

66,615
FILED
SID J. WHITE
FEB 25 1985
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

IN RE: PETITION FOR GEORGE B. METTLER

SUPREME COURT CASE NO. ~~69,528~~
(TFB #13B82H88)

PETITION FOR LEAVE TO RESIGN
WITH LEAVE TO REAPPLY

Pursuant to Florida Bar Integration Rule, Article XI, Rule 11.08, GEORGE B. METTLER, a member of The Florida Bar, files this Petition for Leave to Resign with Leave to Reapply and says:

1. He is 50 years old and has been a member of The Florida Bar since June 1, 1962.

2. The factual background of the above-pending disciplinary action against Petitioner is as follows:

a. In August, 1981, Mrs. Ramona Jackson retained Petitioner's partner, Glen Brown, to represent her husband in a criminal action wherein Mr. Jackson was charged with two counts of first degree murder.

b. Mr. Brown informed Mrs. Jackson that the fee for such representation would be \$25,000, to be immediately due and payable, and that Petitioner would be associated with him in the representation of Mr. Jackson. Mr. Mettler agreed to the fee arrangement and likewise advised Mrs. Jackson of the terms of that agreement. Neither Petitioner nor Mr. Brown entered into a written fee arrangement with Mrs. Jackson, although she agreed to the described fee agreement.

c. Over the next three months Mrs. Jackson paid a total of \$14,500 towards the fee by checks and cash and assured Mr. Brown and Mr. Mettler that the balance would be forthcoming.

d. In November, 1981, Petitioner and Mr. Brown demanded the \$10,500.00 balance of the fee. Thereafter, Mrs. Jackson deposited four (4) rings with Mr. Mettler and Mr. Brown as good faith collateral against payment of the fee balance.

e. Neither Petitioner nor Mr. Brown entered into a written agreement with Mrs. Jackson concerning the deposit of the jewelry. Mr. Brown, Petitioner and Mrs. Jackson agreed that the jewelry would not be sold without Mrs. Jackson's permission or prior knowledge.

f. On December 23, 1981, Mr. Brown and Petitioner sold Mrs. Jackson's rings for \$3,500.00. Mrs. Jackson alleges that Petitioner sold the rings without her consent. Petitioner denies this allegation, claiming that at all times relevant hereto Mrs. Jackson was kept fully aware of the negotiations regarding the sale of the jewelry, that she was specifically informed by him on the day of the sale that such a sale would be made, and that she freely and voluntarily consented to the sale.

g. The jewelry was subsequently sold in the normal course of business and hence Mrs. Jackson has been unable to regain possession of the jewelry.

3. Mrs. Jackson filed a civil action against Mr. Brown, Petitioner and their insurers seeking the value of the rings plus interest. That action has been settled and Mrs. Jackson has been made whole.

4. This disciplinary matter, File No. 13B82H88, is the only pending case against Petitioner.

5. Petitioner currently resides in Georgia, is not practicing law and has no intention of returning to the practice of law in the immediate future. Petitioner has no clients or files in the State of Florida or elsewhere.

6. Petitioner waives confidentiality of this proceeding pursuant to Florida Bar Integration Rule, Article XI, Rule 11.12(1)(a).

7. Petitioner agrees to cooperate fully with any investigations made in connection with the Client Security Fund of The Florida Bar, as well as to make all reasonable efforts to reimburse the Client Security Fund for any payments made by the Fund as a result of this conduct.

8. Petitioner freely and voluntarily submits this Petition for Leave to Resign with Leave to Reapply three years from the date of this Court's Order.

WHEREFORE, Petitioner GEORGE B. METTLER requests:

1. That Petitioner be granted leave to resign from The Florida Bar with Leave to Reapply for admission to practice no sooner than three years from the date of this Court's Order.

2. That Petitioner be assessed the following costs incurred by The Florida Bar, in prosecuting the pending disciplinary case against him:

Case No. 63,528:	Administrative Costs	\$300.00
	Court Reporter Costs	<u>\$259.50</u>
	TOTAL COSTS	\$559.50

3. That Petitioner not be required to furnish the Clerk of this Court with a copy to Staff Counsel of The Florida Bar, an inventory of any pending files, and a status report on each file, since he is not practicing law and has no pending files.

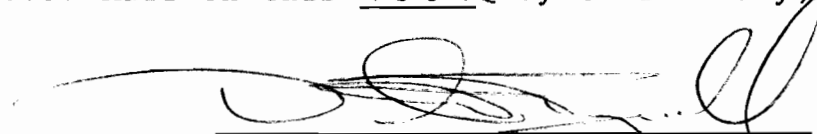
4. That Petitioner not be required to furnish a copy of this Court's Order to clients or an affidavit to Staff Counsel of The Florida Bar since he is not practicing law and has no pending files or clients.

Respectfully submitted,


GEORGE B. METTLER, Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition for Leave to Resign with Leave to Reapply has been furnished to DIANE VICTOR KUENZEL, Bar Counsel, at The Florida Bar, Suite C-49, Tampa Airport Marriott Hotel, Tampa, Florida 33607, by regular U.S. Mail on this 18th day of February, 1985.



DAVID R. TYRRELL, ESQUIRE
Counsel for Petitioner
Post Office Box 3324
Tampa, Florida 33601
(813) 273-5000