

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case
No. SC-

IN RE:
THE PETITION FOR
DISCIPLINARY REVOCATION OF
LADRAY BRANDAN GILBERT

The Florida Bar File
No. 2022-00,169 (14) NDR

Petitioner.

_____ /

PETITION FOR DISCIPLINARY REVOCATION
WITH LEAVE TO APPLY FOR READMISSION

Petitioner, LaDray Brandan Gilbert, hereby submits this Petition for Disciplinary Revocation With Leave to Apply for Readmission pursuant to Rule Regulating Fla. Bar 3-7.12 and would state:

1. Petitioner knowingly and voluntarily submits this Petition for Disciplinary Revocation with Leave to Apply for Readmission after 5 years with full knowledge of its effect.

2. Petitioner is 39 years old and has been a member of The Florida Bar since September 23, 2009, and is subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.

3. Petitioner has the following discipline history:

A. SC19-840 – TFB File No. 2018-00,261(14) – By way of an Order dated, November 21, 2019, the Court imposed a public

reprimand and one-year probation during which time Respondent would attend Ethics School and undergo an evaluation by Diversion/Disciplinary Consulting Service. Respondent neglected his client's case and it was dismissed by the circuit court. Rule Violations: 4-1.1 (Competence), 4-1.3 (Diligence), 4-1.4 (Communication), 4-3.2 (Expedite Litigation), and 4-8.4(d) (Conduct Prejudicial to the Administration of Justice).

4. The following disciplinary cases are pending against Respondent at staff level and are currently under investigation:

A. TFB File No. 2021-00, 115(14) – Respondent was served with a trust account subpoena on January 25, 2021, from The Florida Bar's auditor for production of all trust accounting records required by Rule. Respondent, however, failed to comply with the subpoena. Possible rule violations: 4-1.15 (Safekeeping of Property), 5-1.1(a) (Nature of Money or Property Entrusted to Attorney), 5-1.2(b) (Minimum Trust Accounting Records), 5-1.2(d) (Minimum Trust Accounting Procedures), 5-1.2(f) (Record Retention), and 5-1.2(i) (Failure to Comply With Subpoena for Trust Accounting Records).

B. TFB File No. 2021-00, 430(14) – Respondent was hired to pursue a personal injury suit for his client. The allegations are that

he deposited a check for \$10,000.00 into his trust account but failed to communicate with his client about the payment, did not issue a closing statement, and failed to pay any settlement funds to the client. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.5(f)(1) (Closing Statement Required), 4-1.15 (Safekeeping of Property), 4-3.2 (Expedite Litigation), 4-8.4(b) (A lawyer shall not engage in criminal activity), 4-8.4(c) (Fraud, Misrepresentation, Deceit), 4-8.4(d) (Conduct Prejudicial to the Administration of Justice), 5-1.1(a) (Nature of Money or Property Entrusted to Attorney), 5-1.1(b) (Application of Trust Funds to Specific Purpose), and 5-1.1(e) (Notice of Receipt of Trust Funds).

C. TFB File No. 2021-00, 490(14) – Respondent was hired to pursue a personal injury case for his client. The allegations are that he deposited a check for \$17,500.00 into his trust account but failed to communicate with his client about the payment or get her signature on the check, did not issue a closing statement, and failed to pay any settlement funds to the client. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.5(f)(1) (Closing Statement Required), 4-1.15 (Safekeeping of Property), 4-3.2 (Expedite Litigation), 4-8.4(b) (A lawyer shall not engage in criminal activity), 4-

8.4(c) (Fraud, Misrepresentation, Deceit), 4-8.4(d) (Conduct Prejudicial to the Administration of Justice), 5-1.1(a) (Nature of Money or Property Entrusted to Attorney), 5-1.1(b) (Application of Trust Funds to Specific Purpose), and 5-1.1(e) (Notice of Receipt of Trust Funds).

