

IN THE SUPREME COURT OF FLORIDA

JOHN M. DOWNING, JR.,

Petitioner.

v.

THE FLORIDA BAR,

Respondent

CONFIDENTIAL

Case No. 68,312
(CRS86002)

FILED
SID J. WHITE
APR 23 1986
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

RESPONSE TO PETITION FOR LEAVE TO RESIGN

COMES NOW, The Florida Bar, and files this response to the petition for leave to resign pursuant to The Florida Bar Integration Rule, Article XI, Rule 11.08, and says:

1. Petitioner filed his petition for leave to resign on February 14, 1986. The Florida Bar has previously filed in this Court a formal complaint, No. 68,073. A referee hearing has been held and the referee has recommended suspension from the practice of law for a period of sixty days. This Court has not yet acted on the referee report.

2. The Board of Governors of The Florida Bar considered this petition at its March, 1986 meeting, and voted to support the resignation including petitioner's agreement to pay all costs of this matter which presently total \$653.40. The Board of Governors further voted, however, to recommend to this Court that it act on the referee report in Case No. 68,073 and if approval is appropriate, to approve the referee recommendations in that case before granting Petitioner's request to resign.

3. Granting the petition will not adversely affect the public interest nor will it affect the purity of the courts nor hinder the administration of justice. Granting the petition will also enhance the confidence of the public in the legal profession. Should this Court grant this petition it is requested that the Court publish a public opinion stating succinctly the reasons therefor as provided in The Florida Bar Integration Rule, Article XI, Rule 11.12(2).

WHEREFORE, The Florida Bar respectfully urges this Court to first approve the referee findings and recommendation in Case Number 68,073, and then to accept the petition for leave to resign, to assess the costs of this proceeding as indicated in paragraph 9 of the petitioner's petition and to publish an opinion containing the matters leading to this resignation.

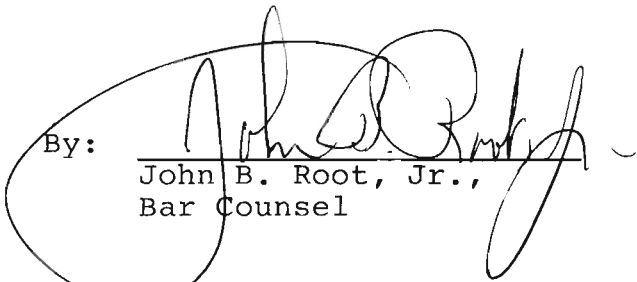
Respectfully submitted,
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and

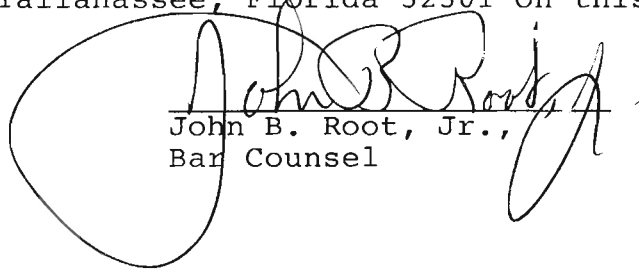
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(305) 425-5424

By:


John B. Root, Jr.,
Bar Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Response has been furnished by mail to the Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301; a copy of the foregoing Response has been furnished by mail to Petitioner, John M. Downing, at Post Office Box 23796, Savannah, Georgia 31403; a copy of the foregoing Response has been furnished by mail to Staff Counsel, The Florida Bar, Tallahassee, Florida 32301 on this 31st day of March, 1986.


John B. Root, Jr.,
Bar Counsel