

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR RE:
PETITION TO AMEND RULES
REGULATING THE FLORIDA BAR
3-4.3, 3-5.3, AND 4-3.1

CASE NO. SC17-1965

**THE FLORIDA BAR'S MOTION TO STRIKE AND OPPOSITION TO
PETITIONERS' MOTION FOR CLARIFICATION OF COURT'S ORDER**

The Florida Bar (the bar) respectfully submits its Motion to Strike and Opposition to Petitioners' June 7, 2018 Motion for Clarification of this Court's May 25, 2018 Order declining to amend the bar rules at issue and dismissing the petition. As grounds for this motion and opposition, the bar states as follows:

Petitioners Thomas Wells and 59 members of the bar in good standing proposed to amend the Rules Regulating The Florida Bar 3-4.3, 3-5.3, and 4-3.1 by petition filed with this Court on November 6, 2017. The bar filed its opposition to the petition on December 29, 2017, as directed by the Board of Governors of The Florida Bar, which unanimously opposed the petition.

This Court heard oral argument in this matter on May 8, 2018. By order dated May 25, 2018 this Court denied the petition. On June 7, 2018, petitioners filed a motion entitled Motion for Clarification. The motion serves as a request for reconsideration of Wells' original petition, but also proposes new issues that go far beyond the original petition, including proposing a review of the entire bar grievance committee system and future reconsideration of Wells' petition following such proposed review.

This Court's ruling was clear; there was no ambiguity in the Court's May 25, 2018 order. The order specifically states that the proposed amendments, comments, the bar's opposition, and oral argument in this matter were considered in the Court's decision. Wells' argument appears to be that some issues were discussed at oral argument in this matter which were not specifically addressed in his petition or the May 25, 2018 order dismissing the petition. The bar is not

aware of any precedent requiring this Court or any court in Florida to address every question raised at oral argument in the final order in that case. Petitioners' motion only serves to delay and impede this Court's action in this matter. The bar, therefore, respectfully requests that this Court strike the Motion for Clarification from the record and accord it no consideration or, alternatively, deny petitioners' motion.

Respectfully submitted,

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

Michael J. Higer
President 2017
Florida Bar Number 500798

Michelle R. Suskauer
President-elect 2018
Florida Bar Number 908230

John M. Stewart
President-elect Designate
Florida Bar Number 120472

Elizabeth Clark Tarbert
Ethics Counsel
Florida Bar Number 861294

Kathy J. Bible
Advertising Counsel
Disciplinary Procedure Committee
Attorney Liaison
Florida Bar Number 654019

The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
850/561-5600

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Strike and Opposition to Petitioners' Motion for Clarification of Court's Order, filed by The Florida Bar, has been sent by e-mail to Mr. Thomas O. Wells (tom@twellslaw.com) and Mr. Andrew V. Tramont (avt@rtn-law.com) on this 13th day of June, 2018.

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar #25902
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
850-561-5600

CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this petition is typed in 14 point Times New Roman Regular type.

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902