

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

**Supreme Court Case
No. SC08-1105**

Complainant,

v.

MIROSLAW THOMAS LOBASZ,

**The Florida Bar File
No. 2008-51,498(15C)**

Respondent.

THE FLORIDA BAR'S REPLY BRIEF
ON APPEAL FROM A REPORT OF REFEREE

LORRAINE CHRISTINE HOFFMANN, #612669
Bar Counsel
The Florida Bar
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

KENNETH LAWRENCE MARVIN, #200999
Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600

JOHN F. HARKNESS, JR., #123390
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600

THE FLORIDA BAR'S REPLY BRIEF

The Florida Bar disputes, with specificity, respondent's factual assertion (on page 4 of his answer brief, at paragraph 2) that the affidavit submitted to The Florida Bar by the immigration judge was "not part of the record on which the Referee's findings and recommendations were based."

To the contrary, The Florida Bar draws the Court's attention to the original affidavit of Denise A. Marks Lane, Immigration Judge, Department of Justice, Executive Office for Immigration Review, Immigration Court, Miami, Florida, which was attached to The Florida's Petition for Contempt and Order to Show Cause (the initial pleading in this cause), identified as Exhibit B.

Pursuant to R. Regulating Fla. Bar 3-7.6(n)(2), the "record," in any bar case, "shall include all items properly filed in the cause including pleadings, recorded testimony, if transcribed, exhibits in evidence, and the report of referee."

Accordingly, the original affidavit of Judge Lane was in the record, and was properly before the referee.

Respectfully submitted,

LORRAINE CHRISTINE HOFFMANN
Attorney Bar No. 612669
Bar Counsel, The Florida Bar
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Florida Bar’s Reply Brief regarding Supreme Court Case No. SC08-1105, The Florida Bar File No. 2008-51,498(15C) was e-filed and furnished by regular U.S. mail to The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 S. Duval Street, Tallahassee, FL 32399-1927 and true and correct copies have been mailed by regular U.S. mail to D. Culver Smith III, counsel for respondent, Fox Rothschild, LLP, 222 Lakeview Ave., Suite 700, West Palm Beach, FL 33401-6148, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, on this _____ day of January, 2010.

LORRAINE CHRISTINE HOFFMANN
Bar Counsel

CERTIFICATE OF TYPE, SIZE AND STYLE AND ANTI-VIRUS SCAN

Undersigned counsel does hereby certify that the Initial Brief is submitted in 14 point proportionately spaced Times New Roman font, and that the brief has been filed by e-mail in accord with the Court’s order of October 1, 2004. Undersigned counsel does hereby further certify that the electronically filed version of this brief has been scanned and found to be free of viruses, by Norton AntiVirus for Windows.

LORRAINE CHRISTINE HOFFMANN
Bar Counsel