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SID J. WHITE
FEB 5 1991
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THE SUPREME COURT

OF THE STATE OF FLORIDA

DAVID H. THOMAS,)

PETITIONER)

v.) CASE NO. 75,683

THE FLORIDA BAR)

RESPONDENT)

PETITIONER'S REPLY BRIEF

DAVID H. THOMAS

FLORIDA BAR NO. 207187

POST OFFICE BOX 367

FORT MYERS, FLORIDA 33901 -0367

(813) 337-5556

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REPLY TO THE STATEMENT OF FACTS

PETITIONER OBJECTS, MOST STRENUOUSLY, TO THE STATEMENT OF FACTS SUBMITTED BY THE FLORIDA BAR, AND MOVES THIS HONORABLE COURT TO DISALLOW SAME AND APPROVE THOSE FACTS SUBMITTED BY PETITIONER. THIS OBJECTION IS GROUNDED ON THE BASIS THAT THE FLORIDA BAR CONTINUES TO REVISIT A PRIOR ACTION THAT WAS MALICIOUSLY BROUGHT WHEREIN PETITIONER WAS FOUND TO HAVE COMMITTED NO ETHICAL VIOLATIONS, THAT NO PROBABLE CAUSE WAS FOUND, AND THE MATTER WAS CLOSED. NOT ONLY WOULD THE FLORIDA BAR IMPROPERLY REVISIT THE GROUNDLESS, MALICIOUS GRIEVANCE, BUT WOULD, ASTONISHINGLY, ASK THE COURT TO BASE ITS DECISION ON SAME. SUCCINCTLY, THE PRIOR, GROUNDLESS MALICIOUS GRIEVANCE WAS DISMISSED AS HAVING NO PROBABLE CAUSE AND IS NOT PRESENTLY BEFORE THIS HONORABLE COURT.

IN THAT THE FLORIDA BAR CONTINUES ITS PREJUDICIAL AND IMPROPER REFERENCES TO THE MALICIOUSLY FILED AND PROPERLY DISMISSED GRIEVANCE FILED BY MS. DEHAAN, PETITIONER TAKES BRIEF LEAVE TO EXAMINE CERTAIN SALIENT POINTS SURROUNDING THE ACTIONS OF THE FLORIDA BAR DURING THAT PREVIOUS PROCEEDING. THE FLORIDA BAR VIOLATED ITS OWN RULES OF CONFIDENTIALITY, THEN IN FORCE, BY CONTACTING PETITIONER'S PRIOR CLIENTS, EMPLOYEES, AND PERSONAL FRIENDS CONCERNING THE MALICICOUS GRIEVANCE, ALTHOUGH THESE INDIVIDUALS HAD NO KNOWLEDGE OF THE GRIEVANCE, CAUSING PETITIONER MUCH EMBARASSMENT IN HIS COMMUNITY. FURTHER, THE FLORIDA BAR SERVED ITS SUBPOENA, DIRECTED TO PETITIONER, ON AN EMPLOYEE OF PETITIONER, CAUSING MUCH EMBARRASSMENT AND ANXIETY TO PETITIONER.

STILL FURTHER, THE FLORIDA BAR REFUSED TO HEAR NUMEROUS WITNESSES BROUGHT TO THE COMMITTEE HEARING BY PETITIONER. THESE WITNESSES, WHOSE NAMES WILL BE FOUND IN THE DRACONIAN FILES OF THE FLORIDA BAR, WOULD HAVE PROVIDED DOCUMENTARY AND SWORN EVIDENCE OF PETITIONER'S COMPLAINT AGAINST MR. AND MS. DEHAAN AND MR. HILL. THE FLORIDA BAR REFUSED TO PERMIT THESE WITNESSES TO BE HEARD, WHEN TO DO SO, WOULD HAVE PRECLUDED THE INSTANT CASE.

