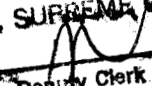


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**FILED**

SID J. WHITE

SEP 28 1990

CLERK, SUPREME COURT  
By  Deputy Clerk

SUPREME COURT OF FLORIDA

THE FLORIDA BAR,  
Complainant,

v.

Case No. 75,547

JOSEPH H. WEIL,  
Respondent.

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REPLY BRIEF

Richard Kanner, Esq.  
Attorney for Respondent  
777 Brickell Avenue  
Miami, Florida 33131  
305 374-2280

STAFF POSITION SHOULD  
BE SUPPORTIVE

The Court is advised that Mr. Weil's offer of judgement (Ex. 1) of a 90 day suspension to commence when his dues are current (which was the punishment suggested to the referee (T.5)) was summarily rejected (Ex. 2).

The Bar's insistence that the rules do not provide for a reconsideration of punishment by the referee as Mr. Weil requested or a stipulated settlement of the matter here is inconsistent with the Bar's purpose to serve the public (Rule 1-2). Whether the Bar's harsh attitude toward punishment is by instruction from the Board of Governors or the result of the belief of the administrative staff that their sole function in disciplinary matters is adversarial, regardless of their knowledge that Mr. Weil was involved in a professional situation with Sweetwater that created severe personal problems for him, is not important. Important for the public is for the Bar to have members as Mr. Weil who are unselfish and dedicated to serve the public. Mr. Weil's assumption of an obligation to Sweetwater is an example of service that was provided because of need rather than money or fame. The Bar should recognize this service rather than chastise him for an internal matter that harmed no one other than the sensibilities of those administrative staff who believe failure to timely pay dues is an egregious sin.

SALARIED IN-HOUSE COUNSEL NOT  
REGULATED BY THE BAR

The Bar apparently agrees that Mr. Weil was practicing law only as in-house counsel for Sweetwater; that he was not holding himself out to the public as a lawyer and that he did not appear in court during the time in question.

A copy of this reply brief was served on Patricia Etkin,  
Esq. and John Boggs, Esq on ~~October~~ 1990.

SEPT 21

Respectfully submitted,



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