

65,707

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant

CONFIDENTIAL

v.

CASE NO.

ROBERT T. CLELLAND,

The Florida Bar Case
No. 17A81114

Respondent.

_____ /

FILED
SID J. WHITE

AUG 6 1984

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

RESPONDENT'S CONDITIONAL GUILTY PLEA
FOR CONSENT JUDGMENT

COMES NOW, Robert T. Clelland, Respondent, pursuant to article XI of the Integration Rule of The Florida Bar, and hereby tenders his Consent Plea for a Public Reprimand to be administered by Order of the Supreme Court of Florida, publication in the Southern Reporter and by personal appearance before the Board of Governors of The Florida Bar, and states as follows:

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

2. Respondent is 40 years of age and has been a member of The Florida Bar since 1971.

3. Respondent has retained counsel in this matter and is acting freely and voluntarily with the advice and assistance of counsel.

4. The following constitutes a statement of the pending disciplinary action in which Respondent is the accused:

A. I was retained by James E. Fannin, Sr., to represent his interest concerning claims arising out of an automobile accident. For at least twenty-one (21) months I failed to pursue any insurance claim with regard to Crown Insurance Company. As a result, Mr. Fannin was forced to pursue the entire claim against Southland Insurance Company. Southland refused to pay a medical bill of \$1,715 since the claim was filed more than one (1) year after it was incurred. However, Mr. Fannin sued me and the case was settled whereby I paid Mr. Fannin \$3,000.

B. I wrote a letter to one Dr. Frank Stuart advising him that his fee would be thirty-three (33) percent of the recovery when the fee was in fact forty (40) percent.

C. While under oath at two (2) grievance committee hearings, I made untruthful statements concerning my signature on the letter to Dr. Stuart. I did not believe I was testifying falsely as I did not believe I had signed the letter.

D. The fee I paid to an investigator in Mr. Fannin's case happened to be one-third (1/3) of my fee, and the grievance committee felt that I divided a legal fee with an investigator by paying him a percentage of my contingency fee.

5. Regarding the facts recited in this Guilty Plea, I, Robert T. Clelland, admit my guilt to having violated article XI, Rule 11.02(3) of the Integration Rule and Disciplinary Rules 1-102(A)(3) and (4), 3-102(A), 6-101(A)(3), of the Code of Professional Responsibility.

6. I, Robert T. Clelland, agree to receive a Public Reprimand to be administered by Order of the Supreme Court of Florida, publication in the Southern Reporter and by personal appearance before the Board of Governors of The Florida Bar.

7. I agree that confidentiality of the matters stated in this Guilty Plea be waived.

8. I agree to reimburse The Florida Bar for the following costs incurred in the prosecution of this cause:

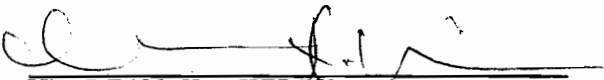
Administrative Costs	\$150.00
Court Reporter Costs	467.33
Witness Fees and Service of Process	31.40
Expert Witness Fees	125.00
Copying Costs	<u>22.00</u>
TOTAL COSTS	\$795.73

9. This Guilty Plea will be of no force and effect if not approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida.

DATED this 28th day of June, 1984.


ROBERT T. CLELLAND
Respondent

Approved by


WILLIAM H. KILBY
Attorney for Respondent
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