SUCCINCTLY, PETITIONER APPEARED AT THE COMMITTEE HEARING ON THE MALICIOUS GRIEVANCE FILED BY MS. DEHAAN AND DENIED THE ALLEGATIONS. THE COMMITTEE, WITHOUT EVEN HEARING PETITIONER'S WITNESSES, FOUND NO PROBABLE CAUSE, AND DISMISSED SAME. PETITIONER PLAINTIVELY INQUIRES IF HE IS ENTITLED TO THE DUE PROCESS CONCEPT OF DOUBLE JEOPARDY.

THERE ARE SEVERAL ADDITIONAL ARGUMENTS CONTAINED IN THE FLORIDA BAR'S STATEMENT OF FACTS THAT PETITIONER WOULD CHOOSE TO ADDRESS. PETITIONER WOULD CHOOSE TO ADDRESS THE ISSUES, HOWEVER IMPROPER THEY MAY BE, IN ORDER TO BRING THE TOTALITY OF CIRCUMSTANCES BEFORE THIS HONORABLE COURT CONCERNING THIS PRIOR MALICIOUS GRIEVANCE THAT WAS DISMISSED.

ALTHOUGH THE FLORIDA BAR STATES THAT HENRY AND SUEANN DEHAAN WOULD FOREGO LITIGATION IF CERTAIN EVENTS TRANSPIRED AS CONTAINED IN THE LETTER FROM MR. ROBERT HILL, DATED JUNE 20, 1988, SUCH MUST BE VIEWED IN ITS PROPER CONTEXT. THE LETTER FROM MR. HILL WOULD ATTEMPT TO TAKE EVEN MORE MONEY AND PROPERTY FROM PETITIONER OR HIS WIFE, WHEN NOTHING WAS OWED. FURTHER, MS. DEHAAN HAD FILED HER MALICIOUS GRIEVANCE SOME NINE DAYS EARLIER, AND HAD EARLIER LIBELED PETITIONER THROUGHOUT HIS BUSINESS

COMMUNITY. FURTHER, MS. DEHAAN STATES IN A JULY 14, 1988 LETTER TO THE FLORIDA BAR THAT SHE AND HER HUSBAND CURRENTLY HAD SIX LAW SUITS FILED AGAINST PETITIONER AND HIS WIFE. ANY REASONABLE INTERPRETATION OF MR. HILL'S LETTER AFTER ALL THE FACTS ARE CONSIDERED WAS THAT MR. AND MS. DEHAAN AND MR. HILL HAD COMMITED THEMSELVES TO YET ANOTHER EFFORT TO TAKE MONEY OR PROPERTY FROM PETITIONER OR HIS WIFE WHEN THAT LETTER WAS WRITTEN.

THE FLORIDA BAR REFERS TO A SETTLEMENT DISCUSSION BETWEEN PETITIONER AND MR. ROBERT HILL ON SEPTEMBER 25, 1988. THE FLORIDA BAR PREFERS TO INTERPRET THE TESTIMONY OF MR. HILL CONCERNING THAT COMMUNICATION, BUT AS PETITIONER HAS SHOWN IN HIS INITIAL BRIEF, THE ACTUAL TESTIMONY OF MR. HILL WAS, " WE NEGOTIATED - DISCUSSED SETTLEMENT NEGOTIATIONS. IT WAS BACK AND FORTH, AS TO WHO ORIGINATED A SPECIFIC OFFER, I REALLY CAN'T RECALL.", AT PAGE 56, LINES 8, 9, AND 10 OF THE TRANSCRIPT OF FINAL HEARING.

FURTHER, THE FLORIDA BAR WOULD CHOOSE TO INTERPRET THE TESTIMONY OF MR. ROBERT HILL CONCERNING DISCUSSIONS BETWEEN HE AND THE PETITIONER ON APRIL 28, 1989. IN REALITY, MR. HILL'S TESTIMONY WAS, AT PAGE 87 OF THE TRANSCRIPT OF FINAL HEARING, " I DON'T RECALL WHAT STATEMENTS YOU MADE." FURTHER, AT PAGE 51 OF THE TRANSCRIPT OF FINAL HEARING, MR. HILL AGAIN STATES, " I'M NOT SAYING THAT YOU ASKED ME TO CHANGE ANY SPECIFIC ITEM OF MY TESTIMONY AT THAT HEARING. WHAT I'M SAYING IS TO THE BEST OF MY RECOLLECTION - AS I SAID , I DON'T RECALL EXACTLY WHAT WAS SAID - ONLY THE EFFECT CREATED IN MY MIND WAS THAT IF I DID NOT MAKE THE TESTIMONY

