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IN THE SUPREME COURT OF FLORIDA

CLERK, SUPREME COURT

By \_\_\_\_\_

Chief Deputy Clerk

THE FLORIDA BAR,  
Complainant/Appellee

Case No(s). 84,214  
85,007

v.

JOSEPH VINCENT CANTO,  
Respondent/Appellant

TFB File No(s). 93-00710-04D  
94-00540-04D

ANSWER BRIEF OF THE FLORIDA BAR

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## PRELIMINARY STATEMENT

In order to ensure a clear record, the following terms of reference will be utilized throughout this brief: The Florida Bar, the appellee herein, will be referred to as "the Bar." Joseph Vincent Canto, the appellant herein, will be referred to by his full name, as "respondent", or as "Canto." References to the final hearing transcript will be made by utilizing the symbol "T" followed by the transcript page number. Exhibits introduced into evidence at the final hearing will be referred to as "Exhibit \_\_\_\_." References to the report of referee will be made by utilizing the symbol "RR". References to respondent's "brief" will be made by utilizing the symbol "CB."

## STATEMENT OF THE CASE AND OF THE FACTS

### I. STATEMENT OF THE CASE

Following a finding of probable cause by the Fourth Judicial Circuit Grievance Committee "D" on April 19, 1994, The Florida Bar filed its formal complaint in TFB File No. 93-00710-04D on August 17, 1994 (Supreme Court Case No. 84,214). Following a finding of probable cause by the Fourth Judicial Circuit Grievance Committee "D" on August 16, 1994, The Florida Bar filed its formal complaint in TFB File No. 94-00540-04D on January 11, 1995 (Supreme Court Case No. 85,007). The Honorable G. Richard Singeltary was appointed as referee on both cases which were consolidated for final hearing by order dated February 13, 1995.

A final hearing was held on May 3, 1995. On June 12, 1995 the Bar provided Judge Singeltary with a copy of Canto's "Motion to Dismiss Complaint of The Florida Bar; Joined by a Complaint Against Members of The Florida Bar". By order dated June 15, 1995, Judge Singeltary denied the motion which he deemed to be untimely and without merit. Notwithstanding the order entered by Judge Singeltary, the parties were advised on June 27, 1995 that the Court was holding Canto's "Motion to Dismiss Complaint of The Florida Bar; Joined by a Complaint Against Members of The Florida Bar" pending receipt of a petition for review by either party. On June 16, 1995, Judge Singeltary served his report of referee on the parties and forwarded his entire file to this Court.

On an unknown date in July, 1995, Canto served a "Response to Report of Referee; Joined by Petition for Writ of Mandamus" with this Court. By notice from the Court dated July 10, 1995, the parties were advised the pleading was being treated as Canto's petition for review.

The report of referee was considered by the Board of Governors of The Florida Bar at its July, 1995 meeting. By letter dated July 20, 1995, the parties were notified that the Bar would not seek review. On July 25, 1995, Canto filed an "Emergency Petition for Temporary Injunction Enjoining Defendant Salter from his Duties as Trustee". In response, The Florida Bar filed a Motion to Strike; Canto then filed a response to the Bar's motion to strike. By notice dated August 9, 1995, the Court advised the parties the Bar's motion to strike would be considered at the time the Court determines the merits of the case. On August 15, 1995, the Bar filed a motion to dismiss respondent's petition for review predicated upon his failure to file an initial brief. By notice from the Court dated August 23, 1995, the parties were advised Canto's "Response and Notice" filed August 22, 1995 was being treated as his initial brief.

## II. STATEMENT OF THE FACTS

Because Canto has failed to provide any relevant facts in his brief, the Bar respectfully submits the following summaries of both cases. The facts are discussed in detail with references to the record later in the brief. In order to avoid unnecessary repetition, the following is a brief synopsis only and incorporates by reference the detailed discussions and references to the record set forth infra.

