

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Petitioner,
vs.
ROBERT RICH, Individually
and d/b/a Board of Arbitration, Inc.
Respondent.

Case No.

65219
FILED

SID J. WHITE

APR 24 1984

CLERK, SUPREME COURT.

By _____
Chief Deputy Clerk

PETITION AGAINST THE UNAUTHORIZED PRACTICE OF LAW

The Florida Bar, Peititioner, charges Robert Rich, individually and d/b/a Board of Arbitration, Inc., Respondent, with engaging in the unauthorized practice of law in the State of Florida, and in support thereof, alleges:

I.

This petition is filed pursuant to Article XVI of the Integration Rule of The Florida Bar.

II.

This Court has original and exclusive jurisdiction to prohibit the unauthorized practice of law pursuant to Article V, Section 15, of the Florida Constitution.

III.

Petitioner is charged with the duty and responsibility of initiating and prosecuting, in this Court, proceedings against the unauthorized practice of law.

IV.

Article II, Section 2, of the Integration Rule of The Florida Bar provides in part that "No person shall engaged in any way in the practice of law in this state unless such person is an active member of The Florida Bar in good standing. . ."

V.

The Board of Governors of The Florida Bar has authorized the institution of this proceeding against Respondent.

VI.

Respondent, at all times material herein, was not and is not a member of The Florida Bar, and was not therefore licensed to engage in the practice of law in the State of Florida.

VII.

Respondent has engaged in the unauthorized practice of law in Dade County, Florida, by one or more of the following acts:

1. Respondent used a form letter disseminated by direct mail to solicit clients for Board of Arbitration, Inc. Said letters offered to perform a variety of services for prospective clients, including the preparation of tenant evictions and of form leases to be used by the client.

2. On or about January 18, 1983, Respondent held himself out as a lawyer to one James Bloodsworth by specifically so stating and by agreeing to speak with representatives of the office of the State Attorney for the Thirteenth Judicial Circuit of Florida about a criminal matter pending in the Hillsborough County Court, Case No. 81-14843. Respondent advised Mr. Bloodsworth to plead nolo contendere to the offense and that the sentence would be a period of probation. Respondent received a fee of \$300 for his services. Further, on or about January, 1983, Respondent spoke with one Sandra Wright concerning the criminal matter against Mr. Bloodsworth and agreed to represent him.

3. On or about April 4, 1983, Respondent filed a Petition for Removal of Tenant in the County Court in and for Dade County, Florida, Case No. 83-660 cc 24. Respondent sought the removal of James Bloodsworth from premises and owned by the Estate of Rose Rich; Respondent further held himself out as the owner of the property.

4. In a sworn statement taken on June 8, 1983, Respondent admitted to a course of conduct which included his filing of Petitions for Removal in residential tenancies as the agent of the owner; contrary to sections 83.21 and 83.59, Florida Statutes.

VIII.

The aforementioned actions of the Respondent have violated the letter and spirit of this Court's decisions in The Florida Bar v. Mandel, 417 So.2d 647 (Fla. 1982), The Florida Bar v. Walzak, 380 So.2d 428 (Fla. 1980), and State ex rel. The Florida Bar v. Sperry, 140 So.2d 587 (Fla. 1962), judgment vacated on other grounds 373 U.S. 379, 83 S.Ct. 1322 (1963). Respondent's actions further violate the letter and spirit of the decisions in Quinn v. Housing Authority of the City of Orlando, 385 So.2d 1167 (Fla. 5th DCA 1980)

and Nicholson Supply Co. v. First Federal Savings and Loan Association of Hardee County, 184 So.2d 438 (Fla. 2d DCA 1966).

WHEREFORE, Petitioner prays as follows:

1. That this Court issue its rule to Respondent, commanding him to show cause, if any there be, why he should not be held in indirect criminal contempt by this Court for engaging in the unauthorized practice of law in the State of Florida.

2. That Respondent be found in indirect criminal contempt of this Court for engaging in the unauthorized practice of law in the State of Florida.

3. That this Court issue a permanent injunction preventing and restraining Respondent from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida, until such time as Respondent is duly licensed to practice law in this state.

4. That the costs of this proceeding be taxed against Respondent.

5. That this Court grant such other and further relief as it may deem proper.

Respectfully submitted,

THE FLORIDA BAR

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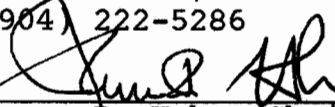
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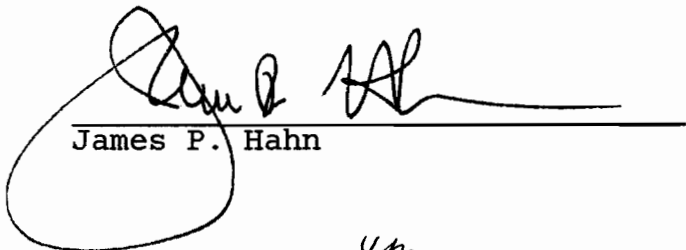
By:




James P. Hahn, Chairman
Standing Committee on the
Unauthorized Practice of Law

STATE OF FLORIDA)
COUNTY OF POLK)

BEFORE ME, the undersigned authority, duly authorized to administer oaths, personally appeared James P. Hahn, who, after first being duly sworn, upon oath, says that the allegations of the foregoing Petition Against Unauthorized Practice of Law are true to the best of his information and belief.


James P. Hahn

SWORN TO AND SUBSCRIBED before me this 30th day of April, 1984.


Notary Public

My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Nov. 9, 1987.