

IN THE SUPREME COURT OF FLORIDA

65,482

THE FLORIDA BAR,)
IN RE: PETITION FOR)
LEAVE TO RESIGN)
BY:)
G. ROBERT HARRIS,)
Petitioner.)
_____)

CONFIDENTIAL

Supreme Court Case
No. ~~64,768~~

The Florida Bar Case
No. 11C83M14

FILED

SID J. WHITE

JUN 22 1984

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

PETITION FOR LEAVE TO RESIGN
PENDING DISCIPLINARY PROCEEDINGS

COMES NOW the Petitioner, G. ROBERT HARRIS, pursuant to Article XI, Rule 11.08, of the Integration Rule of The Florida Bar, and files this Petition for Leave to Resign Pending Disciplinary Proceedings and states the following:

1. That the Petitioner is 40 years old, married with two minor children and has been a member of The Florida Bar since May 31, 1977, and therefore, subject to the jurisdiction and disciplinary rules of this Honorable Court.

2. That at all times incident to The Florida Bar's investigation and processing of these complaints, Petitioner has been aware of his right to counsel, his right to confront his accusers, his right against self-incrimination, his right to call witnesses in his own behalf, his right to formal proceedings by a Supreme Court appointed referee, and hereby acknowledges his waiver of same.

3. That during the year of 1980, Petitioner suffered severe financial difficulties and financial losses from business ventures outside the practice of law and petitioner's role as attorney.

4. That said business ventures dealt with sponsorship of plant and patio shows at Dinner Key Auditorium, Miami, Florida which failed completely due to the summer of 1980 Miami riots and influx of Mariel refugees. [A copy of a Miami News article describing the failure is attached and incorporated as Petitioner's Exhibit #1.]

5. That because of these severe financial difficulties and resulting complexities, certain matters were brought to the attention of The Florida Bar which resulted in the institution of disciplinary proceedings against Petitioner during or about May, 1981.

6. That petitioner was ultimately suspended from the practice of law by the Supreme Court of Florida for a period of one year effective September 27, 1982 for issuing checks for which there were insufficient funds; issuing checks drawn on a closed account; failure to deposit funds in a trust account and failure to fulfill a promise to refund an overpayment of funds on a fee. The Florida Bar v. Harris, 419 So.2d 329 (Fla. 1982).

7. That by way of explanation the closed account at issue was a plant an patio show account closed by the bank without adequate notice to Petitioner and the trust funds involved were a \$135.00 fee which Petitioner did not run through his trust account.

8. That during or about August 1981, Petitioner, who was still suffering from financial difficulties, entered into several private loan transactions with William R. Perrin.

9. That during or about October 1981, Petitioner undertook to represent William R. Perrin and Carolyn Perrin in search for real estate in the Miami area.

10. That Petitioner was unable to pay back the funds he secured in the form of a loan from William R. Perrin.

11. That on or about August 21, 1982, William R. Perrin filed a complaint with The Florida Bar, the substance of which evolved around monies lent to Petitioner which were not paid back.

12. That Petitioner was unable to pay back William R. Perrin because of continuing financial difficulties which are the culmination of prior financial losses from business deals and his current suspension from the practice of law.

13. That during or about October 1982, Petitioner was fired from his job as supervisor of cost accounting with a local baking company. The sole reason for the firing was that the company learned he was a suspended attorney.

14. That on or about May 4, 1983, Grievance Committee "C" of the Eleventh Judicial Circuit in and for Dade County Florida, conducted a confidential disciplinary hearing against Petitioner. The Committee considered witness testimony, the sworn testimony of accused and various documentary exhibits. Petitioner has been advised that the Committee determined that the evidence adduced during the course of its investigation warranted a finding of probable cause for further disciplinary proceedings.

15. That on or about January 20, 1984, The Florida Bar filed a three-count complaint against Petitioner with the Supreme Court of Florida based upon the probable cause findings of Grievance Committee "C".

16. That on or about February 6, 1984, the Supreme Court of Florida assigned this cause Case No. 64, 768 and appointed Dade County Circuit Judge Richard S. Fuller as Referee to hear said cause.

