

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

v.

Case No.: 81,824

RICHARD PAUL CONDON,
Respondent.

RESPONDENT'S REPLY BRIEF

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Statement of Case and of The Facts

It is submitted that the case and facts in this cause were sufficiently stated by the Respondent in the Statement of Case and Statement of Facts contained in his initial brief. The Respondent, therefore, adopts for the Reply Brief the Statement of Case and the Statement of Facts of his initial brief by reference.

Argument

The Respondent and Complainant in their earlier briefs have used different statements of the questions presented. The Respondent adheres to his original statement of the Questions Presented, which are restated here for convenience.

Number One: THE REFEREE'S CONCLUSION THAT DISBARMENT IS APPROPRIATE IS WITHOUT SUPPORT IN THE EVIDENCE

Number Two: CERTAIN OF THE REFEREE'S CONCLUSIONS OF FACT ARE WITHOUT SUPPORT IN THE EVIDENCE

The Referee, the Complainant, and the Respondent disagree about most of the basic facts, the meaning and relationship of those facts, and the appropriate discipline consequent to the foregoing.

It is agreed that the client's funds accounting of the Respondent was not in compliance with the Florida Rules. At that point the disagreement commences.

The Complainant says that the Respondent was engaged in an intentional plot to steal from a client. The Referee has not found that the failure to comply was intentional.

Throughout the proceedings, the Respondent has refused to engage in reductionism and has consistently stated that his bookwork was a mess because of numerous factors, not the least of which are two major illness involving the brain. The Respondent has, however, consistently stated that he did not steal from his friend.

While the Respondent believes that the Complainant's

hectoring of the Respondent is merely the result of frustration, the complainant in its presentation to the Referee and in its brief has interwoven and engaged in the logical errors:

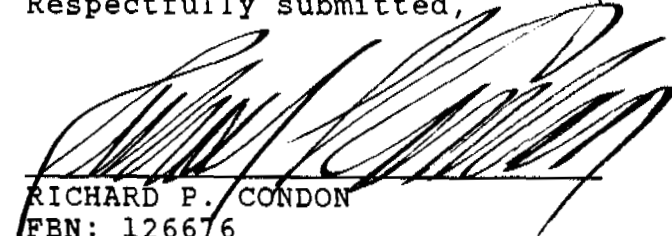
1. Fallacy of Accident: Application of a general rule to a particular case in which some special circumstances ("accident") makes the general rule inapplicable.
2. Hasty generalization: Conclusion with insufficient data.
3. Post Hoc Erap Propter Hoc: Assuming that of two events occurring together or in immediate sequence, one is the cause and the other the effect. Also called "Fallacy of False Cause": mislocates the cause of one phenomenon in another that is only seemingly related.
4. Special Pleading: One side presented as complete evidence.
5. Oversimplification: Statement of a proposition, conclusion, or argument in terms too simple to take all issues into account.
6. Black-or-White: Suggesting only two alternatives and no more.
7. Argument of the Beard: Use of the fact of continuous and gradual shading of real differences between two opposites.
8. Fallacy of Many Questions: Demanding or giving a single answer to a question when this answer could either be divided or refused altogether, because a mistaken presupposition is involved.
9. Division: Proving something on a related matter to establish main issue.
10. Argumentum Ad Ignorantiam: Failure to prove one side establishes the other.
11. Argumentum Ad Hominem: Discrediting the argument by discrediting the speaker.
12. Pettifogging: Concentrating on petty issues.

13. Meaning From Association: Establishing a connection between the subject and some logically unrelated subject.
14. Argumentum ad nauseum: Repitition rather than proof or logic.
15. Repeated Assertion: Making an idea familiar until it is accepted as true.
16. Confident Manner: Presenting matter in a manner suggesting certain correctness.
17. Attitude Fitting: Coloring argument to fit attitude of listener.
18. Argumentum Ad Poplum: Appeal to popular sentiment rather than reason.
19. Lifting Out of Context (Vicious Abstration): That which is part of a whole, is to be considered in that whole.

Mental illness should, in a just world, be a disease like any other disease, to be treated and the sufferer reintegrated into society. However, since the mentally ill are not in bandages or on crutches, they are often pre-judged by some as having no illness, leaving the viewer to project their own pathology unto the sufferer. In some instances, the sufferer is unwitting prey to designing and manipulative persons, more concerned with their immediate personal gain or need than concerned with respecting the dignity and rights of the sufferer and humanity in general. This situation makes the mentally ill doublely the victim.

The mentally ill, however, can be protected by the use of logic and by the proven contents of their character.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by United States Mail to THOMAS E. DEBERG, Assistant Staff Counsel, The Florida Bar, Suite C-49, Tampa Airport Marriott Hotel, Tampa, Florida 33607 on this 17 th day of September, 1994.



RICHARD P. CONDON