

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

PAMELA BRUCE STUART,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2016-30,548(19A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Pamela Bruce Stuart, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2016-30,548(19A).

3. As to The Florida Bar File No. 2016-30,548(19A), there has been a finding of probable cause by the grievance committee.

4. Respondent is acting freely and voluntarily in this matter, and tenders this plea without fear or threat of coercion.

5. Respondent is not represented by counsel in this matter.

6. The disciplinary measures to be imposed upon respondent are as follows:
 - A. A one-year suspension from the practice of law requiring proof of rehabilitation before reinstatement;
 - B. Payment of the bar's disciplinary costs totaling \$4,363.98.
7. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the Court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.
8. The following allegations provide the basis for respondent's guilty plea:
 - A. Respondent was appointed by her father as the trustee to his trust.
 - B. As trustee and pursuant to the terms of the trust and Florida law, respondent loaned herself money to assist her in carrying out the trust's responsibilities, to pay part of the carrying costs of a failed real estate investment owned by an L.L.C and to support her own living and medical expenses.

C. The terms of the trust required the loans to be secured by collateral and at an adequate interest rate. A promissory note prepared by respondent secured repayment of the loans against respondent's right to recover the expenses of the J. Raymond Stuart trusts advanced by respondent during her service as trustee, the trustee fees due to be paid to respondent for her service as trustee during the administration of the estate of J. Raymond Stuart, and the expenses of respondent's sister, Deborah Stuart, respondent's mother, Marion C. Stuart and the Marion C. Stuart Revocable Trust paid by respondent during trust administration, and respondent's one-third interest in the trust corpus remaining upon the death of Marion C. Stuart. The promissory note required repayment of the principal amount of the loans plus simple interest at 3% per annum or the IRS long term applicable federal rate in accordance with 26 U.S.C. § 1274(d) whichever was lower.

D. Respondent intended to repay the loans made to the trust.

E. Honorable Judge Paul B. Kanarek found that respondent breached her fiduciary duties by failing to provide the required annual accountings and loaning herself substantial monies from the trust and denied respondent's request for payment of trustee fees and repayment of trust expenses advanced by respondent.

9. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter: 3-4.3 [Misconduct and Minor Misconduct]; 4-8.4(a) and (d) [Misconduct].

10. In mitigation, respondent does not have any prior discipline [9.32(a)]; respondent experienced many personal problems and setbacks over the time period that the misconduct occurred [9.32(c)]; she has displayed a cooperative attitude during the disciplinary proceedings [9.32(e)]; respondent faced civil penalties for her misconduct [9.32(k)]; and, she has expressed remorse [9.32(l)]. In aggravation, respondent engaged in a pattern of misconduct [9.22(c)]; and, she has substantial experience in the practice of law, admitted in 1994 [9.22(i)].

11. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of **\$4,363.98**. These costs are due within 30 days of the Court order. Respondent agrees that if the costs are not paid within 30 days of this Court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for

bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final Court order, unless deferred by the Board of Governors of The Florida Bar.

13. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

14. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 15th day of November 2016.



PAMELA BRUCE STUART
Respondent
5115 Yuma Street N.W.
Washington, DC 20016-4336
(202) 835-2200
Florida Bar No. 4121
pamstuart@aol.com

Dated this 16th day of November, 2016.



CARRIE CONSTANCE LEE
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 552011
clee@floridabar.org
orlandooffice@floridabar.org