

IN THE SUPREME COURT OF FLORIDA
Before a Referee

THE FLORIDA BAR,

Complainant,

Case No: SC17-782

v.

DENNIS L. HORTON,

Respondent.

_____ /

EMERGENCY RESPONSE TO ORDER TO SHOW CAUSE
DATED MAY 30, 2017

Respondent, DENNIS L. HORTON, through undersigned counsel, hereby responds on an emergency basis to the Order entered by this Honorable Court in the above-styled case on May 30, 2017, and he states:

1. The Court should be aware that the interim Report of Referee ruled on the question of whether Michael G. Horton, Esq., can access and use the bank accounts affected by the initial Order of Suspension, as a result of Respondent's Emergency Motion for Relief and Clarification Regarding Order of Suspension filed May 8, 2017. The Report of Referee recommends that Michael Horton be permitted such access and use. Respondent does not disagree with the Report in that respect.

2. This Response is filed the same day as the Order requiring Respondent to show cause why the Court should not approve the interim Report of Referee.

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Respondent notes that The Florida Bar stipulated to, and did not contest, the “unfreezing” of the subject bank accounts as those relate to Michael G. Horton – who is a signatory separate and distinct from Respondent.

3. Much was said on the record about how the Law Office of Horton & Horton, P.A. was being unduly harmed by the fact that the subject banks were told by The Florida Bar that all the funds were frozen regardless of Michael G. Horton being a signer on some accounts. As stated, the Bar agreed that Michael G. Horton could access and use the subject accounts. He should be allowed to do so.

4. This emergency response seeks to allow the Report of Referee to be approved immediately, since there is no opposition to, or dispute regarding, the unfreezing of the bank accounts as those relate to Michael G. Horton.

5. Evidence was adduced at the hearing showing that keeping these bank accounts frozen and denying Michael G. Horton access to them is itself causing harm to others, including Michael Horton, his law firm, his clients, clerks of court, and many of the firm’s vendors. To continue this harm one day further is unjust.

6. To be clear, Respondent disputes that Rule 3-5.2(a) is meaningless as applied to his case. Respondent believes substantive and procedural due process is denied him by the language and interpretation of the rule insofar as it denies him the ability to challenge whether he was causing great public time, or whether the Petition as written even shows such causation in the present tense. However,

Respondent has answered the Petition by challenging the constitutionality of the rule that precludes him from challenging the lack of present or great public harm. Respondent does not challenge or respond to the substance of the Order at this time as it relates to the fact of his emergency suspension because he has preserved his argument as to constitutionality. He certainly does not challenge the Report insofar as it relates to unfreezing bank accounts for Michael Horton's use.

WHEREFORE, Respondent, DENNIS L. HORTON, through undersigned counsel respectfully seeks immediate approval by this Court of the interim Report of Referee, barring any unanticipated opposition, to preserve the ends of fairness and justice to affected and interested persons, while preserving the Order of Suspension as against Respondent himself.

CERTIFICATE OF SERVICE

I CERTIFY that this document was furnished to Carrie C. Lee, Esq., at clee@floridabar.org, mcasco@floridabar.org, aquintel@floridabar.org, avanstru@floridabar.org, at The Florida Bar, on May 30, 2017.

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