

65,706

IN THE SUPREME COURT OF FLORIDA

**FILED**

SID J. WHITE

AUG 6 1984

THE FLORIDA BAR,

Complainant

CONFIDENTIAL

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

v.

CASE NO.

DREW C. APGAR

The Florida Bar Case  
No. 15A82F14

Respondent.

\_\_\_\_\_ /

PETITION FOR APPROVAL OF CONDITIONAL GUILTY  
PLEA FOR CONSENT JUDGMENT AND ENTRY  
OF FINAL ORDER OF DISCIPLINE

The Florida Bar respectfully requests this honorable Court to approve the attached Conditional Guilty Plea For Consent Judgment in accordance with the terms of the Plea and says:

1. On June 26, 1984, Respondent signed the attached Conditional Guilty Plea for Consent Judgment (attached as Exhibit A).

2. The finding of probable cause by the Fifteenth Judicial Circuit Grievance Committee A and the submission of this Plea occurred prior to adoption, by the Court on June 28, 1984, of proposed amendments to the Integration Rule. Said case was styled The Florida Bar In Re: Amendment To Article XI, Florida Bar Integration Rule (Rules of Discipline) and assigned Supreme Court Case No. 64,520. The order adopting the amendments made them effective 12:01 A.M., July 1, 1984, but did not state that they would be retroactive in effect to Pleas already tendered. Accordingly, it is requested that this Plea be processed directly by the Court under the rules in effect when probable cause was found and the Plea submitted without appointment of a Referee.

3. By signing the attached Conditional Guilty Plea for Consent Judgment, the Respondent agreed to be disciplined by a Public Reprimand, to pay \$421.55 as costs of these proceedings in return for a guilty plea to violating Disciplinary Rules 6-101, 7-101(A)(2) and (3) of the Code of Professional Responsibility; to wit: neglect of a legal matter, failure to carry out a contract of employment and prejudicing his client.

4. The facts of this case are:

A. That on or about September 15, 1979, Respondent was retained by Sara B. Geiser to begin divorce proceedings against her husband and to secure a lien on a semi-tractor truck in the possession of her husband. His client was a co-signator on a ten thousand dollar (\$10,000) second mortgage which had been used to purchase said truck.

B. That Respondent failed to proceed in a reasonable manner to file divorce papers with the proper court or to obtain service of process on the husband.

C. That Respondent's actions necessitated his client, Ms. Geiser, hiring other counsel to complete her legal matters. As of October 1981, Respondent had not moved the matter toward conclusion.

D. That on or about March 25, 1981, Respondent advised Sara Geiser to sign a Property Settlement Agreement, which provided in respect to marital property, that "wife agrees to pay any mortgage until the said property is sold."

E. That after signing the Agreement, but before her husband had signed such Agreement, Sara B. Geiser notified Respondent that she did not like the Agreement and did not want it signed by her husband because she believed same would continue her liability on the second mortgage which had been used to purchase the semi-tractor truck.

F. That despite his client's expressed desires, Respondent obtained the signature of the husband on such agreement.

G. That Respondent thought it was in his client's best interests to proceed as he did in her case because of the difficult nature of her husband. That, because of clear and present threats by the husband to his client (and her children of a prior marriage) and the husband's history of unpredictable violent behavior, service of process was not sought after the timely filing of the initial pleadings in favor of mediation and the client's negotiations of a settlement agreement when the husband was located and it was learned that he had no job or assets.

H. That since the husband made changes on the agreement, Respondent considered that the agreement would only be valid upon his client's resigning of same.

5. On July 20, 1984, the Board of Governors of The Florida Bar voted to accept and approve the Respondent's Conditional Guilty Plea for Consent Judgment.

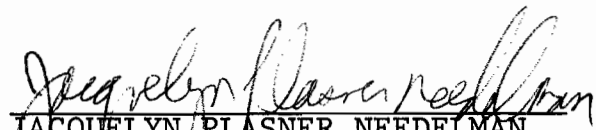
6. Respondent is currently residing in West Virginia and is not practicing law. Respondent is thirty four (34) years of age; and was admitted to the practice of law in Florida on December 18, 1975. The records of The Florida Bar reflect that Respondent received a private reprimand in 1982 for neglect of a legal matter.

WHEREFORE, The Florida Bar respectfully requests this Court approve the attached Conditional Guilty Plea for Consent Judgment and enter a Final Order of Discipline consistent with the terms of said Plea, whereby the following discipline shall be imposed:

A. That Respondent, Drew C. Apgar, shall receive a public reprimand from this Court to be published in the Southern Reporter.

B. That Respondent be ordered to pay \$421.55 to The Florida Bar as the costs of these proceedings and pursuant to Article VIII, Section (6) of the Integration Rule, said costs be paid within thirty (30) days of this Court's final Order unless such time is extended by the Board of Governors for good cause.

Respectfully submitted,

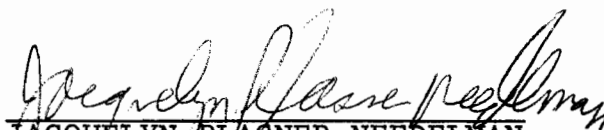
  
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Executive Director  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was forwarded to Drew C. Apgar, Esquire, c/o Dr. Carlton G. Apgar, 1438 Sixth Avenue, Huntington, West Virginia 25701, on this third day of August, 1984, by regular United States mail.

  
JACQUELYN PLASNER NEEDELMAN