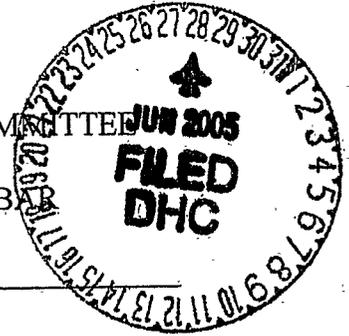


23917

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
05G 315



THE NORTH CAROLINA STATE BAR  
Petitioner

v.

JOHN W. WELLMAN, ATTORNEY  
Respondent

ORDER OF RECIPROCAL  
DISCIPLINE

Pursuant to the authority vested in me as Chair of the Grievance Committee of the North Carolina State Bar by 27 N.C. Admin. Code Chapter 1, Subchapter B, §§ .0105(a)(12) and .0116(a) of the N.C. State Bar Discipline & Disability Rules and based upon the record in this matter, the undersigned finds as follows:

1. By order dated Feb. 24, 2005, the Florida Supreme Court entered an order granting Wellman's petition for disciplinary resignation with leave to seek readmission after three years.

2. On May 16, 2005 a Notice of Reciprocal Discipline Proceeding was served upon Wellman by registered mail by the North Carolina State Bar

3. Wellman failed to respond or show cause that imposition of the identical discipline would be unwarranted within 30 days of service upon him of the Notice of Reciprocal Discipline.

BASED UPON THE FOREGOING FINDINGS the Chair of the Grievance Committee makes the following CONCLUSIONS OF LAW:

1. The North Carolina State Bar has jurisdiction over the subject matter of this proceeding and over the person of the respondent, John W. Wellman.

2. The procedure for imposition of reciprocal discipline pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0116(a) of the N.C. State Bar Discipline & Disability Rules has been complied with.

3. Wellman's petition for disciplinary resignation recited that there were pending against him charges that he had failed to respond to official inquiries of the Florida Bar, failed to maintain required trust account records, failed to maintain client funds intact in his trust account, neglected client matters, failed to refund unearned fees to clients, failed to communicate with clients, accepted fees from clients when his law license was suspended and engaged in other violations of the Revised Rules of Professional Conduct.

4. The order of discipline imposed by the Florida Supreme Court should be imposed on Wellman's right to practice law in the State of North Carolina.

THEREFORE IT IS HEREBY ORDERED THAT:

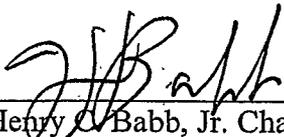
1. The North Carolina law license of John W. Wellman is hereby suspended until such time, if ever, that his Florida law license is reinstated.

2. Respondent shall forthwith surrender his North Carolina license certificate and membership card to the Secretary of the N.C. State Bar.

3. Respondent is hereby taxed with the costs of this proceeding as assessed by the Secretary.

4. Respondent shall comply with the wind down provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the N.C. State Bar Discipline & Disbarment Rules.

This the 27 day of Jan, 2005.

  
Henry C. Babb, Jr. Chair  
Grievance Committee



**The North Carolina State Bar**  
Office of Counsel

208 Fayetteville St. Mall (27601)  
Post Office Box 25908  
Raleigh, North Carolina 27611  
Telephone (919) 828-4620  
Fax: (919) 834-8156  
Web: www.ncbar.com

April 28, 2005

Mr. John W. Wellman  
1630 Sunkist Way  
Ft. Myers, Fla. 33905

Re: Our file 05G 315  
BY CERTIFIED MAIL

Dear Mr. Wellman:

You will find enclosed for service upon you the State Bar's Notice of Reciprocal Discipline in the captioned matter. Please note that you have 30 days upon service of the Notice in which to respond.

Very truly yours,

*Carolyn Bakewell*

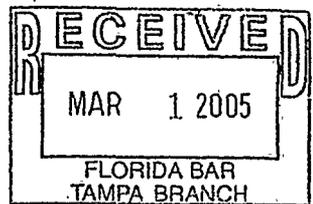
Carolyn Bakewell  
Counsel

Enclosures

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>John W. Wellman</i> <input type="checkbox"/> Date of Delivery <i>5/10/05</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><i>John W. Wellman</i> <i>1630 Sunkist Way</i> <i>Ft. Myers, Fla. 33905</i></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. A 0</p>		<p>05G0315 HR</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1540 Maughlin</p>	

