

IN THE SUPREME COURT OF FLORIDA

COPY

THE FLORIDA BAR,

Supreme Court Case  
No. 83,401

Complainant,

vs.

The Florida Bar  
File No. 93-70,365(11B)

JAMES F. DOUGHERTY, II,

FILED  
DEC 20 1997

Respondent.

RESPONDENT'S STATEMENT IN LIEU OF INITIAL BRIEF


The Respondent, James F. Dougherty, II, by and through his undersigned attorneys, submits this statement in lieu of his initial brief and says that:

1. He was convicted of ten counts of Mail and Wire Fraud in the United States District Court for the Southern District of Florida.
2. He has appealed his conviction to the United States Court of Appeals for the Eleventh Circuit.
3. The charges in the Bar's complaint in this matter were the same as the charges in the Respondent's Federal indictment.
4. This Court suspended the Respondent pursuant to Rule 3-7.2 of the Rules Regulating The Florida Bar.
5. The Bar's charges and the complaint in this matter were the same as the charges in the Respondent's Federal indictment.
6. A major aspect of the evidence at the final hearing in this matter was the judgment of convictions in Federal court.
7. Very little if any testimony was submitted at the final hearing in this matter.

8. The Referee made extensive factual findings without the benefit of testimony. He merely utilized the judgment of convictions.
9. If the Respondent's Federal conviction is reversed his suspension by this Court will be vacated.
10. However, the findings of the Referee in this matter will remain.
11. Respectfully, the findings are unfair because there was no proof, other than the judgment of convictions.


WHEREFORE, the Respondent prays that the Court delete the Referee's factual findings.

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By:   
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Respondent's Statement in Lieu of Initial Brief was mailed to RANDI KLAYMAN LAZARUS, Bar Counsel, The Florida Bar, Rivergate Plaza, Suite M-100, 444 Brickell Avenue, Miami, Florida 33131 this 23<sup>rd</sup> day of December, 1997.

By:   
Louis M. Jepeway, Jr.