In Supreme Court Case No. 84, 214, Canto was disqualified from representing the plaintiffs in a civil case by court order dated April 24, 1991. Notwithstanding that order, Canto continued to file pleadings on behalf of the very plaintiffs he had been disqualified from representing both prior and subsequent to the settlement and order of dismissal of the case with prejudice by court order dated June 15, 1993. For his ongoing, willful violation of the court's orders, respondent was held in contempt on at least two (2) separate occasions (RR 3-7).

In Supreme Court Case No. 85,007, Canto knowingly continued to practice law while suspended for his failure to pay dues and to comply with continuing legal education requirements (RR 7-8).

### SUMMARY OF ARGUMENT

In Bar disciplinary proceedings, the party seeking review of a referee's findings and recommendations must demonstrate that the referee's findings are clearly erroneous or lacking in evidentiary support, and unless that burden is met, the referee's findings are upheld on review. The respondent has failed to demonstrate any error or allege that the report of referee is lacking evidentiary support.

Respondent's brief neither addresses nor refutes the findings and recommendations made by the referee. Rather, respondent's pleading simply argues the alleged merits of a dismissed civil case and the alleged conduct of another lawyer. Canto fails to provide the Court or the Bar with any facts, argument or law with regard to this disciplinary matter, making it extremely difficult for the Bar to respond. Canto's pleading evidences his conviction that he has obtained a new forum in which to argue issues which are beyond the scope of the disciplinary proceeding and which are irrelevant except to the extent that it was his conduct in the civil case which gave rise to the disciplinary proceeding.

Canto's pleading does not request relief in the disciplinary matter; Canto seeks affirmative action by this Court in the form of orders to lower tribunals and individuals in the civil case in which he was involved.



Because the referee's findings are supported by the evidence and unrefuted by the respondent, the referee's findings of fact and his disciplinary recommendation should be upheld.

**ARGUMENT**

**I. THE REFEREE'S FINDINGS OF FACT  
AND RECOMMENDATIONS ARE SUPPORTED  
BY CLEAR AND CONVINCING EVIDENCE  
AND SHOULD BE UPHELD BY THIS COURT.**

It is axiomatic that when the findings of fact made by the referee are supported by competent substantial evidence, they must be upheld by this Court. The Florida Bar v. Seldin, 562 So. 2d 41 (Fla. 1988). The party seeking review bears the burden of showing that the referee's findings are clearly erroneous or lacking in evidentiary support, and unless that burden is met, the referee's findings will be upheld on review. The Florida Bar v. McClure, 575 So. 2d 176 (Fla. 1991). Respondent has not and cannot meet that burden.

**A. THE RECORD IS REplete WITH  
EVIDENCE THAT RESPONDENT REPEATEDLY  
VIOLATED COURT ORDERS AND WAS HELD  
IN CONTEMPT FOR HIS ONGOING AND  
WILLFUL REFUSAL TO COMPLY WITH  
THOSE ORDERS**

**Case No. 84,214**

The referee found that each and every allegation set forth in the Bar's complaint had been proven by clear and convincing evidence (T 113-114). Each and every allegation is supported by documentary evidence as follows:

On or about April 24, 1991, the Honorable Stephen P. Mickle entered an order, pursuant to a motion filed by the

defendants, disqualifying respondent as plaintiff's counsel in Case No. 91-634-CA, filed in the Eighth Judicial Circuit (Ex 1). On or about August 7, 1991, the Honorable Elzie S. Sanders entered an order declining to reconsider Judge Mickle's April 24, 1991 order (Ex 2). Respondent thereafter filed a petition for writ of mandamus in the First District Court of Appeal on behalf of plaintiffs, seeking review of Judge Mickle's order as well as Judge Sanders' order denying rehearing (Ex 3). The Petition for Writ of Mandamus was denied on August 27, 1991 (Ex 4). Respondent, on behalf of the plaintiffs, moved the First District Court of Appeal for reconsideration of its order of August 27, 1991, or, in the alternative, for clarification (Ex 5). Respondent's motion for reconsideration was denied by the First District Court of Appeal on September 30, 1991 (Ex 6).