17. That Count I of the Complaint alleges that petitioner entered into a private loan transaction involving approximately \$11,800 with a client in violation of Disciplinary Rule 1-102(A)(4)(conduct involving fraud, dishonesty, deceit or misrepresentation); Disciplinary Rule 1-102(A)(6)(conduct adverse to fitness to practice law); Disciplinary Rule 5-104(A)(limiting business relationships with a client) of the Code of Professional Responsibility and Rule 11.02(3)(a)(conduct contrary to honesty, justice and good morals) of the Integration Rule of The Florida Bar.

18. That Count II of the Complaint alleges that Petitioner neglected to record a mortgage instrument for approximately five (5) months in violation of Disciplinary Rule 6-101(a)(3)(neglect of a legal matter entrusted) of the Code of Professional Responsibility.

19. That Count III alleges that petitioner failed to return monies belonging to his client which the client was entitled to receive in violation of Disciplinary Rule 1-102(A)(6)(conduct adverse to fitness to practice law); of the Code of Professional Responsibility and Integration Rules 11.02(3)(a)(conduct contrary to honesty, justice and good morals) and Rule 11.02(4)(trust funds) of the Integration Rule of The Florida Bar.

20. That on or about April 23, 1984 Petitioner filed a Stipulation of Facts with the Referee in this cause which sets forth Respondent's version of and rebuttal to the facts alleged in The Florida Bar's Complaint. [A copy of said Stipulation of Facts is attached and incorporated herein as Petitioner's Exhibit #2.]

21. That it has come to Petitioner's attention that the level of acceptable discipline by the Board of Governors of The Florida Bar would be a six-month suspension from the practice of law in addition to Petitioner's current suspension.

22. That Petitioner is desirous of availing himself of his right to petition to leave to resign without pleading guilty to any of The Florida Bar charges in accordance with Rule 11.08 of the Integration Rule of The Florida Bar because at this time, Petitioner no longer desires to practice law within the State of Florida and is attempting to rehabilitate himself outside the practice of law.

23. That since Petitioner is not practicing law at this time, the public interest would not be adversely reflected by the granting of this Petition.

24. That Petitioner further contends that the granting of this Petition will not adversely effect the purity of the courts nor hinder the administration of justice nor hinder the confidence of the public in the legal profession.

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

26. To the best of Petitioner's knowledge and belief, there are no criminal charges pending against Petitioner by any state or federal agency.

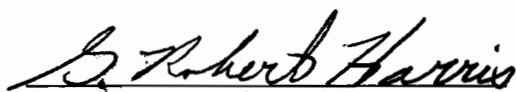
27. Petitioner agrees to cooperate with any Client Security Fund Investigation conducted by The Florida Bar.

28. Petitioner agrees to make restitution to any person coming forth with a valid claim evolving from the subject matter of any past or present complaint with The Florida Bar as a condition to his reapplication for admission to The Florida Bar.

29. That Petitioner agrees to pay costs of all pending disciplinary proceedings dismissed upon the acceptance of this resignation by the Supreme Court of Florida as a condition to his reapplication for admission to The Florida Bar.

30. That since Petitioner has not been practicing law for approximately three years and is seeking the means to rehabilitate his life totally outside and apart from the practice of law, Petitioner prays that publicity surrounding his resignation be as minimized as possible. Petitioner strongly desires the minimization of publicity because of the substantial hardship publicity has caused him and his family in the past and the negative effect it has on his rehabilitation.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grants this Petition for Leave to Resign.



G. ROBERT HARRIS
14515 Lake Candlewood Court
Miami Lakes, FL 33014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition For Leave To Resign Pending Disciplinary Proceedings was mailed to Sid J. White, Clerk, The Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida, 32301 and that a true and correct copy was mailed to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida 32301-8226 and to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226 and hand-delivered to Louis Thaler, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite 211, Miami, FL 33131, this 19 day of June, 1984


G. ROBERT HARRIS
Respondent