

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ROBERT AUGUSTUS HARPER III,
Respondent.

Supreme Court Case
No. SC17-404

The Florida Bar File Nos.
2016-00,266(2A); 2017-00,426(2A)

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CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Robert Augustus Harper III, 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 acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented by counsel in this matter.
3. As to TFB case #2016-00,266(2A), there has been a finding of probable cause by the Grievance Committee. As to TFB case #2017-00,426(2A), respondent waives a finding of probable cause.

4. The disciplinary measures to be imposed upon respondent are as follows:

- A. Public Reprimand by publication;
- B. Professionalism Workshop (to be completed within 6 months of the Court's order); and
- C. Payment of The Florida Bar's costs.

5. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

COUNT I – TFB# 2016-00,266(2A) COMPLAINT OF KATHRYN O'KEEFE

A. On or about January 30, 2012, Kathryn O'Keefe ("Ms. O'Keefe") contacted respondent and began fee negotiations for representation in a case stemming from an accusation of inappropriate touching of a student at the school where she was employed as a teacher.

B. In a series of emails between the two, Ms. O'Keefe, who had been placed on administrative leave pending the outcome of an investigation by her employer, was led to believe by respondent that she was being actively investigated by the State Attorney's Office by stating in an email, in relevant part, "Already, there are 3 prosecutors assigned to the investigation of the complaint made against you."

C. In fear of possible arrest, Ms. O’Keefe felt it was imperative that she immediately obtain counsel, and borrowed the agreed upon fee and hired respondent.

D. In September 2012, after a tribunal before the Diocese of St. Augustine, Ms. O’Keefe was exonerated and the allegations were deemed unfounded.

E. No police report was ever made, no criminal charges were ever filed by the school and no DCF investigation was ever opened against Ms. O’Keefe.

F. Ms. O’Keefe requested a refund from the law firm respondent worked for at the time. After review of the matter, the managing partner determined that at Ms. O’Keefe’s direction; respondent continued to work on her employment matter after her contract was not renewed by the school and therefore, had earned the fees.

G. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 3-4.3 Misconduct and Minor Misconduct; 4-1.5(a)(2) the fee or cost is sought or secured by the attorney by means of intentional misrepresentation or fraud upon the client; and 4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

COUNT II – TFB# 2017-00,426(2A) COMPLAINT OF STEPHANIE SUBER

H. Respondent represented Ms. Suber’s ex-husband in a dissolution of marriage case that Ms. Suber filed in Okaloosa County, Florida in January 2016.

I. In August of 2016, respondent filed a “Verified Emergency Petition for Pick-up Order, Motion to Suspend and/or Establish Future Time-Sharing, Objection to Mother’s Attempt to Permanently Relocate with Minor Children, and Motion to Maintain Exclusive Jurisdiction in Leon County, Florida.

J. However, respondent failed to submit a Notice of Related Case in either Okaloosa or Leon counties.

K. Additionally, respondent failed to file the required Uniform Child Custody Jurisdiction and Enforcement Act Affidavit.

L. Although respondent subsequently corrected the matter by filing the required notice, the motion was ultimately dismissed.

M. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-3.1 Meritorious Claims and Contentions, and 4-3.4(c) Fairness to Opposing Party and Counsel.

6. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

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

8. 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 \$1,250.00. 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.

9. 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 or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

10. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

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

Dated this 14th day of August, 2017.



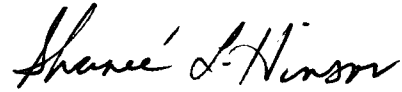
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Dated this 14th day of August, 2017.



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Dated this 14th day of August, 2017.



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