On or about February 4, 1993, notwithstanding the order described herein, Respondent, purporting to represent the very plaintiffs he had been disqualified from representing, filed a document in Case No. 91-634-CA, entitled "Priority Motion for Temporary Injunction" and set a hearing for March 8, 1993 (Ex 7). On or about February 4, 1993, Respondent also filed a "Substituted and Amended Priority Motion for Temporary Injunction" on behalf of the plaintiffs he had been disqualified from representing (Ex 8). With the document respondent submitted a letter seeking ex parte consideration and an earlier hearing date (Ex 8). On February 10, 1993, the Honorable Osee Fagan sua sponte entered an order (a) denying the request of the plaintiffs to expedite, (b) striking the

pleadings filed by Joseph V. Canto (because he was not authorized to represent the plaintiffs, pursuant to prior court order), (c) cancelling the hearing, and (d) reporting the matter to The Florida Bar (Ex 9). Notwithstanding the February 10, 1993 order entered by Judge Fagan, Respondent, purporting to act as counsel for the plaintiffs he had been ruled ineligible to represent, filed a Motion for Reconsideration of the February 10, 1993 order with an exhibit entitled "Motion to Vacate Emergency Motions" (Ex 10).

On or about February 18, 1993, the defendants filed a motion to hold the plaintiffs and their counsel (respondent) in contempt of court for their continued violation of the court's April 24, 1991 order and as to respondent for continuing to assert that he represented the plaintiffs despite the April 24, 1991 order (Ex 11). On March 14, 1993, the court entered an order denying the Motion for Reconsideration of the February 10, 1993 order (Ex 12). On March 31, 1993, the court entered a Rule to Show Cause as to why the plaintiff's complaint should not be involuntarily dismissed and set a hearing on May 26, 1993 (Ex 13). On March 31, 1993, the court also issued an Order to Show Cause as to why the plaintiffs should not be held in contempt of court for the disobedience of the prior court orders and set the hearing on May 26, 1993 (Ex 14). On March 31, 1993, the court entered its Order to Show Cause directed to Respondent as to why he should not be held in contempt of court for his violation of prior court orders by continuing to hold himself out as attorney for the plaintiffs despite his

disqualification in prior court orders and set the hearing on May 26, 1993 (Ex 15). At the May 26, 1993 hearing, the plaintiffs testified that they had never been advised by respondent of the content of the court's April 24, 1991 order and now understood he could no longer represent them (Ex 16).

On or about June 1993, the plaintiffs and defendants entered into a settlement, and on June 15, 1993, the court entered an order dismissing the case as well as the pending contempt proceedings against plaintiffs with prejudice (Ex 17). Even after the plaintiffs entered their agreement to dismiss their complaint against the defendants, respondent continued to file pleadings purporting to represent the plaintiffs as their counsel (Ex 18). At the hearing on May 26, 1993, Respondent stated under oath that he had no intention of obeying the April 24, 1991 order or any succeeding orders disqualifying him as counsel for the plaintiffs and that he intended to totally disregard the prior court orders (Ex 19). Respondent's failure to abide by court orders caused unnecessary expenses and legal fees to be incurred by the defendants (Ex 19). Respondent's actions in defiance of the court orders was willful and contemptuous (Ex 19). Respondent failed to offer the court any reasonable explanation why he should not be held in contempt of court (Ex 19). On September 9, 1993, the Honorable Maurice V. Giunta adjudicated Respondent in willful contempt of court and imposed the following sanctions against respondent: a monetary fine in the sum of \$10,000 to be paid within 45 days of September 9, 1993; an injunction to prevent the filing of any

further pleadings, documents, or papers; confinement to the Alachua County Adult Detention Center for a period of thirty (30) days, suspended for a period of 45 days to permit respondent an opportunity to purge himself of contempt. If respondent failed to purge himself of contempt within the 45 day period, he was to report to the detention center on the 46th day; and Respondent was permitted to purge himself of contempt by paying the monetary fine and refraining from filing further papers or pleadings (Ex 19).