TOO DAMAGING THAT YOU WOULD CONSIDER - YOU WOULD DISMISS THE LAWSUIT." STILL LATER, " I DON'T RECALL THE EXACT WORDS." AT PAGE 50 OF THE TRANSCRIPT OF THE FINAL HEARING AT LINES 17 AND 18, MR. HILL STATED CLEARLY AND UNEQUIVOCALLY, " YOU DIDN'T ASK ME TO ALTER MY TESTIMONY. NO SIR, YOU DIDN'T ASK ME TO ALTER MY TESTIMONY."

MR. HILL IS AND WAS AN INTELLIGENT, THINKING, RATIONAL ATTORNEY, AND CANDIDLY ADMITS THAT OUR CONVERSATION ONLY CREATED AN EFFECT IN HIS MIND. CAN THIS BE CONSIDERED CLEAR AND CONVINCING EVIDENCE THAT WOULD SUPPORT A GRIEVANCE? PETITIONER SUBMITS TO THIS HONORABLE COURT, THAT SUCH EVIDENCE FALLS WOEFULLY SHORT OF THE STANDARD NECESSARY TO CONVICT.

PETITIONER'S REPLY TO THE FLORIDA BAR'S ARGUMENT

PETITIONER SHALL ENDEAVOR IN THIS REPLY TO ADDRESS, IN SEQUENTIAL ORDER, THE ARGUMENTS SUBMITTED BY THE FLORIDA BAR.

THE FLORIDA BAR WOULD FIND PETITIONER AT SOME FAULT FOR A LETTER TO MR. ROBERT HILL DATED JUNE 29, 1988, BUT THEY WOULD APPEAR TO BE THE ONLY OFFENDED PARTY, FOR EVEN MR. ROBERT HILL, THAT PERSON TO WHOM THE CORRESPONDENCE WAS DIRECTED, "THOUGHT IT WAS A - BASICALLY A PRELUDE TO A COUNTERCLAIM IN A DISPUTE OF A CIVIL ACTION", AT PAGE 89, LINES 12 AND 13 OF THE TRANSCRIPT OF FINAL HEARING. MR. HILL FURTHER STATES AT LINES 19, 10, AND 21 OF PAGE 83 OF THE TRANSCRIPT OF FINAL HEARING THAT HE WAS NOT PERSONALLY OFFENDED BY THE CORRESPONDENCE, SPECIFICALLY, " NOT BY THAT LETTER, NO SIR." PETITIONER SUBMITS THAT CORRESPONDENCE OF THIS NATURE IS GENERIC TO THE PRACTICE OF LAW, KNOWN BY PRACTICING LAWYERS TO BE SUCH AND NOT A BASIS FOR DISCIPLINE.

AGAIN, AS IN THE PETITIONER'S BRIEF ON THE MERITS, ADDRESS IS HERE MADE BRIEFLY TO THE PURPORTED TELEPHONE CONVERSATION ON JUNE 23, 1988 BETWEEN PETITIONER AND MR. ROBERT HILL. THE EVIDENCE IS NOT CREDIBLE THAT PETITIONER THREATENED MR. HILL THAT HE WOULD BE SORRY. AFTER A HEARING THAT DID NOT PROCEED FAVORABLY TO PETITIONER, NO ANGER EMITTED FROM PETITIONER, DURING THE HEARING OF A MALICIOUSLY FILED GRIEVANCE, NO ANGER EMMITTED FROM PETITIONER, DURING MOTIONS AND TRIALS ON THIS GRIEVANCE, NO ANGER EMITTED FROM PETITIONER, IN SHORT, THERE IS NO

CREDIBLE EVIDENCE, WHEN VIEWED FAIRLY, TAKING THE ENTIRE TESTIMONY OF MR. HILL INTO CONSIDERATION, THAT PETITIONER MADE ANY THREATS TO MR. HILL OR TO ANY OTHER PERSON.