# Supreme Court of Florida

THURSDAY, FEBRUARY 24, 2005



CASE NO.: SC05-67

Lower Tribunal No.: 2005-10,778(20D)HRS

THE FLORIDA BAR

vs. JOHN WESTON WELLMAN

Complainant

Respondent

The uncontested petition for disciplinary resignation, as provided by Rule 3-7.12, Rules Regulating The Florida Bar, with leave to seek readmission after three (3) years, is granted subject to the continuing jurisdiction of this Court. See Florida Bar v. Ross, 732 So. 2d 1037, 1040-42 (Fla. 1998). Disciplinary resignation is tantamount to disbarment. Florida Bar v. Hale, 762 So. 2d 515 (Fla. 2000). The disciplinary resignation shall be effective thirty (30) days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty (30) days to protect existing clients, this Court will enter an order making the resignation effective immediately. Respondent shall accept no new business from the date this order is filed.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from John Weston Wellman in the amount of \$2,162.30, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this resignation. As with disbarment, in seeking readmission to The Florida Bar, respondent "may be admitted again only upon full compliance with the rules and regulations governing admission to the bar." R. Regulating Fla. Bar 3-7.10(n).

A True Copy

Test:

A handwritten signature in cursive script that reads "Thomas D. Hall".

Thomas D. Hall  
Clerk, Supreme Court



dy

Served:

JOHN ANTHONY BOGGS

JOHN W. WELLMAN

J. CHRISTOPHER LOMBARDO

STEPHEN CHRISTOPHER WHALEN

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOHN WESTON WELLMAN,

Respondent.

CASE NO.

TFB NO. 2005-10,778(20D)(HRS)

**PETITION FOR DISCIPLINARY RESIGNATION  
WITHOUT LEAVE TO REAPPLY FOR A PERIOD OF FIVE YEARS**

COMES NOW, Respondent, JOHN WESTON WELLMAN, and petitions this Honorable Court to grant this Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Five Years, pursuant to Rule 3-7.12, Rules Regulating The Florida Bar, and as grounds therefore states as follows:

1. Respondent has been a member of The Florida Bar since February 1, 1996, attorney number 73563, and is subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. Respondent is aware of all rights he may have under the Rules Regulating The Florida Bar.
3. As required by Rule 3-7.12, Rules Regulating The Florida Bar, a description of the charges against Respondent, those matters presently under

investigation, the results of past proceedings and the status of the pending investigations and proceedings are set forth as follows:

**CASES PENDING AT REFEREE LEVEL**

**Case No. SC04-1712**

**The Florida Bar File Nos. 2003-11,352(20A) & 2004-10,380(20A)**

**Rodolfo Mario Maravilla matter:** It is alleged that Respondent failed to respond in writing to the Bar's inquiry letter regarding a grievance that was submitted by Rodolfo Mario Maravilla, Respondent's former client.

**Trust Account matter:** It is alleged that during the period of January 1, 2000 through September 20, 2003, Respondent failed to maintain the following trust account records: a. deposit slips identifying the date and source of all trust funds received, b. proper documentary support for all disbursements and transfers of trust funds, c. separate cash receipts and disbursements journal, c. client ledger cards for each client or matter, e. all trust account bank statements, f. monthly trust account reconciliations, g. comparison between the reconciled balance of the trust account and the total of the trust ledger pages, and h. complete records of client trust account funds for six years. For the period of November 2002 through August 2003, Respondent's trust account incurred shortages that ranged from \$184.00 to \$11,643.35.

Respondent failed to respond in writing to the Bar's inquiry letter regarding

his trust account.

NO. 521 6204

**Case No. SC04-1866**  
**The Florida Bar File No. 2005-10,126(20D)**

It is alleged that on July 9, 2003, the Disciplinary Hearing Commission of the North Carolina State Bar issued a Consent Order of Discipline in the case of The North Carolina State Bar v. John W. Wellman, Case No. 03 DHC 7, and suspended Respondent from the practice of law in the state of North Carolina for one-year and stayed the suspension for two years upon Respondent's completion of certain conditions. Respondent was found to have neglected client matters, failed to communicate with his clients, failed to return paper to his clients, failed to refund unearned fees to his clients, and failed to respond in writing to the grievance committee's inquiry.

**CASES PENDING AT GRIEVANCE COMMITTEE LEVEL:**

**Grievance of Jose Carreno, TFB No. 2005-10,048(20D):** It is alleged that Respondent failed to provide any services after receiving a fee in the amount of \$500.00. Respondent is alleged to have failed to respond in writing to the Bar's inquiry letter.