D. TFB File No. 2022-00,014(14) – Respondent was hired to pursue a personal injury case for his client. The allegations are that he deposited a check for \$10,000.00 into his trust account but failed to communicate with his client about the payment, did not issue a closing statement, and failed to pay any settlement funds to the client. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.5(f)(1) (Closing Statement Required), 4-1.15 (Safekeeping of Property), 4-3.2 (Expedite Litigation), 4-8.4(b) (A lawyer shall not engage in criminal activity), 4-8.4(c) (Fraud, Misrepresentation, Deceit), 4-8.4(d) (Conduct Prejudicial to the Administration of Justice), 5-1.1(a) (Nature of Money or Property Entrusted to Attorney), 5-1.1(b) (Application of Trust Funds to Specific Purpose), and 5-1.1(e) (Notice of Receipt of Trust Funds).

E. TFB File No. 2022-00,035(14) – Respondent was hired for \$6,500.00 to represent the client on criminal charges. He is

alleged to have failed to diligently pursue the criminal case, to communicate with his client, to expedite the litigation, and to have engaged in conduct that was prejudicial to the administration of justice. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.16 (Protect Client Interests), 4-3.2 (Expedite Litigation), 4-8.4(c) (Fraud, Misrepresentation, Deceit), and 4-8.4(d) (Conduct Prejudicial to the Administration of Justice).

F. TFB File No. 2022-00,040(14) – Respondent was hired to pursue a personal injury case for the client. The allegations are that he failed to diligently pursue the case, to communicate with his client, to expedite the litigation, and engaged in conduct that was prejudicial to the administration of justice. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-3.2 (Expedite Litigation), and 4-8.4(d) (Conduct Prejudicial to the Administration of Justice).

G. TFB File No. 2022-00,116(14) – Respondent was hired for \$1,500.00 to do a will for his client in 2016. To date, the client has received no completed will. Respondent failed to diligently pursue his client's probate matter, to communicate with her, and engaged in conduct that is prejudicial to the administration of justice. Possible

rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), and 4-8.4(d) (Conduct Prejudicial to the Administration of Justice).

H. TFB File No. 2022-00,124(14) – Respondent was hired to pursue a personal injury matter for his client. The allegations are that after hiring another attorney, the client learned on August 31, 2021, that the insurance company had disbursed a check for \$50,000.00 to The Gilbert Law Firm on September 4, 2020. Respondent failed to communicate this fact to his client, failed to issue a closing statement, and failed to pay any settlement funds to his client. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), 4-1.5(f)(1) (Closing Statement Required), 4-1.15 (Safekeeping of Property), 4-3.2 (Expedite Litigation), 4-8.4(b) (A lawyer shall not engage in criminal activity), 4-8.4(c) (Fraud, Misrepresentation, Deceit), 4-8.4(d) (Conduct Prejudicial to the Administration of Justice), 5-1.1(a) (Nature of Money or Property Entrusted to Attorney), 5-1.1(b) (Application of Trust Funds to Specific Purpose), and 5-1.1(e) (Notice of Receipt of Trust Funds).

I. TFB File No. 2022-00,132(14) – Respondent was hired for \$5,000.00 to pursue a probate case upon the death of the client's father. The allegations are that Respondent failed to diligently pursue

the matter, to communicate with the client, and engaged in conduct prejudicial to the administration of justice. Possible rule violations: 4-1.3 (Diligence), 4-1.4 (Communication), and 4-8.4(d) (Conduct Prejudicial to the Administration of Justice).

