

68,312

**FILED**

SID J. WHITE

FEB 14 1986

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

IN RE: PETITION OF JOHN M. DOWNING, JR.  
FOR RESIGNATION FROM FLORIDA BAR

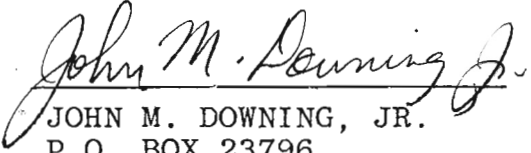
PETITION OF JOHN M. DOWNING, JR. FOR RESIGNATION FROM  
FLORIDA BAR PURSUANT TO RULE 11.08 OF THE INTEGRATION  
RULE OF THE FLORIDA BAR

Petitioner, John M. Downing, Jr. (Fla. Bar # 173066) hereby moves that this Court allow Petitioner to resign from the Florida Bar and said Petitioner would state as follows:

1. Petitioner, John M. Downing, Jr. is presently a member of the Florida Bar and has been a member since approximately 1973.
2. Petitioner has worked continuously as a lawyer since his admission, first for approximately three years for a medium sized Ft. Lauderdale law firm, then for approximately three years as general counsel for a large Ft. Lauderdale construction company, then Petitioner opened a sole practitioner law office in Ft. Lauderdale.
3. During the past two years Petitioner has had to make numerous extended trips to Savannah, Georgia to care for his father and mother who have been disabled by sickness. Because of this situation and because Petitioner has been a sole practitioner it became increasingly difficult for Petitioner to service his ongoing clients. Since early 1985 Petitioner did not take any new cases and has attempted to properly close out the remaining cases he had pending. For approximately one year previous to this date Petitioner has had no office or office telephone in Florida because he has had to spend most of his time in Savannah caring for his parents.
4. The Florida Bar office in Fort Lauderdale has been kept informed of the fact that Petitioner had closed his practice. Two of the last cases that Petitioner was attempting to close out during 1985 resulted in Bar complaints by the two clients in small divorce cases because of lack of contact and progress regarding the two cases. Petitioner consented to a three month suspension regarding these two cases and this matter is presently pending before the Supreme Court.
5. Petitioner is not aware of whether any further Bar complaints will be filed in the future from clients he had when he was running his office previously. Should there be any Bar complaints in the future Petitioner would be unable to respond in a proper fashion as Petitioner lives in Savannah, Georgia presently to care for his parents who are both completely disabled because of cancer and strokes. Petitioner has no present or expected means of income in the near future and does not have the funds to pay for the costs of the disciplinary action referred to above.
6. Because of this situation Petitioner desires to resign from the Florida Bar pursuant to Rule 11.08.
7. There have been no convictions for any criminal offense pending or previous except for routine traffic offenses and no other criminal proceeding is pending or anticipated. Because Petitioner has had no telephone or office in Florida he is not aware of the status of any other Bar complaints that would or could be pending although the Florida Bar in Fort Lauderdale should be aware of all previous or pending actions of which which the suspension mentioned above is the most recent.

8. Petitioner does not believe that the public interest will be adversely affected by the granting of the Petition and will not hinder the administration of justice.
9. Petitioner understands that any future consideration of the status of Petitioner before the Florida Bar should this Petition be granted will require the full payment of all costs, refunds, penalties, etc. previously assessed or to be assessed because of disciplinary actions by the Bar.
10. Petitioner requests that should this Petition be granted it would be with leave to apply for readmission after three years and any further conditions imposed.

WHEREFORE, Petitioner requests that this Petition be granted.

  
JOHN M. DOWNING, JR.  
P.O. BOX 23796  
SAVANNAH, GEORGIA 31403

Copy of this Petition has been mailed to the Executive Director of the Florida Bar.