

Supreme Court of Florida

No. 68,644

THE FLORIDA BAR, Complainant,

vs.

JAMES E. TRAPP, JR., Respondent.

[December 24, 1986]

PER CURIAM.

This disciplinary proceeding is before us on the five-count complaint of The Florida Bar and the uncontested report of the referee. We have jurisdiction. Art. V, § 15, Fla. Const.

The referee found that respondent had settled a lawsuit for \$3,000 without his client's consent. Respondent placed the proceeds from this settlement in his trust account and subsequently misappropriated the money. He later represented to his client that the settlement offer had been increased to \$3,500. The client said she would accept that offer. When she requested her portion of the proceeds, however, respondent (on three separate occasions) issued worthless checks for the proceeds. Despite repeated requests, respondent never redeemed the worthless checks.

Finding respondent guilty of violating article XI, Rule 11.02(4) of the Integration Rule of The Florida Bar and Disciplinary Rules 1-102(A)(4) (a lawyer shall not engage in any conduct involving fraud, dishonesty, deceit, or misrepresentation), 1-102(A)(6) (a lawyer shall not engage in any conduct which adversely reflects on his fitness to practice law), 9-102(B)(4) (a lawyer shall promptly pay or deliver to the client as requested by a client the funds, securities, or other

properties in the possession of the lawyer which the client is entitled to receive), the referee recommended disbarment.

We approve the referee's findings and recommendations. Accordingly, respondent is hereby disbarred and shall not be permitted to tender an application for re-admission to the Bar for three years from the date of disbarment. Judgment for costs in the amount of \$1,299.37 is hereby entered against respondent, for which sum let execution issue.

It is so ordered.

McDONALD, C.J., and ADKINS, BOYD, OVERTON, EHRLICH, SHAW and BARKETT, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS DISBARMENT.

Original Proceeding - The Florida Bar

John F. Harkness, Jr., Executive Director and John T. Berry,
Staff Counsel, Tallahassee, Florida; and Patricia S. Etkin,
Bar Counsel, Miami, Florida,

for Complainant

No Appearance,

for Respondent