

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ROBERT LAURENCE PELLETIER,
Respondent.

Supreme Court Case
No. SC21-316

The Florida Bar File
No. 2021-00,159(4A)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On March 2, 2021, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. **FINDINGS OF FACT**

A. **Jurisdictional Statement.** Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar,

subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

1. Narrative Summary Of Case.

Respondent, an “of counsel” attorney with The Law Office of David Taylor, advertised as “Pitbull Lawyer at Taylor Law”, using the logo of a pit bull with a spiked collar, on multiple platforms, including an online blog/website, Facebook page and as a wrap on a boat.

Respondent also used the name “Pitbull” on his business cards and the door of Mr. Taylor’s office.

The Supreme Court has previously stated that the use of an image of a pit bull and the phrase “Pit Bull” in the firm’s advertisement does not assist the public in ensuring that an informed decision is made prior to the selection of the attorney. “... These devices, which invoke the breed of dog known as the pit bull, demean all lawyers and thereby, harm both the legal profession and the public’s trust and confidence in our system of justice.” See, *The Florida Bar v. Pape*, 918 So.2d 240 at 242 (Fla. 2005).

Respondent was advertising as “Pitbull Lawyer”, listing Mr. Taylor’s firm address and phone number on his website, as well as on his business cards, a blog, and even on his boat.

Mr. Taylor, the managing partner of The Law Office of David Taylor, paid for the boat wrap on respondent's boat and had actual knowledge of respondent's use of the "Pitbull Lawyer" advertisement(s).

On October 20, 2020, November 4, 2020 and again on November 19, 2020, respondent was advised of the violations of these advertisements and asked to remove and/or correct them. Although he did correct some of the violations (business cards and office door), respondent only partially corrected his website and did not take any action on the boat wrap until the case was set for review by the grievance committee.

On or about May 5, 2021 respondent corrected all indicia of his "Pit Bull" advertisements and had his new advertisements and logo approved by The Florida Bar.

Prior to utilizing and displaying his "Pit Bull" logo and advertising, both in print and social media, respondent did not get his advertisement or use of "Pit Bull Lawyer" approved by The Florida Bar.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar:

By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-7.12 Required Content: (a) Name and Office Location; 4-7.13 Deceptive and Inherently Misleading Advertisements; 4-7.14 A lawyer may not engage in potentially misleading advertising; 4-7.15 Unduly Manipulative or Intrusive Advertisements; 4-7.17 Payment for Advertising and Promotion. (a) Payment by Other Lawyers; 4-7.19 Evaluation of Advertisements. (a) Filing Requirements; (f) Notice of Compliance and Disciplinary Action. A lawyer will be subject to discipline as provided in these rules for: (1) failure to timely file the advertisement with The Florida Bar; (2) dissemination of a noncompliant advertisement in the absence of a finding of compliance by The Florida Bar; (5) dissemination of portions of a lawyer's Internet website(s) that are not in compliance with rules 4-7.14 and 4-7.15 only after 15 days have elapsed since the date of The Florida Bar's notice of noncompliance sent to the lawyer's official bar address.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

6.1 FALSE STATEMENTS, FRAUD, AND MISREPRESENTATION

(c) Public Reprimand. Public reprimand is appropriate when a lawyer

is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Pape, 918 So. 2d 240 (Fla. 2005). The Florida Supreme Court held that Advertisements which state or imply that the advertising lawyers will engage in conduct that violates the Rules of Professional Conduct are prohibited. The Court found that lawyer advertisements containing an illustration of a pit bull canine and the telephone number 1- 800-pitbull were false, misleading, and manipulative, because use of that animal implied that the advertising lawyers would engage in “combative and vicious tactics” that would violate the Rules of Professional Conduct.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

Public Reprimand to be Administered by Publication, and

Payment of The Florida Bar's Disciplinary Costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 48 years of age.

Date admitted to the Bar: September 24, 2012.

Prior Discipline: None

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	\$1,250.00
Investigative Costs	\$81.00
TOTAL	\$1,331.00

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 9th day of July 2021.

/s/ Matthew M. Foxman
Matthew MacLeod Foxman, Referee
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