PETITIONER HAS NO KNOWLEDGE IF MR. HILL IS SORRY THAT HE MET MR. AND MS. DEHAAN. PETITIONER CERTAINLY KNOWS THAT HE IS. PETITIONER IS CONFIDENT THAT HIS WIFE IS SORRY THAT SHE MET MR. AND MS. DEHAAN. THE NET EFFECT OF MEETING MR. AND MS. DEHAAN FOR PETITIONER AND HIS WIFE IS THREE YEARS OF MISERY, PAIN, THE LOSS OF $7,500.00, AND A NEVER ENDING CONTROVERSY WITH THE FLORIDA BAR.

THAT PETITIONER "THREATENED" TO REPORT MR. DEHAAN FOR PECUNIARY GAIN IS ERRONEOUS. MR. HILL DID NOT PERCEIVE PETITIONER'S LETTER TO BE THREATENING, ONLY A PRELUDE TO A COUNTERCLAIM. ADDITIONALL, WHAT IS THE PURPOSE OF A DEMAND LETTER WITHOUT A DEMAND FOR PAYMENT OF MONEY? MR. AND MS. DEHAAN EFFECTED A LOSS TO PETITIONER'S WIFE OF $7,500.00 PLUS INTEREST. THIS LETTER WAS NOTHING MORE THAN THE INITIAL VOLLEY OF LITIGATION.

THE FLORIDA BAR'S POSITION IN REFERENCE TO THE LICENSING OF MR. DEHAAN IS INCREDULOUS. THE FLORIDA BAR WOULD AND DOES ENCOURAGE GREIVANCES AGAINST ATTORNEYS, BUT WOULD FIND FAULT WITH ATTORNEYS FILING MERITORIOUS GRIEVANCES AGAINST OTHER PROFESSIONALS. AGAIN, THE FLORIDA BAR'S OWN WITNESS, MR. ROBERT HILL BELIEVES, "IF SOMEBODY HAS A GREIVANCE AGAINST SOMEONE'S SUPERVISED PROFESSION, THEY HAVE THE RIGHT TO FILE THAT GRIEVANCE," TRANSCRIPT OF FINAL HEARING AT PAGE 82, LINES 21, 22, AND

23.THAT PETITIONER WOULD HOPE TO PREVENT ANOTHER UNSUSPECTING PERSON FROM BEING BILKED BY THE DEHAANS SHOULD BE APPLAUDED, NOT CONDEMNED.

THE FLORIDA BAR'S ARGUMENT CONCERNING THE FRIVOLOUS APPEALS LEADS ONE TO THE INESCAPABLE CONCLULSION THAT IT IS NOT INTERESTED IN EQUAL PROTECTION. CURIOUS, INDEED, THAT THE FLORIDA BAR DOES NOT INVESTIGATE A CASE RULED FRIVOLOUS BY AN APPELATE COURT IN THIS STATE. YET THE FLORIDA BAR CHOOSES TO PURSUE ONE COUNT OF A MULTI-COUNT SUIT THAT ON WHICH NO JUDICIAL TRIBUNAL, IN A TRULY ADVERSARIAL HEARING, HAS RULED. THE BAR HAS FAILED ONCE AGAIN TO PROPERLY APPLY THE DISCIPLINARY RULES.

