

IN THE SUPREME COURT
OF THE STATE OF FLORIDA

Supreme Court Case No. SC20-1027
The Florida Bar No. 2019-70,706(11E)

THE FLORIDA BAR,

Petitioner/Appellant,
vs.

ALAN HOWARD RAMER,

Respondent/Appellee.
_____ /

**RESPONDENT'S MOTION FOR REHEARING
AND/OR RECONSIDERATION**

ALAN HOWARD RAMER, Respondent/Appellee/Cross-Appellant, by and through undersigned counsel, hereby files this Motion for Rehearing and/or Reconsideration of this Court's Order entered May 20, 2022 and states pursuant to Rule 9.330 of the Rules of Appellate Procedure:

1. This Court's Order of May 20, 2022 essentially addresses only one issue: the Referee's recommendation of a ninety (90) day suspension and this Court's significant decision to suspend for ninety-one (91) days.

RECEIVED, 06/06/2022 07:45:20 PM, Clerk, Supreme Court

2. Despite extensive briefing on both sides, the Court has expressed no reasoning or guidance on important issues raised by Respondent, Age 68, who has no prior discipline in his 34 years of practice, such as Respondent's due process challenges to the initiation and remedial purpose and conduct of underlying Ad Hoc Committee proceedings, due process challenges to initiation and conduct of The Florida Bar proceedings and due process challenges to the Referee proceedings.

3. Respondent suggests this Court has overlooked the record that, despite The Florida Bar's extrapolated and significant charges, there is not one instance of intentional or willful conduct by Respondent that warrants a suspension under the guidelines and precedents in attorney disciplinary cases.

4. In that regard, there was no inkling from the Federal Court (Judge Cecilia M. Altonaga, Judge K. Michael Moore, the Ad Hoc Committee) that Respondent acted purposefully in the underlying civil case mishaps and that is why a course was set (by the Federal Court) for remediation (taking CLE), not discipline (which was recommended only after Respondent did not take the CLE because Respondent was not going to practice further in the

Southern District).

5. It is with chagrin that Respondent has not received answers to questions about due process when this Court went at length to consider similar grounds in a reciprocal discipline case where a respondent (unsuccessfully) first raised such due process grounds for the first time on appeal, which as pointed out in briefing, is not the case here as said grounds were raised repeatedly from the outset at the Referee level. *Florida Bar v. Wilkes*, 179 So.2d 193, 198 (1965).

6. Respondent requests that there not be a 91-day suspension based on the overall circumstances of this case.

WHEREFORE, Respondent requests this motion for rehearing and/or reconsideration be granted and for any other relief deemed just and appropriate.

I HEREBY CERTIFY that the foregoing was electronically filed and served by Eportal and email this 6th day of June, 2022 upon Tonya Avery, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131 [tavery@flabar.org], Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399 [psavitz@floridabar.org]; and the

following Appellate Counsel all from Holland & Knight, LLP, 315 South Calhoun Street, Suite 600, Tallahassee, Florida 32301: Kevin Cox, Esquire, [kevin.cox@hklaw.com], Tiffany Roddenberry, Esquire [tiffany.roddenberry@hklaw.com]; Kathryn Isted, Esquire, [kathyrn.isted@hklaw.com].

Respectfully submitted by:

Louis Thaler

Louis Thaler, Esquire
The Florida Bar No. 360627
LOUIS THALER, P.A.
Counsel for Respondent
3850 Bird Road - Suite 903
Coral Gables, Florida 33146
(305) 446-0100 - Ext 600
(305) 984-5004 - Cell
(305) 204-9595 - Fax
louisthaler16@gmail.com