At the final hearing before the referee, Canto freely admitted that when the order disqualifying him was entered, he had no intention of obeying it (T 71). Canto then went further and admitted that he will not stop representing the plaintiffs whose case was settled and dismissed with prejudice until he goes to his grave (T 99). His brief evidences his claim.

The record outlined above clearly demonstrates Canto's willful refusal to comply with court orders. According to Canto, five (5) circuit court judges are wrong (CB 1) and The Florida Bar is guilty of misconduct and harassment of Canto (CB 12).

Respondent's lack of competence is also supported by the record (T 57-65). Neither his petition for review nor his brief complies with the appellate rules. His brief, which argues the merits of the civil case and seeks relief in that case rather than the disciplinary case, illustrates Canto's failure to understand either substantive or procedural issues. It is apparent Canto believes this Court has assumed

jurisdiction of the long ago dismissed civil case and will grant all of his requests for relief therein.

Finally, Canto harmed not only the defendants in the civil case (Ex 19; T 54-56), he also harmed his own clients (T 52-54). Perhaps the greatest harm inflicted by Canto was that his clients, who had a potentially meritorious claim, lost it as a result of Canto's incompetence (T 62).

**B. THE RECORD EVIDENCES RESPONDENT'S  
ONGOING PRACTICE OF LAW WHILE  
SUSPENDED.**

**Case No. 85,007**

The referee found that each and every allegation set forth in the Bar's complaint had been proven by clear and convincing evidence (T 113-114). Each of the allegations is supported by the record as follows: The respondent was suspended from the practice of law on October 1, 1993 for nonpayment of dues (Ex 22). The respondent was suspended from the practice of law on October 13, 1993 for failure to comply with Rule 6-10 (Continuing Legal Education Requirement) Rules Regulating The Florida Bar (Ex 21). On or about October 13, 1993 the respondent was notified of his Continuing Legal Education Requirement suspension from the practice of law in Florida (Ex 21). The respondent remained suspended from the practice of law until January 10, 1994 based upon his dues delinquency. The respondent remained suspended on his Continuing Legal Education Requirement delinquency until January 11, 1994 (Ex 21). On or about December 6, 1993 the respondent filed a Notice in Case

No. 91-634-CA Div. J. in Alachua County, Florida as attorney for the plaintiffs (Ex 25). The respondent continued to practice law during the period of his suspension, October 1, 1993 to January 11, 1994 (Ex 18 and 26).

At the final hearing, respondent admitted filing pleadings during the period of time he was suspended for Continuing Legal Education and dues deficiencies (T 85-86; T 127-128).



**C. THE REFEREE'S DISCIPLINARY  
RECOMMENDATION IS SUPPORTED BY  
CASE LAW AND FLORIDA STANDARDS  
FOR IMPOSING LAWYER SANCTIONS.**

The referee specifically found that Canto is guilty of violating each of the rules alleged by the Bar in both complaints (T 114; RR 8-10). As appropriate discipline, the referee recommended that Canto be suspended for two (2) years and that he be required to pass The Florida Bar exam in its entirety and pay the costs of the proceeding before being readmitted or reinstated to the practice of law (T 132; RR 10). The referee's recommendation is supported by the case law and should be upheld.