LEARNED COUNSEL FOR THE FLORIDA BAR GRASPS AT STRAWS OVER THE CASES SUBMITTED BY PETITIONER. PETITIONER DECLINED TO BE DRAWN INTO THIS ARGUMENT WITH COUNSEL. THE EXCHANGE AT PAGE 145 OF THE TRANSCRIPT OF FINAL HEARING IS LITTLE MORE THAN VIGOROUS CROSS EXAMINATION THAT LEADS NOWHERE AS TO CREDIBILITY. THE FLORIDA BAR, HAVING RAISED THIS NON-ISSUE, HAS CHOSEN TO FRAME ITS ARGUMENT IN SUCH A MANNER AS TO BE TANTAMONT TO OR AN ADMISSION THAT IT HAS FAILED IN ITS MISSION, ONCE AGAIN, TO PROPERLY APPLY THE DISCIPLINARY RULES. THE FLORIDA BAR'S CREDIBILITY HAS BECOME QUESTIONABLE IN THIS PROCEEDING. WHILE THE PETITIONER'S FACTS AND ACTIONS HAVE REMAINED CONSTANT, THE BARS CHARGES, ALLEGATIONS AND INUENDOS HAVE SWAYED AND SHIFTED AS IT PERCEIVED NECESSARY. THESE CHANGES CAME AS RECENTLY AS ITS INITIAL BRIEF TO THIS COURT, WHICH PETITIONER SUBMIT IS IMPROPER.

IT IS EXTREMELY DIFFICULT FOR PETITIONER TO ADEQUATELY ADDRESS THE "TEST OF TIME" COMMENT THAT OFFENDS THE FLORIDA BAR WHEN PETITIONER WAS NEVER PROVIDED A COPY OF THAT TRANSCRIPT. PETITIONER HAS PREVIOUSLY SUBMITTED ERROR CONCERNING THE TRANSCRIPT OF THE COMMITTEE HEARING, SPECIFICALLY THAT A COPY OF SAME, IF OFFERED IN EVIDENCE, BE PROVIDED TO PETITIONER, WHICH THE FLORIDA BAR FAILED TO DO. TO ARGUE, AS THE FLORIDA BAR WOULD DO, THAT PETITIONER HAD MADE A COMMENT THAT THE COMPLAINT HAD STOOD THE TEST OF TIME WHEN, IN FACT, THE COMPLAINT NEVER RECEIVED A JUDICIAL REVIEW, LEAVES ONE CONFUSED. PETITIONER'S OBSERVATION THAT THE TRANSCRIPT MAY HAVE HAD A TRANSCRIPTION ERROR WAS ENTIRELY REASONABLE. IN ANY EVENT, PETITIONER SUBMITS THAT THESE CONCERNS TO BE LITTLE MORE THAN A TEMPEST IN A TEACUP AND NOT A BASIS FOR DISCIPLINE, NOR TEST OF CREDIBILITY.

HOWEVER MUCH THE FLORIDA BAR WANTS TO REST ITS ARGUMENT ON WHAT PETITIONER DID NOT KNOW, A CASE WAS MADE OUT ON WHAT PETITIONER DID, IN FACT, KNOW. PETITIONER COULD AND DID KNOW THAT SUE ANN DEHAAN APPEARED AT HIS OFFICE DOOR UNINVITED, WAVING A PIECE OF PAPER, STATING THAT SHE HAD SPOKEN WITH HER ATTORNEY AND THAT <u>THEY</u> WERE GOING TO "THE BAR" WITH PETITIONER. PERHAPS PETITIONER IS NOT A TRIAL LAWYER, BUT CERTAINLY KNOWS ENOUGH NOT TO GIVE AWAY HIS CASE AT A PROCEEDING NOT A PART OF THE LITIGATION. THAT MR. DEHAAN HAD IMPROPERLY CALLED PETITIONER, AFTER HAVING BEEN REBUFFED AT THE COUNTY COURTHOUSE, AND ADMITTED A CONSPIRACY BETWEEN HE AND MS. DEHAAN AND MR. HILL, WAS NOT SUBJECT TO DISCOVERY AT A GRIEVANCE COMMITTEE HEARING, BUT PROPERLY LEFT TO DISCOVERY BY PROPER

