

IN THE SUPREME COURT OF FLORIDA

BEFORE A REFEREE

THE FLORIDA BAR,
Complainant,

vs.

JOHN R. WEED,
Respondent.

FILED
MAR 4 1987
CLERK, SUPREME COURT
By [Signature]
CONFIDENTIAL

Supreme Court No. 68,866

TFB Nos. 03-85N16 &
03-85N21

REPORT OF REFEREE

I. Summary of Proceedings. Pursuant to the undersigned's being duly appointed as referee to conduct the disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, a hearing was held on Wednesday, October 29, 1986, in Chambers, Room 400, Leon County Courthouse, Tallahassee, Leon County, Florida. The pleadings, notices, exhibits and memoranda, all of which are forwarded to The Supreme Court of Florida with the report, constitute the record in this case.

The following attorneys appeared as counsel for the parties.

For The Florida Bar appeared SUSAN V. BLOEMENDAAL.

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

II. 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. 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)(1), DR1-102(A)(4) or DR6-101(A)(3) as alleged in Counts I and II of the Complaint.

B. A review of the evidence presented and the exhibits relating to Count III of the Complaint reveals that The Florida Bar has failed to demonstrate that Respondent is guilty of violating DR6-101(A)(3), DR1-102(A)(5) or DR7-106(C)(7), but that

The Florida Bar has demonstrated that Respondent is guilty of violating DR1-102(A)(4), although said violation may have been unintentional.

C. A review of the evidence presented and the exhibits relating to Count IV and Count V of the Complaint reveals that The Florida Bar has failed to demonstrate that Respondent is guilty of violating DR1-102(A)(5) and DR7-106(C)(7), but that The Florida Bar has demonstrated that Respondent is guilty of violating DR1-102(A)(1) and DR6-101(A)(3).

III. Recommendations as to whether or not the 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 not guilty.

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 Rule of the Code of Professional Responsibility, to-wit: DR1-102(A)(4).

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: DR1-102(A)(1) and DR6-101(A)(3).

E. Count V 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)(1) and DR6-101(A)(3).

IV. Recommendations as to disciplinary measures to be applied. While the Respondent's violations of the Disciplinary Rules of the Code of Professional Responsibility cannot be viewed as minor violations, I do not recommend suspension in this case. I do recommend, however, that Respondent receive a

public reprimand. Further, I recommend that Respondent be placed on probation for a period of three (3) years, and that during said period of supervision Respondent be supervised by an attorney acceptable to The Florida Bar, and that Respondent meet with the supervising attorney at least once every two (2) months and submit a written report on the status of all files open in Respondent's office to the supervising attorney and staff counsel for The Florida Bar.

V. Personal history and past disciplinary record. After finding Respondent guilty of Counts III, IV and V, 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) Order Imposing Sanctions. See Gentry v. Gentry, 463 So.2d 511 (Fla. App. 1 Dist. 1985) relating to Counts III, IV and V of the Complaint.

Other personal data: Respondent has expressed remorse for his actions and has admitted that his overinvolvement with the illness and personal affairs of his elderly secretary, now deceased, contributed greatly to his neglected approach to handling the cases.

VI. Statement of costs and manner in which costs should be taxed. While it is apparent that costs have been incurred by The Florida Bar in this action, there was no evidence

presented by The Florida Bar as to the costs incurred. Thus,
I can make no recommendations regarding the amount of costs
to be taxed.

DATED this 3rd day of March, 1987.



WILLIAM L. GARY
Referee

copies furnished to:

SUSAN V. BLOEMENDAAL
Assistant Staff Counsel
The Florida Bar
Tallahassee, Florida 32301

JOHN T. BERRY
Staff Counsel
The Florida Bar
Tallahassee, Florida 32301

JOHN R. WEED
605 S. Jefferson Street
Perry, Florida 32347