

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Petitioner,

Supreme Court Case
No. SC18-1646

v.

The Florida Bar File
No. 2018-30,452 (19A) (CES)

ELIZABETH JAYNE ANDERSON,
Respondent.

_____ /

RESPONSE TO MOTION FOR CLARIFICATION

COMES NOW, The Florida Bar, by and through undersigned counsel,
in response to respondent's Motion for Clarification and says:

1. On October 3, 2018, The Florida Bar filed its Petition for
Emergency Suspension against respondent in case number SC18-1646
and respondent was emergency suspended by Order dated October 8,
2018.

2. On March 7, 2022, respondent was suspended for a period of
three years, nunc pro tunc to November 7, 2019.

3. Additionally, The Florida Bar filed a Complaint in case number
SC19-1340 and on March 7, 2022, respondent was suspended for ninety-
one days with the suspension period to run consecutive to the one ordered
in case number SC18-1646.

RECEIVED, 03/22/2022 01:07:21 PM, Clerk, Supreme Court

4. The intent of this Court in its order of suspension in SC18-1646 clearly reflects that the three-year suspension was to commence on November 7, 2019. Therefore, the three-year suspension would run until November 7, 2022.

5. Because the ninety-one-day suspension in SC19-1340 is to run consecutive to three-year suspension, its commencement date would be at the end of the three-year suspension date, or November 7, 2022.

6. Prior to petitioning for reinstatement, respondent must prove rehabilitation, which includes restitution.

7. Rule 3-7.10(b)(1) provides that a petition for reinstatement may not be filed until the petitioner has completed at least 80% of the term of that lawyer's period of suspension.

8. Because respondent will already have completed the three-year suspension, the computation provided by Rule 3-7.10(b)(1) will apply to respondent's ninety-one-day suspension period. Therefore, respondent may petition for reinstatement upon the completion of no less than 80% of her ninety-one-day suspension, assuming respondent has complied with all the additional requirements imposed by this Court.

9. Respondent's situation is similar to that presented in The Florida Bar re Newmark, 2021 WL 3778715 (Fla. Aug. 26, 2021)

(unpublished disposition). Similar to respondent, Newmark had two unrelated disciplinary cases simultaneously pending before this Court, specifically case numbers SC18-1525 and SC18-1980. This Court consolidated the two cases on its own motion by order dated October 2, 2020, suspended Newmark for forty-five days, followed by one year of probation, in case number SC18-1525, and suspended Newmark for six months in case number SC18-1980, followed by one year of probation, with the two suspension terms and probation terms to run consecutive.

10. Newmark filed her petition for reinstatement on May 12, 2021, noting therein that her six-month suspension did not commence until the time for the forty-five-day suspension had been completed.

11. Similar to Newmark, respondent may petition for reinstatement upon the completion of no less than 80% of her consecutive ninety-one-day suspension in SC19-1340.

WHEREFORE, The Florida Bar respectfully requests that the Court clarify this matter and impose that respondent may petition for reinstatement upon the completion of no less than 80% of her ninety-one-day suspension or January 18, 2023, with the assumption that respondent has complied with all the requirements imposed by this Court and Rule 3-7.10.

Respectfully submitted,



Carrie Constance Lee, Bar Counsel
The Florida Bar
Orlando Branch Office
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 552011
clee@floridabar.org
orlandooffice@floridabar.org

CERTIFICATE OF SERVICE

I certify that this document has been efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided to Warren William Lindsey, Counsel for Respondent, Lindsey & Ferry, P.A., 1150 Louisiana Avenue, Suite 2, Winter Park, Florida 32789-2354, via email at warren@warrenlindseylaw.com, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 via email at psavitz@floridabar.org, on this 22nd day of March, 2022.



Carrie Constance Lee, Bar Counsel