MEANS DURING THE COURSE OF THE LITIGATION. PETITIONER DID NOT INITIATE ANY CONVERSATIONS WITH MR. OR MS. DEHAAN, TOLD MR. DEHAAN THAT HE COULD NOT SPEAK WITH HIM BECAUSE OF LEGAL REPRESENTATION, AND SIMPLY LISTENED. MR. DEHAAN'S UNSOLITICED STATEMENT, AFTER WARNING, PERMITTED A CAUSE OF ACTION AGAINST THE ATTORNEY INVOLVED, PETITIONER SUBMITS, AND IS NOT THE PROPER SUBJECT OF DISCIPLINE. PETITIONER'S TESTIMONY CONCERNING HIS EVIDENCE, AS WELL AS THE TIME AND PLACE IN WHICH HE REVEALED SAME, IS ENTIRELY CONSISTENT AND PROPER. THAT MR. HILL WAS CHARACTERIZED AS AN HONORABLE MAN BY PETITIONER AND FOUND INCONSISTENT BY THE FLORIDA BAR, MARK ANTHONY'S SOLILOQUY IN JULIUS CAESAR COMES TO MIND.

THAT PETITIONER DID NO DISCOVERY IS OF NO CONSEQUENCE. PETITIONER WAS PREPARED TO TRY HIS CASE WHEN FILED AND WAS IN NO NEED OF DISCOVERY, AND THEN ENTER THE FLORIDA BAR WITH ITS DRACONIAN GRIEVANCE PROCEDURES.

AFTER ALMOST THREE YEARS OF NON-PRODUCTIVE EXPENDITURE OF TIME AND RESOURCES, PETITIONER FINALLY ACKNOWLEDGED THAT THE FLORIDA BAR FROWNS ON SUITS AGAINST LAWYERS, ALBEIT AT LEAST SOME SUITS AGAINST SOME LAWYERS. THAT PETITIONER FAILED TO PROVIDE AUTHORITY FOR HIS ARGUMENTS IS UNFOUNDED. A FAIR REVIEW OF THE ENTIRE RECORD WILL REVEAL THAT THIS IS AN INACCURATE OBSERVATION. SPECIFICALLY, ABSOLUTE IMMUNITY THAT HAD BEEN ENJOYED BY PERSONS FILING GRIEVANCES NO LONGER EXISTS.

HOWEVER CONFUSED LEARNED COUNSEL FOR THE FLORIDA BAR MAY HAVE BECOME ON THE ISSUE OF IMMUNITY, OR HOW CONFUSED PETITIONER MAY HAVE BECOME ON COUNSEL'S CROSS, THE REALITY IS THAT A LAWYER ACCUSED OF MISCONDUCT MAY NOW SEEK ALL LEGAL REDRESS UNDER FLORIDA LAW, THE FLORIDA BAR re

AMENDMENTS TO THE RULES REGULATING THE FLORIDA BAR , 558 So. 2d 1008 (1990). THE REALITY IS FURTHER THAT PETITIONER'S GOOD FAITH BELIEF THAT MR. DEHAAN, MS. DEHAAN, AND MR. HILL MAY NOT ENJOY ABSOLUTE IMMUNITY WAS AND IS CORRECT. THIS ISSUE BY THE FLORIDA BAR, PETITIONER SUGGESTS, IS MORE IN THE NATURE OF A NON-ISSUE AND NOT, THEREFORE, RELEVANT.

PETITIONER CAN FIND NO PAIN FOR MR. HILL HAVING TO SEEK REPRESENTATION FROM HIS MALPRACTICE CARRIER, FOR PETITIONER HAS EXPERIENCED THREE YEARS OF DRACONIAN, STAR CHAMBERED PROCEEDINGS PROMULGATED BY THE FLORIDA BAR, AND HIS WIFE'S LOSS OF $7,500.00. ALL OF WHICH COULD HAVE BEEN AVOIDED HAD THE ATTORNEY FOR MR. AND MS. DEHAAN SIMPLY DONE HIS HOMEWORK. TO ACCUSE A FELLOW ATTORNEY WITH THEFT, AS MR. ROBERT HILL DID WITHOUT VERIFICATION IS CONDUCT THAT THE FLORIDA BAR SHOULD BE CONCERNED WITH, BUT, IN FACT IS NOT. ALL MR. HILL HAD TO DO TO FIND THE TRUTH WAS TO DISCOVER FROM THE BANK IN QUESTION, OR, MORE TELLING, INQUIRE OF HIS OWN CLIENTS, FOR, IN FACT, THEY HAD THE VITAL INFORMATION. PETITIONER FINDS SHAME ON THE FLORIDA BAR FOR CONTINUING THIS TRAVESTY WHEN, IN FACT, IT HAS FOUND PETITIONER TO BE WHAT HE TRULY IS, INNOCENT.

