

087

IN THE SUPREME COURT OF FLORIDA

SUPREME COURT CASE NO.: 83,058

The Florida Bar File  
No.: RRE-87-070

BRUCE L. HOLLANDER,  
Petitioner,  
vs.  
THE FLORIDA BAR,  
Respondent.

**FILED**

SID J. WHITE

MAY 5 1994

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

*Handwritten notes:*  
4-21-94

ON APPEAL FROM THE BOARD OF GOVERNORS  
OF THE FLORIDA BAR

File NO.: RRE-87-070

APPELLANT'S REPLY BRIEF

BRUCE L. HOLLANDER, P.A.  
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944-2822 Dade

By: *B. Hollander*  
BRUCE L. HOLLANDER  
Florida Bar No.: 162665

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## ARGUMENT

The Florida Bar continues to rely on the ethical component contained in the Rules of the Florida Bar as the basis for denying recertification to the Petitioner/Appellant.

It is not disputed by the Appellant that the rules do provide for peer review.

It is also not disputed by the Appellant that peer review does contain an ethical component.

However, it is the application of these rules, especially in this case, that is being questioned.

The response by the Real Estate Board of Legal Specialization & Education Certifications through the Real Estate Certification Committee, pinpoints the error contained in their position: "...at this time recertification should be denied. Petitioner is entitled to apply for recertification at a later date." There are no guidelines to assist the Board in reaching its decision and therefore different areas of certification may choose to deny certification or recertification based upon different ethical violations. Applicants for certification or recertification have no way of knowing how long they will have to wait after an ethical breach before applying for certification or reapplying for recertification. Without any guidelines unfair and inconsistent conditions may be imposed on different applicants.

The Florida Bar Rules already mandate that a public reprimand shall not limit the lawyer's right to practice. Clearly, denial of recertification in this case will do just that.

Certification was proposed by the Florida Bar as a method to allow the public to become better informed as to the credentials of certain attorneys who choose to participate in the Certification program.

Attorneys have been encouraged by the Florida Bar to apply for certification. The additional continuing education requirements ensure that certified attorneys will excel in their understanding and knowledge of the field of law in which they have chosen to become certified.

An attorney's ethical history is readily available to the public from the Florida Bar records. The passage of time will not erase that record. Therefore, denying recertification to an attorney with leave to apply for certification at a later time will not alter the attorney's ethical record, will not diminish the attorney's ethical violation and will not change the answer from the Florida Bar as to any public inquiry about an attorney's ethical record.

The ability of the public to determine the legal qualifications of Mr. Hollander and to learn of the ethical component of his record with the Florida Bar, will not be altered by the passage of time. The denial of recertification in this case based upon two public reprimands will dramatically impact the ability of the Appellant to practice law and the passage of time will not alter the Appellant's ethical record.

It is therefore respectfully requested that the denial of recertification be reversed and that the Appellant be allowed to be recertified as a Florida Bar Certified Real Estate attorney.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded by U.S. mail to JOHN F. HARNKESS, JR., EXECUTIVE DIRECTOR, THE FLORIDA BAR, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300, this 2nd day of May, 1994.

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\_\_\_\_\_  
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