

65,710

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

AUG 6 1994

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

THE FLORIDA BAR,)

Complainant,)

v.)

MICHAEL L. MANN,)

Respondent.)

CONFIDENTIAL

The Florida Bar Case No. 11D82M61

Supreme Court Case No. _____

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

COMES NOW THE FLORIDA BAR, and respectfully requests that this Honorable Court approve Respondent's Conditional Guilty Plea for Consent Judgment for Ninety Day Suspension, attached hereto, and incorporated herein as Exhibit 1, and in support thereof states as follows:

1. That the original complaint underlying the instant Conditional Guilty Plea was preliminarily investigated and entertained by Grievance Committee "D" of the Eleventh Judicial Circuit.

2. That at the request of the Grievance Committee, Staff Auditor of The Florida Bar performed a comprehensive audit of Respondent's trust account.

3. That upon his receipt of the Final Report of Audit, Respondent waived formal probable cause proceedings, and submitted his Conditional Guilty Plea for Consent Judgment for Ninety Day Suspension.

4. That on or about July 20, 1984, the Board of Governors of The Florida Bar considered Respondent's Conditional Guilty Plea, as tendered, and voted to recommend its approval of same to this Honorable Court.

5. That The Florida Bar's investigation and audit conclusively demonstrated:

A. That during the approximate three-year period encompassing The Florida Bar's investigation, Respondent engaged in a continuous course of conduct wherein he improperly used funds entrusted to him by various clients to "finance" the litigation of other clients who were without the necessary funds to advance cost retainers to initiate or continue their own individual litigation.

B. That at various times during this period, Respondent misdirected in excess of SEVENTEEN THOUSAND DOLLARS (\$17,000.00) for this unauthorized purpose.

C. That, further, during or about the approximate three-year period encompassing the scope of the trust account audit, Respondent, at various times, utilized entrusted clients' funds for his own personal purposes.

D. That these continuing conversions occurred during 1981 and 1982, and although the precise amounts of the continuing conversions varied from month to month, they ranged from a low THREE HUNDRED SIXTY-FIVE DOLLARS AND SIX CENTS (\$365.06) to a high of SIX THOUSAND FIVE HUNDRED NINETY-SEVEN DOLLARS AND THIRTY-THREE CENTS (\$6,597.33).

E. That during the aforementioned period of time, there were instances wherein the running balance of the trust

account reflected overdrafts and transactions wherein the bank honored checks against insufficient funds.

F. That as of the end of December, 1982, Respondent had repaid to his trust account all earlier-converted funds and as of this date, Respondent's trust account is in substantial compliance with all requirements of the Integration Rule of The Florida Bar.

6. That Respondent is 36 years old and was admitted to The Florida Bar in 1973. Respondent has never been the subject of prior disciplinary proceedings, and in addition to his civil law practice, he has been active in the local civic community.

7. That Respondent has submitted a Conditional Guilty Plea for Consent Judgment for Ninety Day Suspension, to be followed by a two-year period of monitored probation during which time:

A. Respondent shall be required to present local Staff Counsel with detailed quarterly reconciliations of his trust account.

B. Respondent shall be required to retain the services of a certified public accountant to monitor and oversee his trust account and operating account.

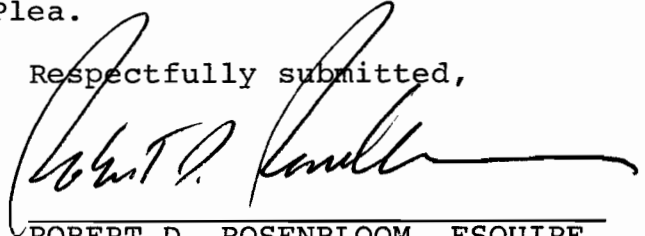
C. The Florida Bar shall have the uncontested right, with or without cause, to inspect and audit Respondent's trust account and operating account (to include the inspection of ledger cards and journals).

D. Respondent's failure to abide by the conditions of probation, directly above, shall constitute grounds for the institution of immediate disciplinary proceedings.

8. That should this Conditional Guilty Plea for Consent Judgment finally be approved by the Supreme Court of Florida, Respondent hereby agrees to pay costs in the amount of \$2,152.50 within thirty (30) days of the Supreme Court's final Order approving same.

WHEREFORE, THE FLORIDA BAR, respectfully requests that this Honorable Court approve the attached Conditional Guilty Plea for Consent Judgment, as tendered, and enter a Final Order of Discipline consistent with the terms of the Plea.

Respectfully submitted,



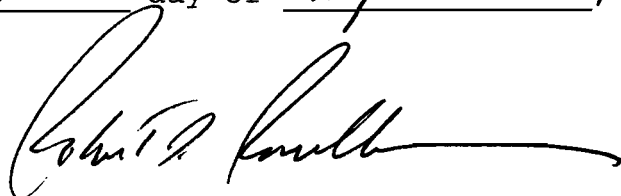
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition was mailed to Michael L. Mann, Esq., by certified mail, return receipt requested #P 570 214 116, at 3050 Biscayne Boulevard, Suite 800, Miami, Florida 33137, and that copies of the said Petition were mailed to John T. Berry, Esq., Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226, and John F. Harkness, Jr., Esq., Executive Director, The Florida Bar, Tallahassee, FL 32301-8226 this 2nd day of August, 1984.



ROBERT D. ROSENBLOOM, ESQUIRE
Bar Counsel