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SID J. WHITE

AUG 20 1987

CLERK, SUPREME COURT

By _____

Deputy Clerk

Case No. 68,938

(TFB Case No. 05B86C21)

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JOHN M. GREENE,

Respondent.

RESPONDENT'S BRIEF

Respondent, in proper person
John Montgomery Greene
201 North Magnolia Avenue
(Post Office Box 1777)
Ocala, Florida 32670
(904) 732-0031

FACTS OF THE CASE

The only substantial misrepresentation of "fact" in the initial brief of the Bar (pages 1 and 2) is the implication that Respondent's efforts to effect satisfactory restitution, having been unsuccessful as of the time of Referee's report, were abandoned.

In fact, the Referee announced in a telephone conference with the Bar's counsel and Respondent that he was unable to postpone the filing of his report because of time limitations imposed by this Court. Therefore, he could not await the outcome of Respondent's discussions with Mr. Nutt's new counsel.

In fact, not, of course, in the record, negotiations continued and agreement was reached. Respondent has conveyed title to property to Mr. Nutt in value far in excess of his damages.

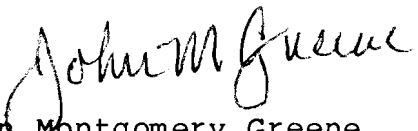
ARGUMENT

The Referee heard all of the explanations of prior disciplinary matters and accepted them, a fact ignored in the Bar's brief. For one example, the matter of Respondent's failure to pro-rate taxes and his overcharge [paragraph 13, Bar Initial Brief]. Respondent had submitted closing statements showing such matters prior to closing and they had been accepted by the client. For another, the Referee agreed with Respondent that the only way to "supervise" a law clerk doing a title search is to do it himself. If it is the Bar's position that such is necessary to avoid unethical conduct, it betrays a lack of understanding of law practice which the Referee did not share.

Respondent's argument is that neglect was established and found by the Referee to exist. The other matters were not. His recommendation was made without knowing that restitution had been accomplished.

It is Respondent's suggestion that the matter be remanded to establish of record that restitution was effected to Mr. Nutt's satisfaction and that the Referee's recommendation be considered in that light.

Respectfully submitted,


John Montgomery Greene

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida 32301; John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301; Jan K. Wichrowski, Bar Counsel, The Florida Bar, 605 East Robinson Street, Suite 610, Orlando, Florida, 32801 on the 17th day of July, 1987.