PETITIONER IMPLORES THIS HONORABLE COURT TO FREE HIM FROM THESE PAST THREE YEARS, IN ORDER TO REBUILD HIS CAREER. FOR SOME FIFTEEN YEARS, PETITIONER HAS BEEN A MEMBER OF WHAT HE CONSIDERS TO BE THE GREATEST OF PROFESSIONS, AND HAS FOUND HIS WAY TO NO DISCIPLINE.

PETITIONER DOES AND HAS ALWAYS HELD IN HIGH REGARD HIS MEMBERSHIP IN THE FLORIDA BAR, AND RESPECTS, HONORS, AND FOLLOWS THE RULES REGULATING THE FLORIDA BAR. PETITIONER FINDS THE FLORIDA BAR vs. ROSENBERG, 387 So. 2d 935 (1980) TO BE INAPPROPRIATE TO THE PROCEEDINGS AT HAND. MR. ROSENBERG WAS CHARGED AND CONVICTED OF CONTINUING AS COUNSEL AFTER IT BECAME OBVIOUS THAT HE SHOULD BE CALLED AS A WITNESS FOR HIS CLIENT, FILING VARIOUS PLEADINGS, WHICH EITHER HAD NO CERTIFICATE OF SERVICE OR HAD SUCH CERTIFICATE BUT NOT MAILED TO OPPOSING COUNSEL AND FILED FOUR DIFFERENT APPEALS WHICH HE KNEW OR WAS OBVIOUSLY WITHOUT MERIT. NO FACT IN THIS CASE MAKE SAME ANALOGOUS TO THE INSTANT MATTER AND IS WITHOUT MERIT AS PRECEDENT.

PETITIONER HAS ESTABLISHED A PATTERN OF INTEGRITY OVER HIS FIFTEEN YEAR LAW CAREER. THERE IS NO PATTERN OF MISBEHAVIOR BY THE PETITIONER AS WAS ALLEGED BY THE FLORIDA BAR. THE ONLY DISCERNABLE PATTERN, PETITIONER SUGGESTS, IS THREE YEARS OF TRAUMA, PAIN AND FRUSTRATION. PETITIONER, HOWEVER, IS CERTAIN THAT THE EVENTUAL SUPREMACY OF REASON, AS OBSERVED BY JUDGE LEARNED HAND, WILL RESULT IN A FINDING BY THIS HONORABLE COURT THAT THIS CASE SHOULD BE DISMISSED AS HAVING NO RATIONAL BASIS IN FACT.

CONCLUSION

FOR THE REASONS CONTAINED IN PETITIONER'S BRIEF ON THE MERITS AND THOSE IN THIS REPLY BRIEF, SPECIFICALLY THAT THE REFEREE CLEARLY EXHIBITED PREJUDICE, DISREGARDED DUE PROCESS AND PROCEDURAL SAFEGUARDS, ERRED IN HIS FINDINGS OF FACT AND MISAPPLIED THE PREVAILING LAW, PETITIONER, DAVID H. THOMAS, RESPECTFULLY ASKS THIS COURT TO REVERSE THE FINDINGS AND DECLINE TO ACCEPT THE RECOMMENDATIONS OF THE REFEREE AND DISMISS THE UNDERLYING GRIEVANCE AS BEING WITHOUT MERIT.

CERFIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING REPLY BRIEF HAS BEEN FURNISHED BY UNITED STATES MAIL TO THE FLORIDA BAR, PROPER ADDRESS AS LISTED, AND WITH CORRECT POSTAGE ATTACHED, THIS THE 4TH DAY OF FEBRUARY 1991.

David H. Thomas

DAVID H. THOMAS
FLORIDA BAR NO. 207187