

IN THE SUPREME COURT OF FLORIDA

BEFORE A REFEREE

THE FLORIDA BAR,
Complainant,
vs.
JOHN R. WEED,
Respondent.

Case No. 70,948

TFB Nos. 86-15895-03,
86-15898-03, 86-15911-03,
~~86-15918-03~~

FILED

SID J. WHITE

MAY 5 1989

CLERK, SUPREME COURT

By

Deputy Clerk

REPORT OF REFEREE

I. Summary of Proceedings. Pursuant to the undersigned's being duly appointed as referee to conduct the disciplinary proceedings herein pursuant to Article XI of the Integration Rule of The Florida Bar, hearings were held January 27, 1988, May 10, 1988, August 1, 1988, and August 22, 1988, in Chambers, Room 400, of the Leon County Courthouse, Tallahassee, Florida. The pleadings, notes, exhibits, memoranda and transcripts, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared for the parties:

For The Florida Bar appeared JOHN V. McCARTHY.

For the Respondent appeared JOHN R. WEED, In Proper Person.

11. Findings of fact as to each item of misconduct of which the Respondent is charged. After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find as follows:

A. Count I. That a review of the evidence presented reveals that The Florida Bar has failed to demonstrate that Respondent is guilty of violating DR1-102(A)(4), DR1-102(A)(5), DR1-102(A)(6), DR6-101(A)(3), DR7-101(A)(1), DR7-101(A)(2) or

DR7-101(A)(3) as alleged in Count I of the Complaint.

B. Count 11. That a review of the evidence presented and the admissions of Respondent reveals that The Florida Bar has demonstrated that Respondent is guilty of violating DR1-102(A)(3) and Article XI, Rule 11.02(3)(a) and (b), of the Integration Rule of The Florida Bar.

C. Count 111. A review of the evidence presented and the exhibits to Count III reveals that The Florida Bar has failed to demonstrate that Respondent is guilty of violating DR1-102(A)(3), DR1-102(A)(4), DR4-101(D)(2), DR7-102(A)(7), or DR7-102(A)(8), but The Florida Bar has demonstrated that Respondent is guilty of violating DR6-101(A)(3), DR7-101(A)(1), DR7-101(A)(2), DR7-101(A)(3), and Article XI, Rule 11.02(3) of the Integration Rule of The Florida Bar.

D. Count IV. A review of the evidence presented relating to Count IV reveals that The Florida Bar has demonstrated that Respondent is guilty of violating DR6-101(A)(3), DR7-101(A)(1), DR7-101(A)(2), and DR7-101(A)(3).

111. Recommendations as to whether or not Respondent should be found guilty.

A. Count I of the Complaint. I recommend that Respondent be found not guilty.

B. Count II of the Complaint. I recommend that Respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit: DR1-102(A)(3) and further that Respondent be found guilty of violating Article XI, Rule 11.02(3)(a) and (b) of the Integration Rule of The Florida Bar.

C. Count III of the Complaint. I recommend that Respondent be found guilty and specifically that he be found guilty of violating the following Disciplinary Rules of the

of the Code of Professional Responsibility, to wit:
DR6-101(A)(3), DR7-101(A)(1), DR7-101(A)(2), and DR7-101(A)(3),
and further that Respondent be found guilty of violating Article
XI, Rule 11.02(3) of the Integration Rule of The Florida Bar.

D. Count IV of the Complaint. I recommend that Respondent
be found guilty and specifically that he be found guilty of
violating the following Disciplinary Rules of the Code of
Professional Responsibility, to - wit: DR6-101(A)(3), DR7-101
(A)(1), DR7-101(A)(2), and DR7-101(A)(3).

IV. Recommendation as to disciplinary measures to be
applied. The Respondent's violations of the Disciplinary Rules
of the Code of Professional Responsibility cannot under any
stretch of the imagination be viewed as minor, especially
when one considers his past record of neglecting legal matters.
Thus it is the sad duty of the undersigned to recommend that
Respondent be suspended from the practice of law for a period
of three (3) years, be required to pay the costs of these
proceedings, be required to take and pass all portions of The
Florida Bar examination, and provide proof of rehabilitation.

V. Personal history and past disciplinary record. After
finding Respondent guilty of Counts 11, III and IV, as more
particularly set forth hereinabove, and prior to recommending
discipline pursuant to Rule 11.06(9)(a)(4), I have considered
the following personal history and prior disciplinary record of
the Respondent, to-wit:

Age:

Date Admitted to Bar in Florida: 1969

Prior disciplinary connections and measures imposed
thereon:

(a) Private reprimand in Case NO. 64,142,
wherein Respondent was reprimanded for violation of DR6-101(A)(3)
and DR1-102(A)(6) in connection with his handling of a domestic

relations matter.

(b) Respondent received a 60-day suspension and three years supervised probation in Case no. 68,866 in connection with his handling of three separate appeals. See also Gentry v. Gentry, 436 So2d 511 (Fla. 1st DCA 1985) wherein an Order Imposing Sanctions was entered relating to the same actions.

5/12/100

Other personal data: Respondent has expressed no remorse for his actions, which include Count 11, the material allegations of which he admitted in his responsive pleadings. Further, Respondent has failed to file anything in this cause regarding discipline, even though his memorandum was due on September 27, 1988. While Respondent did file on October 10, 1988, an untitled document requesting the undersigned to permit him to present evidence in mitigation after a determination is made of his guilt or innocence, he has not contacted the undersigned's office in any way subsequent to said date.

VI. Statement of costs and manner in which costs should be taxed. Below is a list of the costs incurred in this proceeding:

A. Grievance level proceedings:

1. Count I - court reporter fees	\$ 383.20
2. Count II - court reporter fees	376.02
3. Count III	
(a) Court reporter fees	546.30
(b) Bar travel expenses	54.60
4. Count IV	
(a) Court reporter fees	126.50
(b) Bar travel expenses	80.95
5. Administrative costs (4 counts at \$150 each)	600.00

B. Referee level proceeding:

1. Court Reporter fees	\$1,607.00
2. Witness fees, etc.	136.12
3. Administrative costs (4 counts at \$150 each)	<u>600.00</u>
TOTAL COST OF GRIEVANCE AND REFEREE LEVEL PROCEEDINGS	<u>\$4,510.69</u>

It is my recommendation that Respondent be required to pay to The Florida Bar costs in the amount of \$3,827.49 within 90 days of this report's becoming final or by order or judgment of The Supreme Court of Florida.

In making my recommendation as to the assessment of costs, consideration was given to the fact that these proceedings were brought pursuant to The Florida Bar Integration Rule, Article XI, as amended, and Rule 3-3.2, Rules of Discipline, and not pursuant to the Rules Regulating The Florida Bar. Further consideration was given to the fact that the undersigned has recommended that Respondent be found not guilty of Count I of the Complaint.

DATED this 4th day of May, A.D., 1989.

WILLIAM L. GARY
Referee

copies furnished to:

MR. JOHN R. WEED

MR. JOHN V. McCARTHY

MR. JOHN T. BERRY