In The Florida Bar v. Wishart, 543 So. 2d 1250 (Fla. 1989), an attorney willfully violated court orders concerning custody of his step-granddaughter. He absconded with her and was ordered to return her. When he refused to do so, he was suspended for three (3) years. Canto's sole defense for refusing to comply with court orders is that they had "no legal efficacy" and he had "no obligation to obey" them (CB 2). In Wishart, a subsequent judge entered a temporary restraining order requiring Wishart to return the child. Wishart refused, claiming that the restraining order was void because it had not been certified and because the underlying custody order was void. The referee's report described Wishart's assertion of his personal opinions and/or feelings about the justice of the court ruling, just as Mr. Canto has done. It is apparent from the record, including Canto's brief, that he passionately and

perhaps truly believes the court's rulings were wrong. However, the court ruled, and Canto had an obligation to obey the rulings when his appellate efforts failed. As stated by the Court in Wishart, "If he doubted the validity of these court documents, his option was to challenge them legally rather than to ignore them. The documents are presumptively valid and he is obligated to obey them until such time as they are properly and successfully challenged." Wishart at 1251.

The referee's report in Wishart specifically found as follows:

Respondent deliberately, willfully and knowingly disobeyed, and counseled others to disobey, orders and judgments of the Circuit Court of the Thirteenth Judicial Circuit. Respondent pursued a course of conduct knowingly designed to disrupt the orderly process of the judicial system in order to serve his own ends, as he alone defined them. Whenever confronted with an adverse judicial determination, respondent invented reasons to classify the adverse ruling, order, or judgment as "void" thereby permitting him, in his own mind, to ignore the ruling, order, or judgment with impunity. He has yet to recognize, or even acknowledge, the adverse impact this course of conduct had, or will have in the future, on the very system he took an oath to support.

Wishart at 1251.

That finding is equally applicable to Canto's conduct and is directly on point.

Equally applicable is Justice Barkett's dissenting opinion:

Short of defrauding a client, I can think of no more flagrant misconduct by an attorney than deliberately disobeying a series of direct orders by the court. This misconduct is not justified, as Wishart contends, by the attorney's belief that these orders were contrary to law. Our entire system of jurisprudence is built

on the principle that disagreements with the application of law can be corrected by appeals, by collateral attacks, or by petition to the legislature for a change in the law. No attorney is ever privileged to arrogate to himself or herself the right to say with finality what the law is. That prerogative inheres in the courts. Without this principle, our legal system would fall into shambles.

I agree that emotional involvement could be a mitigating factor in a given case. I do not find it to be in this one. At oral argument, Wishart stated quite plainly that he willfully disobeyed the direct orders of the court because he believed the judge to be wrong. He indicated that he would engage in this conduct again not only when his granddaughter was involved but on behalf of clients as well, if he felt it necessary.

Of necessity, an attorney must be required to recognize those instances in which his or her professional judgment is impaired. In the extreme form presented in this case, the lack of this capacity itself is a serious indicator of unfitness to practice law.

Moreover, I believe it to be a derogation of our duty to ignore the clear evidence in this record of Mr. Wishart's incompetency. If this Court disbars a lawyer for breaking the law in ways that do not affect clients, surely we should do so when we are directly faced with evidence of incompetence that cannot help but work to the detriment of future clients.

Wishart at 1253.

Also instructive is The Florida Bar v. Rubin, 549 So. 2d 1000 (Fla. 1989). In that case Rubin was faced with an ethical dilemma when he believed his criminal defendant client was going to offer perjured testimony. Because he was not permitted to withdraw from further representation, he appropriately sought guidance from the appellate court. Unfortunately, he chose to ignore the court's advice, proceeded at his peril, and received a public reprimand. As stated by the court in Rubin:

The question before us is not whether Rubin was legally obligated to obey the court order. That matter has been decided adversely to him by the courts and he has been properly sanctioned for his refusal. Rather, the question is whether he was ethically required to obey. We are concerned here with whether he violated the Code, not with whether he violated the law. The issue in this case is whether a lawyer may disobey a court order because he or she believes that order to be erroneous.

Rubin at 1001.

In Rubin, this Court expressed its strong feelings about attorneys who fail to obey court orders as follows:

An attorney is not permitted to ignore and refuse to follow a court order based upon his personal belief in the invalidity of that order. To countenance that course is to court pandemonium and a breakdown of the judicial system.

