

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

DENNIS L. HORTON,

Respondent.

Supreme Court Case

No. SC17-782

The Florida Bar File

No. 2017-30,371 (07B) (CES)

RESPONSE TO MOTION FOR REHEARING

COMES NOW, The Florida Bar, in response to respondent's Motion for Rehearing and states:

1. Respondent fails to comply with Fla. R. App. P. 9.330(a) in that his motion fails to state any point of law or fact that this Court has overlooked or misapprehended. Rather, respondent improperly seeks to reargue the matter before the Court.

2. Motions for rehearing should be limited to calling to the Court's attention, without argument, to a question of law or fact that the Court either failed to consider, clearly overlooked or misapprehended which, if it had been considered, would have resulted in a different decision on a matter it already has fully considered and is not a vehicle to delay the termination of litigation or to continue the movant's attempts at advocacy. See State v. Green, 105 So. 2d 817,

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818-19 (Fla. 1st DCA 1958); Barnes v. State, 746 So. 2d 1105, 1113 (Fla. 4th DCA 1999).

3. Respondent's Motion for Rehearing is replete with arguments previously made by respondent in pleadings, briefs and at oral argument.

4. Respondent's due process rights have not been denied in any way. Respondent was afforded notice and an opportunity to be heard.

5. It appears from respondent's argument that he believes bar proceedings are analogous to criminal proceedings. This is not the case. Bar proceedings are quasi-judicial in nature, R. Regulating Fla. Bar 3-7.6(e)(1), and the license to practice law is a privilege, not a right, Petition of Wolf, 257 So. 2d 547, 548 (Fla. 1972), R. Regulating Fla. Bar 3-1.1.

WHEREFORE, The Florida Bar prays this Court will enter an order denying respondent's Motion for Rehearing.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carrie C. Lee".

Carrie Constance Lee, Bar Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5731
Florida Bar No. 552011
clee@floridabar.org
orlandooffice@floridabar.org

CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida; with copy provided via email using the E-filing portal to Respondent's Counsel, Brett Alan Geer, The Geer Law Firm, 3030 N. Rocky Point Drive W., Suite 150, Tampa, Florida 33607-7200, at brettgeer@geerlawfirm.com; and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, at psavitz@floridabar.org, on this 20th day of September, 2019.

A handwritten signature in black ink that reads "Carrie C. Lee". The signature is written in a cursive, flowing style.

Carrie Constance Lee, Bar Counsel