wherein Dr. Caldwell states that Petitioner is a man of the highest caliber who has been approved by The Florida Bar as having a specialty in the field of personal injury. Dr. Caldwell further states that working with Petitioner has been very profitable for Dr. Caldwell and recommends Petitioner for any legal counsel needed in the field of personal injury or collection.

(iii) Similar letters were sent to the chiropractic physicians of five counties in northwest Florida by Petitioner.

5. To the best of Petitioner's knowledge and belief, no other cases or complaints are currently under investigation by The Florida Bar.

6. Petitioner acknowledges that certain of the foregoing allegations constitute violations of the Code of Professional Responsibility.

7. Petitioner agrees to pay costs in the amount of \$1,396.00 to The Florida Bar based upon the following breakdown:

14-81N15, 14-81N16, 14-81N17:	\$265.00
14-81N35:	\$220.00
14-81N03:	\$591.00
14-83N15:	\$150.00
14-83N21:	\$170.60

8. Petitioner avers that the public interest will not be adversely affected by the granting of this petition and that granting this petition will not adversely affect the purity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this Petition For Resignation Pending Disciplinary Proceedings Pursuant To Rule 11.08 of The Integration Rule.

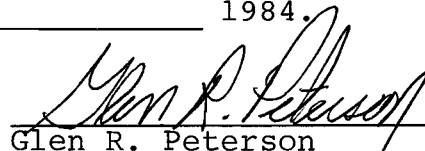
Respectfully submitted,



GLEN R. PETERSON
750 North 200 West
Provo, Utah 84601

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was sent by U.S. Mail to Mary Ellen Bateman, Assistant Staff Counsel The Florida Bar, Tallahassee, Florida 32301, on this 3rd day of April 1984.



Glen R. Peterson