Rubin at 1003.

In Canto's case, as in the Rubin case, Canto initially challenged the order of disqualification but failed. It was then incumbent upon him to follow the dictates of the trial court notwithstanding his personal opinions. He blatantly refused to do so and continues to do so.

Canto's ongoing violation of the court's orders continued over a number of years and continues to this day as evidenced by his brief wherein he seeks to invoke this Court's jurisdiction in the dismissed civil case. This Court has routinely imposed harsher discipline when confronted with cumulative misconduct. The Florida Bar v. Vernell, 374 So. 2d 473 (Fla. 1979).

The disciplinary sanctions for practicing law while suspended for dues delinquency are also wide ranging. In The Florida Bar v. Batman, 511 So. 2d 558 (Fla. 1987), the respondent not only practiced law while suspended but also lied about it and claimed he had not in fact been practicing law while suspended. He received a public reprimand. Mr. Canto has been perfectly candid and admitted he did file documents and practice law while suspended.

In The Florida Bar v. Levkoff, 511 So. 2d 556 (Fla. 1987), the respondent was suspended for ninety (90) days for practicing while dues suspended. In The Florida Bar v. Weil, 575 So. 2d 202 (Fla. 1991), the respondent was suspended for six (6) months for practicing while dues delinquent and therefore suspended. However, in that case there were other aggravating factors, i.e., he failed to appear or participate in the disciplinary proceeding, he had not paid dues for a period of two (2) years, much longer than Mr. Canto was delinquent, and he had prior discipline consisting of two prior public reprimands.

Finally, in The Florida Bar v. Wasserman, 654 So. 2d 905 (Fla. 1995), the respondent received a sixty (60) day suspension for practicing while he was suspended. In that case the respondent also had prior discipline consisting of two public reprimands and an admonishment. Mr. Canto has no prior disciplinary history notwithstanding his assertions to the contrary.

Fla. Stds. Imposing Law. Sancs. 6.22 provides as follows:

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Canto has freely admitted that his ongoing violations of court orders were knowing and willful.

Fla. Stds. Imposing Law. Sancs. 7.2 provides as follows:

Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Canto's misconduct has obviously violated the duty he owes as a professional. The record contains unrefuted evidence of the injury he has caused his own clients, third parties, and the legal system. Quite simply, Canto is on an obsessive mission which, according to his own testimony, he intends to pursue until he dies. He has no respect for anyone who happens to obstruct his path. Such disdain for the legal system cannot be tolerated.

**II. THE REFEREE'S FINDINGS OF FACT AND  
RECOMMENDATIONS ARE UNREFUTED BY THE  
RESPONDENT.**

As previously discussed, Canto was disqualified by the trial court from representing certain individuals in a civil case. That civil case was settled and dismissed with prejudice by court order dated June 15, 1993 (Ex 17). Notwithstanding that fact, Canto's brief argues the merits of that civil case and fails to address the disciplinary matter which is the basis of this appeal. Because respondent's brief does not cite any error by the referee, does not cite any evidence to demonstrate error by the referee, and does not provide any case law, and does not seek any relief related to the disciplinary case, it is extremely difficult for the Bar to respond to his brief.

The Florida Bar was not a party to the underlying civil case and respectfully submits that the merit or lack of merit of the dismissed civil case is irrelevant to this appeal. The only relevance of the civil case to the referee's findings is that Canto's repeated violation of court orders in that case is what gave rise to the disciplinary proceedings against him. Thus, The Florida Bar cannot address the issues/arguments/life experiences raised in Canto's brief. The only appropriate comment on those issues would be to direct the Court's attention to Exhibit 20 regarding Canto's representations to this Court concerning the alleged default posture of the civil case (T 21).

