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CLERK, SUPREME COURT

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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

vs.

CASE NO. 76,782
(TFB NO. 90,10,587 (12B))

DAVID L. WARD,
Respondent.

CORRECTION AND AMENDMENT TO RESPONDENT'S REPLY BRIEF

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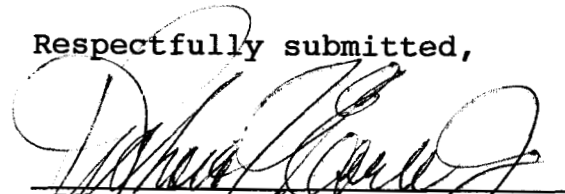
Respondent's Reply Brief on Page 5 contains a misstatement of fact and the one (1) document in the Appendix purportedly filed by the Complainant was, in fact, not filed. As stated on Page 4 of Respondent's Initial Brief, both staff counsel and Respondent's counsel were both dissatisfied with the Referee's recommendation in his Initial Report, the former believing that precluding Respondent from practicing law for only one (1) year was unduly lenient and the latter believing that precluding him from practicing law for one (1) year was unduly harsh. With the permission of staff counsel, Respondent's counsel drew a Motion for Rehearing on behalf of the Respondent and a proposed Motion for Rehearing on behalf of staff counsel each pointing out the error in the recommended sanction and suggesting that the word suspension be substituted. The proposed Motion of Complainant took exception to the leniency of a one (1) year suspension while the attorney for Respondent took exception to the undue harshness of said sanction. Respondent's counsel executed Respondent's Motion and sent it together with Complainant's proposed Motion to staff counsel with the suggestion that staff counsel mail both Motions to the Referee.

The Respondent's Counsel does not have a copy of the Complainant's Motion for Rehearing that was actually filed. In writing Respondent's Reply Brief, Respondent's Counsel assumed that the proposed Motion for Rehearing prepared by him for staff counsel had been filed and mailed to the Referee.

Respondent's Counsel has now been advised that Complainant's proposed Motion for Rehearing was altered by staff counsel so that it does not contain the language, "it is obviously the intent of the Referee to terminate Respondent's ability to practice law for a period of one (1) year." Respondent's Counsel corrects that portion of his Brief on Page 5 so that it will not state that the Complainant's Motion for Rehearing contained the above-quoted language and does not argue that the Complainant so construed the intentions of the Referee.

Attached hereto is a corrected Appendix which contains only the Respondent's Motion for Rehearing and the Motion in the original Appendix should be ignored.

Respectfully submitted,



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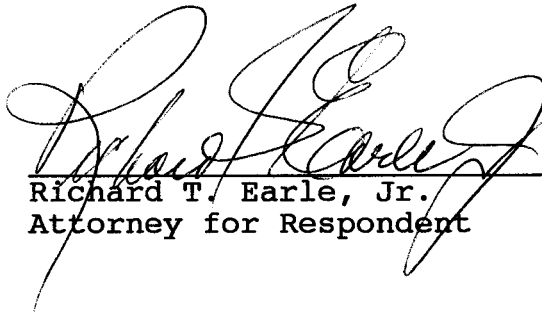
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Correction and Amendment to Respondent's Reply Brief has been sent by U.S. Mail this 11th day of November, 1991 to:

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APPENDIX