**Grievance of Ann Lowery Harris, TFB No. 2005-10,241(20D):** It is alleged that Respondent failed to provide any services after receiving a fee in the

amount of \$950.00 to pursue a petition for bankruptcy. Respondent is alleged to have failed to respond in writing to the Bar's inquiry letter.

**Grievance of Ann Lowery Harris, TFB No. 2005-10,241(20D):** It is alleged that Respondent failed to provide any services to the client after receiving a fee in the amount of \$950.00 to pursue a petition for bankruptcy. Respondent is alleged to have failed to respond in writing to the Bar's inquiry letter.

**Grievance of Jimmy Norman, TFB No. 2005-10,401(20D):** It is alleged that Respondent failed to provide any services to the client after receiving a fee in the amount of \$800.00 to pursue a petition for dissolution of marriage. Respondent is alleged to have failed to respond in writing to the Bar's inquiry letter.

**CASES PENDING AT THE STAFF INVESTIGATIVE LEVEL**

**Investigation of The Florida Bar, TFB No. 2005-10,401(20D):** It is alleged that Respondent failed to notify several clients that he was suspended from the practice of law when he accepted fees from them. Respondent is alleged to have failed to communicate with the clients or return the fees that were paid to him.

**PREVIOUS SANCTIONS AGAINST PETITIONER**

**The Florida Bar v. John Weston Wellman**  
**Case No. SC03-1367, TFB No. 2003-10,674(20D)**

On April 8, 2004, this Court issued an Order suspending Respondent from the practice of law for sixty days for pursuing a bankruptcy petition on behalf of his

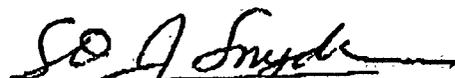
WHEREFORE, Respondent, JOHN WESTON WELLMAN, respectfully requests that this Honorable Court grant his Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Three Years

Respectfully submitted,

  
\_\_\_\_\_  
JOHN WESTON WELLMAN  
1630 Sunkist Way  
Ft. Myers, Florida 33905  
(239) 690-0887  
Florida Bar No. 73563

Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2005, by John Weston Wellman who is personally known to me or has produced DRIVERS LICENSE as identification.



  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

Original furnished to: Hon. Thomas D. Hall, Clerk, Supreme Court of Florida  
Copies furnished to: Stephen C. Whalen, Assistant Staff Counsel,  
John Anthony Boggs, Esq., Staff Counsel  
J. Christopher Lombardo, Esq., Designated Reviewer

client without being admitted to practice law before the federal court. Respondent also failed to refund the fee that he received from his client.

**The Florida Bar v. John Weston Wellman, TFB No. 2004-10,315(20A)**  
**Grievance Committee Admonishment for Minor Misconduct**

On June 25, 2004, an admonishment for minor misconduct was administered to Respondent by the Grievance Committee for failing to provide competent legal representation and in adequate communication with his client.

4. This Petition is submitted without leave to reapply for readmission to The Florida Bar for a Period of Three Years, and if approved by this Court, Respondent hereby acknowledges understanding that this Petition will not be the subject of future modification or revocation.

5. Respondent agrees to cooperate fully with any investigation in connection with the Clients' Security Fund of The Florida Bar.

6. Respondent will make reasonable efforts to reimburse the Clients' Security Fund of The Florida Bar if payments are made by the fund as a result of his conduct.

7. Respondent agrees to pay The Florida Bar's costs in the above-referenced cases. Respondent agrees to pay said costs after rendition of the Supreme Court order granting this Petition.

8. Respondent agrees that he will not attempt to discharge the obligation for the payment of the Bar's costs in any future proceedings, including but not limited to, a Petition for Bankruptcy.

9. Within 30 days of the granting of this Petition for Disciplinary Resignation, Respondent agrees to:

a. Submit to a full audit of all client trust accounts by The Florida Bar's staff auditor;

b. Submit to The Florida Bar a financial affidavit attesting to current personal and professional circumstances; and

c. Advise The Florida Bar of petitioner's current mailing address for five years from the date of the granting of this Petition.

10. Respondent freely and voluntarily submits this Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Three Years.

11. The granting of the instant Petition will cause no harm to either the public or to the administration of justice, nor will it injure the sanctity of this Court.

12. Respondent agrees that this petition is a public document and waives confidentiality in this matter.