5. Petitioner agrees to pay restitution to his clients within two years of the Florida Supreme Court granting this Petition and will remit the restitution in the following amounts:

A. TFB File No. 2021-00, 430(14) – Brandi Wilson –
\$6,666.66

B. TFB File No. 2021-00, 490(14) – Rhonda Carr –
\$11,672.50

C. TFB File No. 2022-00,014(14) – Trista Green – \$6,666.66

D. TFB File No. 2022-00,116(14) – Carrietta Merritt –
\$1,500.00

E. TFB File No. 2022-00,124(14) – Gloria Ingram –
\$33,350.00

F. TFB File No. 2022-00,132(14) – Muriel Vann – \$2,000.00

6. Once Petitioner has refunded the above restitution to his clients, heirs or assigns, Respondent must submit proof of payment of restitution to the clients, or their heirs and/or assigns, to The Florida Bar's

Headquarters Office in Tallahassee within the time frame for payment approved by the Court. Respondent shall provide verifiable proof of payment and receipt by the clients, their heirs or assigns, of payment which shall consist of a copy (front and back)) of the negotiated check or copy of the check and certified return receipt, or verifiable proof of a wire transfer.

7. In the event any of his clients are deceased, Petitioner agrees to remit the restitution owed to their heirs and/or assigns, with the approval of The Florida Bar.

8. If the person to whom restitution is owed, or their heirs or assigns, cannot be located after a diligent search, petitioner shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search

9. Petitioner agrees that he will not apply for readmission until all restitution has been paid to the above clients, heirs or assigns, he has submitted proof of payment to the Florida Bar and he has received written confirmation from The Florida Bar of his compliance with the restitution provisions of this Petition. Petitioner contends that granting this Petition will not adversely affect the public interest, the integrity of the courts, or the confidence of the public in the legal profession. Further, Petitioner

contends that granting this Petition will not hinder the administration of justice.

10. Petitioner agrees to reimburse the Client Security Fund (CSF) for any and all funds CSF has paid or may pay out for claims resulting from Petitioner's misconduct.

11. Petitioner agrees to reimburse The Florida Bar for the costs incurred in all his disciplinary cases noted above.

12. Petitioner agrees to submit to a complete audit of any trust account(s) and any other account(s) in which Petitioner has placed client funds, if requested to do so by The Florida Bar.

13. Petitioner further agrees to submit a sworn financial affidavit to The Florida Bar attesting to Petitioner's current personal and professional financial circumstances on a form to be provided by The Florida Bar within thirty (30) days, if requested by The Florida Bar.

14. Petitioner further agrees to maintain a current mailing address with The Florida Bar for a period of five (5) years after the disciplinary revocation becomes final. Further, Petitioner shall keep the Florida Bar advised as to the physical address of Petitioner's home and/or business in the event Petitioner should utilize a post office box or other type of mail

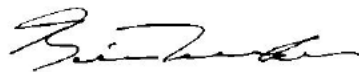
drop service during the five (5) year period after the disciplinary revocation becomes final.

15. Petitioner agrees to eliminate all indicia of Petitioner's status as an attorney on emails, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia whatsoever of his status as an attorney.

16. Petitioner understands that the granting of this Petition by the Supreme Court of Florida shall serve to dismiss all pending disciplinary cases.

WHEREFORE, Petitioner respectfully requests that this Court grant this Petition and order that Petitioner's membership in The Florida Bar be revoked with leave to seek readmission.

Respectfully submitted,



Brian L. Tannebaum
Petitioner's Counsel
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Suite 1400
Miami, Florida 33131
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btannebaum@tannebaum.com

Dated this 19 day of November, 2021.

[/s/LaDray B. Gilbert](#)

LaDray Brandan Gilbert

Petitioner

3026 Auction Drive

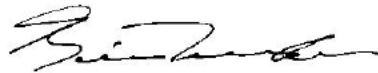
Marianna, Florida 32448

Florida Bar No. 67929

Dated this 19th day of November, 2021.

CERTIFICATE OF SERVICE

I certify that this document has been furnished via the E-filing Portal to The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, to Joshua E. Doyle, Executive Director, The Florida Bar, at jdoyle@floridabar.org, and to Staff Counsel, Patricia Ann Toro Savitz, The Florida Bar, at psavitz@floridabar.org, on this 19th day of November, 2021.



Brian L. Tannebaum
Petitioner's Counsel