

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case No. SC14-2241

Complainant,

vs.

NEAL J. BLAHER,

The Florida Bar File No.  
2014-31,028(18A)(CES)

Respondent.

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**MOTION OF RESPONDENT NEAL J. BLAHER TO COMPEL  
COMPLETE AND ACCURATE DISCLOSURE OF  
RESPONDENT'S FILINGS IN THIS MATTER ON  
RESPONDENT'S FLORIDA BAR WEBSITE PROFILE**

Respondent hereby moves to compel The Florida Bar, after repeated requests to do so, to post all of Respondent's submissions in this proceeding --- aimed at providing full and complete disclosure of Respondent's position and version of the facts of the case to the public --- on Respondent's Profile Page on The Florida Bar website, and in support thereof, would show as follows:

1. On or about December 1, 2014, it came to the undersigned's attention that The Florida Bar was posting documents in this case on its website, with access provided through the undersigned's Florida Bar Profile Page. However, Respondent observed that the postings were incomplete. More specifically, The Bar's Emergency Petition had been posted, but Respondent's answer to that

Petition (in which Respondent disputed both the facts and legal position taken by the Bar) did not appear.

2. Respondent exchanged email communications with Bar Counsel that day in which Respondent brought the matter to Bar Counsel's attention. Bar Counsel responded that she would investigate the matter. By the end of the day, Counsel represented that Respondent's response would be posted the next day, but would be titled, "Supplemental Document." A copy of the foregoing communication exchange is attached hereto as Exhibit A.

3. As promised, Respondent's response was posted the next day, under the name, "Supplemental Filing."

4. Two weeks later, Respondent expressed dissatisfaction with his document being labeled, "Supplemental Filing." Given the existence of no other document but The Florida Bar's Emergency Petition, no viewer of the web page would have any idea that this second document was a position paper by the opposing party, rather than a "supplemental filing" by the only other filer included in the list, namely, The Florida Bar. A copy of Respondent's correspondence to Bar Counsel on this issue (last paragraph thereof addressing this issue) is attached hereto as Exhibit B.

5. No changes were made to Respondent's Profile Page in response to Respondent's communication.

6. Eventually, this matter was referred to a Referee. In connection with that stage of the proceedings, Respondent filed a series of Notices and Supplemental Notices of the closing of his law office. Once again, these documents represented Respondent's statement of his position in, and serious concerns about, this proceeding. Each Notice was filed electronically with The Florida Supreme Court and served on the Referee. Respondent also filed and served a response to the Referee's Report.

7. Respondent specifically requested back on February 6, 2015, that The Florida Bar post his Notices on his Florida Bar Profile Page, again to insure full and complete public disclosure. In response to this Request, Bar Counsel conferred with her "superiors" and reported back that it was her "understanding" that the Notices in fact would be posted. She further indicated that she would continue her inquiries into why no change had been made as expected to the "Supplemental Filing" label on Respondent's original filing. A copy of the foregoing communication exchange is attached hereto as Exhibit C.

8. The Referee's Report --- initially drafted by The Florida Bar --- now appears on Respondent's Florida Bar Profile Page. However, contrary to what The Bar represented it would do, none of the Notices/Supplemental Notices of Closure filed and served by Respondent appear on his Profile Page. Moreover, the one and only document filed by Respondent that was in fact posted remained

entitled, “Supplemental Filing,” without indicating that this was a document filed by a party other than The Florida Bar.

9. As the submissions in this case make clear, the undersigned has raised serious questions about these proceedings and a number of issues that, regardless of the views of the submissions taken by either The Florida Bar or the tribunals overseeing this case, nevertheless should be made available to the public. The only conclusion that can be drawn from the Bar’s actions to date in refusing to fully, completely and accurately post and present Respondent’s positions papers in this case is that The Bar seeks to conceal Respondent’s position and otherwise fail in its duty of complete and accurate disclosure to the public.

WHEREFORE, Respondent seeks an Order providing the following relief:

(a) directing The Florida Bar to do the following on the appropriate links to and from Respondent’s online Florida Bar Profile Page:

(i) Post Respondent’s Notice of Closure of Law Office and the two separate Supplements thereto, including all exhibits and attachments, as well as Respondent’s Comments on Referee’s Report, and in doing so, label each such document so as to sufficiently identify both the title and the filer;

(ii) Re-name the current “Supplemental Filing” to properly identify it as Respondent’s Response to The Florida Bar’s Emergency Petition; and

(iii) Re-evaluate its policies and procedures with respect to posting documents to its members' Florida Bar Profile Pages; and

(b) setting forth whatever other and further relief is appropriate under the circumstances.

Date: 12 March 2015

/s/Neal J. Blaher  
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Respondent

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date written above, the foregoing Response was electronically filed with the Supreme Court and thereby served on Florida Bar Counsel, JoAnn M. Stalcup, at [jstalcup@flabar.org](mailto:jstalcup@flabar.org).

/s/Neal J. Blaher  
NEAL J. BLAHER