

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

v.

MICHAEL H. MERRILL,
Petitioner.

Case No. 67,028

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FILED
SID J. WHITE
MAY 28 1985
CLERK, SUPREME COURT
Chief Deputy Clerk

RESPONSE TO PETITION FOR LEAVE TO RESIGN

The Florida Bar files the following as its response to petitioner's application for leave to resign from The Florida Bar:


1. Heretofore, on May 16, 1985, petitioner, Michael H. Merrill, filed his petition to resign from The Florida Bar with this Court.

2. In that the petition was received by the bar too late for presentation to the Board of Governors at its May, 1985 meeting and the bar must respond to a resignation application within sixty (60) days rendering presentation of the petition to the Board at its next meeting commencing July 31, 1985 untimely, the petition was presented to the Board's executive committee, pursuant to Fla. Bar Integr. Rule, article XI, Rule 11.03(1) (b), which determined not to oppose the petition.

3. It is respectfully urged that should the Court accept petitioner's application that it incorporate in its order the condition set forth in paragraph 5. of the petition requiring that petitioner must satisfactorily pass The Florida Bar examination prior to any application for reinstatement.

4. There is currently extant a report of referee concerning the petitioner in case number 66,072 wherein the referee recommends a finding of guilt, imposition of discipline and imposition of costs in the sum of \$1,881.40. Should the Court determine to accept the resignation petition, case number 66,072 will be dismissed under Fla. Bar Integr. Rule, article XI, Rule 11.08(5). It is therefore respectfully requested that should the Court accept the instant resignation petition that it tax against the petitioner costs of \$1,881.40 incurred by the bar in case 66,072 as part of the order granting petitioner leave to resign.

5. All of which is respectfully submitted.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response to Petition for Leave to Resign was sent to Dewey Mockler, Attorney for Petitioner, Post Office Box 749, Fort Myers, FL 33902 and to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, FL 32301-8226, by regular mail, on this 23rd day of May, 1985.


DAVID M. BARNOVITZ