

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

IN RE: PETITION FOR
RESIGNATION BY:

ARTHUR G. MCDONNELL,
Petitioner.

CONFIDENTIAL
Supreme Court Case No. 65 868

The Florida Bar Case
No. FRS8502

FILED

SID J. WHITE

SEP 14 1984

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

PETITION FOR LEAVE TO RESIGN
PENDING DISCIPLINARY PROCEEDINGS

_____ /

COMES NOW, the Petitioner, Arthur G. McDonnell, pursuant to Article XI,

Rule 11.08 of the Integration Rule of The Florida Bar and files this Petition For Leave To Resign Without Leave To Apply For Readmission Permanently and in support thereof states as follows:

1. Petitioner is, albeit temporarily suspended, and at all times herein-after mentioned was, a member of The Florida Bar subject to the jurisdiction of the Supreme Court of Florida.

2. That at all times incident to The Florida Bar's investigation of allegations made against him, 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 on his own behalf, his right to a hearing before a referee appointed by the Supreme Court of Florida, and hereby acknowledges his knowing and voluntary waiver of all such rights should the instant Petition be granted by this Court.

3. That the Petitioner is aware of the requirement of Article XI, Rule 11.08 (2) of the Integration Rule of The Florida Bar that a petition for leave to resign shall contain a statement of all past and pending disciplinary actions and criminal proceedings against a petitioner.

4. That in accordance with the foregoing requirement, Petitioner would state, upon information and belief, that he has received a private reprimand which became final on or about June 9, 1983. Said disciplinary sanction was occasioned by the complaint of Ann M. Rinzel (The Florida Bar Case No. 20B83M10) and involved neglect of an estate matter and failure to properly

obtain leave to withdraw from the representation in violation of Disciplinary Rules 2-110(A) (1) & (2) and 6-101(A) (3) of the Code of Professional Responsibility.

5. That in accordance with the Integration Rule requirement referenced above in Paragraph three (3), Petitioner would state, upon information and belief, that there are pending disciplinary actions pertaining to Petitioner.

6. That certain disciplinary actions are currently pending before the Honorable John A. Miller, duly appointed as Referee by the Chief Justice of the Supreme Court of Florida. Said disciplinary actions have been assigned Supreme Court Case Nos. 64,272, 64,468 and 64,847 and reflect a total of twelve (12) separate findings of probable cause by a grievance committee of The Florida Bar contained in three (3) separate complaints.

7. That rather than engaging in a lengthy recitation of the charges in the aforementioned cases, Petitioner attaches hereto and incorporates herein by reference the three (3) complaints filed by The Florida Bar which were subsequently assigned Supreme Court Case Nos. 64,272, 64,468 and 64,847.

8. That the Honorable John A. Miller currently has Supreme Court Case Nos. 64,272, 64,468 and 64,847 under advisement after having heard argument of counsel but has not submitted his Report of Referee to this Court.

9. That in accordance with the Integration Rule requirement referenced above in Paragraph three (3), Petitioner would state, upon information and belief, that there are four (4) other disciplinary actions pending against him as enumerated below:

a) The Florida Bar Case No. 20B84F22 (Complaint of Eli Baron) involves allegations that Petitioner secured cash and a motor vehicle from complainant in return for the transfer of a condominium unit that the Petitioner claimed he owned and had Thirty Thousand Dollars and No Cents (\$30,000.00) of equity in. It is alleged that there was no such equity in that Petitioner held no right, title and interest in the subject property. A grievance committee of The Florida Bar held a hearing on

this matter on or about July 13, 1984 and found probable cause to believe that Petitioner had violated Disciplinary Rules 1-102 (A) (1), 1-102 (A) (3), 1-102 (A) (4), 1-102 (A) (5) and 1-102 (A) (6) of the Code of Professional Responsibility and Article XI, Rules 11.02 (2) and 11.02 (3) (a) of the Integration Rule of The Florida Bar. A formal complaint has not yet been filed with the Supreme Court of Florida on this matter.

b) The Florida Bar Case No. 20B83F58 (Complaint of Charles W. Claypool) involves allegations that Petitioner represented parties with adverse interests in civil litigation without full disclosure and advanced the interests of one client to the detriment of the other client. A grievance committee of The Florida Bar is currently investigating this matter.

c) The Florida Bar Case No. 20B84F07 (Complaint of Fred Juliano) involves allegations that Petitioner failed to submit a Memorandum of Law in support of a Motion to Set Aside Judgment on behalf of a client and thereafter misrepresented the status of the case to the client. A final judgment was entered against the client after the alleged neglect occurred. A grievance committee of The Florida Bar is currently investigating this matter.

d) The Florida Bar Case No. 20B84F10 (Complaint of Daniel J. Sullivan) involves allegations that Petitioner defrauded the complainant, who purchased a business from him, by misrepresenting material facts and utilizing business checks after the sale was consummated. A grievance committee of The Florida Bar is currently investigating this matter.

10. That in accordance with the Integration Rule requirement referenced above in Paragraph three (3), Petitioner would state, upon information and belief, that there are presently pending criminal proceedings against him involving Grand Theft and Assault. There are also pending proceedings involving Failure to Appear at Trial and Contempt of Court.

11. That Petitioner neither admits nor denies the veracity or accuracy of the pending disciplinary and criminal proceedings as hereinbefore set forth.

12. That Petitioner agrees to cooperate with any Clients' Security Fund investigation conducted by The Florida Bar.

13. That Petitioner will utilize his best efforts to make full restitution to any person or entity that legitimately claims any loss of funds entrusted to Petitioner in his capacity as attorney or entrusted to him in any other capacity.

14. That Petitioner will utilize his best efforts to make full restitution to the Clients' Security Fund in the eventuality that any claim is paid as a result of Petitioner's actions or was paid in the past.

15. That Petitioner freely and voluntarily submits this petition with the full understanding and awareness, that by its terms, he will be forever barred from the practice of law in this jurisdiction should the petition be granted by this Honorable Court.

16. That Petitioner is aware that certain costs have been incurred by The Florida Bar in the prosecution of all cases at Referee level and that said costs are represented by The Florida Bar to total \$10,192.32. It is also apparent that additional costs may be incurred by The Florida Bar.

17. That Petitioner acknowledges, upon the issuance of an order approving this Petition, that he will be obligated to pay the costs of pending disciplinary proceedings to The Florida Bar as referenced in Paragraph sixteen (16). Petitioner has undergone personal bankruptcy and does not currently possess the financial ability to satisfy this obligation but Petitioner will make his best efforts to satisfy said obligation.

18. That Petitioner avers that the public interest will not be adversely affected by the granting of this petition, and that granting this petition will not adversely affect the purity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession in that a permanent resignation will forever bar him from the practice of law in this jurisdiction.

19. That Petitioner offers this resignation on condition that by acceptance hereof, all disciplinary proceedings now pending will be forever dismissed against Petitioner. Petitioner further conditions that none of the statements or allegations contained herein shall constitute an admission which can be used against Petitioner in any court of law. This resignation is submitted for the convenience of Petitioner and the Florida Bar to avoid further litigation and expense to both parties.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this Petition For Leave To Resign Without Leave To Apply For Readmission Permanently.

Respectfully submitted,



ARTHUR G. MCDONNELL
c/o Barbara McDonnell
Desiree's Boutique
537 5th Avenue South
Naples, FL 33940

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition was sent by U.S. Mail this _____ day of _____, 1984 to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida, 32301-8226, John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida, 32301-8226 and to Richard B. Liss, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, Florida 33304.