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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,)	<u>CONFIDENTIAL</u>
Petitioner,)	The Florida Bar
vs.)	Case No. 11F85M51
JAMES E. TRAPP, JR.)	Supreme Court
Respondent.)	Case No.

FILED
 SID J. WHITE
 SEP 12 1985
 CLERK, SUPREME COURT
 By _____
 Chief Deputy Clerk

PETITION FOR ORDER TO SHOW CAUSE

Petitioner, The Florida Bar, through its undersigned counsel, pursuant to article XI, Rule 11.09(7), Integration Rule of The Florida Bar, hereby petitions this Court to order Respondent, JAMES E. TRAPP, JR. to show cause why he should not be held in contempt of this Court, and in support thereof states:

1. Respondent, JAMES E. TRAPP, JR., 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 the subject of seven (7) complaints currently pending before the Eleventh Judicial Circuit Grievance Committee "F" ("grievance committee").

3. By letter dated June 21, 1985, Respondent was advised that in conjunction with its investigation of the pending matters, The Florida Bar was investigating his handling of funds and his trust account records and procedures from the period January 1981 to the present date. The letter requests that Respondent produce his trust account records for inspection and audit by a Staff Auditor. A copy of the letter to Respondent dated June 21, 1985 is attached hereto and incorporated herein as Exhibit "A".

4. At the direction of the undersigned, Carlos Ruga, The Florida Bar Staff Auditor ("Auditor"), contacted Respondent to schedule an appointment with Respondent for production of his trust account records. Respondent failed to appear at two (2) scheduled appointments with the Auditor in which he was to produce his trust

account records. An affidavit of Carlos Ruga, Auditor, is attached hereto and incorporated herein as Exhibit "B".

5. As a result of Respondent's failure to keep his appointments with the Auditor, as described above, Miles A. McGrane, III, Chairman of the grievance committee, issued a Subpoena Duces Tecum requiring Respondent to appear before the Auditor, on July 11, 1985 and produce his trust account records. A copy of the Subpoena Duces Tecum directed to Respondent is attached hereto and incorporated herein as Exhibit "C".

6. Despite the difficulty in perfecting service, Respondent was personally served with the aforementioned subpoena on July 26, 1985. The original of the subpoena, together with the return of service, is attached hereto and incorporated herein as Exhibit "D".

7. On July 29, 1985 the undersigned forwarded a letter to Respondent confirming service of the subpoena and requesting that Respondent immediately contact the undersigned to confirm his intention to comply with the subpoena and surrender his trust account records for purposes of an audit. A copy of the letter to Respondent dated July 29, 1985 is attached hereto and incorporated herein as Exhibit "E".

8. The letter referred to above was sent to Respondent by both regular delivery and certified mail, return receipt requested, at his official record Bar address and every other last known or suspected address. (See Exhibit "E")

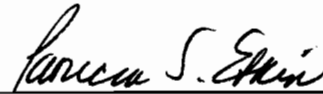
9. Further, in order to ensure that Respondent was fully advised as to the status of this matter, the undersigned contacted Respondent's office and left numerous telephone messages for Respondent to contact The Florida Bar. In addition, the undersigned contacted Respondent's office-lessor, attorney Harold Culmner, and requested that he advise Respondent to contact The Florida Bar. The affidavit of Harold Culmer, Respondent's office-lessor, attached hereto and incorporated herein as Exhibit "F", confirms that the messages from the undersigned were relayed to Respondent.

10. As of this date Respondent has neither produced his trust account records nor contacted The Florida Bar to confirm his intention to comply with the subpoena.

11. By reason of the foregoing, Respondent, JAMES E. TRAPP, JR., has, without adequate excuse, willfully failed to comply with the Subpoena Duces Tecum served upon him requiring him to produce for audit his trust account records from January 1981 to the present date.

WHEREFORE, THE FLORIDA BAR, respectfully requests that this Court order Respondent to show cause why he should not be held in contempt pursuant to article XI, Rule 11.09(7), Integration of The Florida Bar.

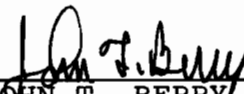
Respectfully,



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JOHN F. HARKNESS, JR.
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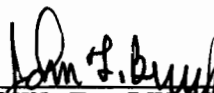


JOHN T. BERRY
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The Florida Bar
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Petition for Order to Show Cause was mailed to James E. Trapp, Jr., Respondent, at every last known address: by certified mail return receipt requested (#P 028 924 319) at his official record Bar address of 1397 N.W. 15th Street, Miami, FL 33125, by certified mail return receipt requested (#P 028 924 318) at 5022 N.W. 7th Street, Miami,

FL 33126[✓], by certified mail return receipt requested (#P 028 924 320) at 2501-A N.W 72nd Avenue, Suite #101, Miami, FL 33122 and by regular U.S. mail at each of the aforementioned addresses on this 12th day of September, 1985.



JOHN T. BERRY
Staff Counsel