Canto's brief raises only one potentially relevant issue. Throughout the disciplinary process and in his brief, Canto

claimed that The Florida Bar lacked jurisdiction to proceed against him because the circuit court first invoked disciplinary jurisdiction and imposed discipline when it disqualified him from further representation of the plaintiffs in the civil case (Ex 1) and/or when it first found him in contempt (Ex 19). Canto's assertions are specious. In a subsequent order finding Canto in contempt (Ex 20), the court specifically addressed the issue as follows:

Contrary to Joseph V. Canto's numerous allegations, this court has not disciplined Mr. Canto nor attempted to revoke Mr. Canto's license to practice law as defined by Disciplinary Rule 3-1.1 of the Rules Regulating The Florida Bar.

Neither the order disqualifying Joseph V. Canto from representing the plaintiffs, nor any of the contempt orders find or allege that Mr. Canto is guilty of unprofessional acts as defined by the Rules of Discipline set out in Chapter 3 of the Rules Regulating The Florida Bar.

That the circuit court never asserted disciplinary jurisdiction over Canto is further evidenced by the circuit court order dated February 10, 1993 which was forwarded to The Florida Bar by the court for appropriate action by The Florida Bar (Ex 9). See also the order dated March 19, 1993 which was forwarded to The Florida Bar by the Court for action by The Florida Bar (Ex 12). Finally, Canto has failed to produce any evidence that the circuit court conducted disciplinary proceedings in accordance with Rules Regulating The Florida Bar 3-7.8 as boldly asserted in his brief. While the circuit court certainly could have asserted jurisdiction in this disciplinary



matter pursuant to R. Regulating Fla. Bar 3-3.5, it clearly did not, and Canto's assertions to the contrary are patently frivolous.

Although not relevant to Canto's ongoing refusal to comply with court orders and practice of law while suspended, another issue must be addressed to prevent the Court from being misled by Canto's unfounded assertions and allegations. Canto's various and sundry pleadings have alleged misconduct by The Florida Bar. Canto has alleged that the Bar has "already served Salter well, by refusing to follow through on a complaint filed by Canto against Salter in 1991. . . ." (CB 6-7; see also T 19 and T 23). Once again, Canto has misrepresented the facts and made an assertion without basis in fact. Canto's complaint against against Salter was considered by the Fourth Judicial Circuit Grievance Committee "D" and dismissed on October 19, 1993 with a finding of no probable cause. Canto was so advised by letter dated October 25, 1993 (Ex 28).


Canto's allegations regarding the Bar's Motion to Strike and its alleged harassment of Canto on behalf of Salter are so devoid of merit, they warrant no substantive response. They are, however, further evidence of Canto's total lack of comprehension of the issues to be determined and his lack of competence.

### CONCLUSION

The Bar respectfully submits that it has met its burden of proving Canto's misconduct not only by clear and convincing evidence but beyond any reasonable doubt. Even Canto does not deny his actions. While his zealous and obsessive quest for justice as he perceives it evokes some sympathy, his conduct must be brought to an end. His ongoing pursuit of a civil case dismissed more than two (2) years ago continues to burden the judicial system as evidenced by his brief.

Canto's brief does not even challenge the referee's findings and disciplinary recommendation. Rather, he asks this Court to grant his wishes in the civil case. His brief also contains misrepresentations and alleged facts which have no basis in either logic or fact. Canto has not demonstrated any error by the referee, nor has he demonstrated that the findings made by the referee are lacking in evidentiary support. The Bar therefore urges the Court to approve the report of the referee in its entirety.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer Brief regarding Supreme Court Case No(s). 84,214 & 85,007; TFB File No(s). 93-00710-04D & 94-00540-04D has been forwarded by regular mail to Joseph Vincent Canto, Respondent, at his record Bar address of 3426 South West 42nd Avenue, Suite Apt. 1, Gainesville, Florida 32608-2556 and to John A. Boggs, Director of Lawyer Regulation, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 on this 18<sup>th</sup> day of September, 1995.

Luain T. Hensel  
LUAIN T. HENSEL, Bar Counsel