

Original
~~51,266~~
51,226

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,)
)
 Petitioner-Appellee,)
)
 vs.)
)
 ROSEMARY FURMAN, d/b/a)
 Northside Secretarial)
 Service,)
)
 Respondent-Appellant.)

CASE NO. ~~51,266~~

FILED
FEB 13 1978
CLERK SUPREME COURT

Interlocutory Appeal from Referee's
Denial of Joint Motion for Stay of Proceedings

BRIEF FOR ROSEMARY FURMAN,
D/B/A NORTHSIDE SECRETARIAL SERVICE,
RESPONDENT-APPELLANT

ALBERT J. HADEED
Southern Legal Counsel, Inc.
Suite A, 115 Northeast Seventh
Avenue
Gainesville, Florida 32601
(904) 377-8288

ALAN B. MORRISON
Suite 700, 2000 "P" Street,
Northwest
Washington, D. C. 20036
(202) 785-3704

Attorneys for Respondent-
Appellant

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STATEMENT OF JURISDICTION

This interlocutory appeal is being prosecuted under the Integration Rule, Article XVI,¹ from the decision of the referee on January 25, 1978, denying a Joint Motion to Stay Proceedings and for Suspension of Discovery and Final Hearing in an action brought by the Petitioner, The Florida Bar, against Respondent, Rosemary Furman, for the unauthorized practice of domestic relations law.

¹Article XVI(III)(A)(3)(e) of the Integration Rule provides in pertinent part:

Review of interlocutory rulings of the referee may be had by petition to this Court filed within thirty days after entry of the ruling complained of. A supporting brief and a transcript containing conformed copies of pertinent portions of the record in the form of an appendix shall be filed with the Court by a party seeking such review.

STATEMENT OF THE CASE

Upon the petition of The Florida Bar, the Court issued its Rule to Show Cause why the Respondent should not be enjoined from the unauthorized practice of domestic relations law in the State of Florida. The Bar served its Amended Petition on September 23, 1977 (App. at 1-10), and Respondent answered on November 14, 1977 (App. at 11-18), in accordance with the order of the referee, the Honorable P. B. Revels. (App. at 19) By order of the referee, the final hearing has been scheduled for March 6, 1978, with the parties estimating a three-day trial. (App. at 20)

During the pendency of this case, the Court issued its decision in The Florida Bar vs. Marilyn R. Brumbaugh, Case No. 48,803 (Jan. 10, 1978). The Bar has since filed a petition for rehearing in Brumbaugh which has not been ruled upon.

In response to the Brumbaugh decision, Respondent filed an Offer of Judgment stating that she will consent to the entry of an order incorporating the same limitations and restrictions that were imposed upon Ms. Brumbaugh. (App. at 21-22)

The facts in this case are similar to the facts presented to the Court in Brumbaugh, and the law applicable to these cases is identical. Compare Amended Petition and Answer to Amended Petition (App. at 1-18) with Brumbaugh. Because the final outcome of this Court's decision in Brumbaugh will materially affect this action and potentially

obviate the need for a final hearing, The Bar and Respondent jointly moved the referee to enter a stay of all proceedings pending the finality of this Court's decision in Brumbaugh. (App. at 23-24)

On January 25, 1978, the referee denied the Joint Motion by letter. (App. at 25-26) Since the denial of the Joint Motion, the parties have engaged in settlement discussions in order to conclude a consent decree while continuing at the same time to prepare for the final hearing.

ARGUMENT

THIS COURT SHOULD ENTER A STAY OF THESE PROCEEDINGS PENDING THE FINALITY OF THE BRUMBAUGH DECISION.

The final hearing in this unauthorized practice proceeding has been scheduled for March 6, 1978. There is no justification at present which compels the final hearing to be conducted as scheduled. As The Bar and the Respondent recognized in their Joint Motion for Stay, no purpose would be served in committing the resources of both parties² and the referee to an evidentiary hearing of three days until this Court disposes of The Bar's petition for rehearing in Brumbaugh. Respondent has already indicated her willingness,

²Counsel for Respondent are public interest attorneys and are receiving no compensation for their services. Mr. Hadeed is associated with Southern Legal Counsel, Inc., a Florida-based, non-profit public interest law firm. Mr. Morrison is associated with Public Citizen Litigation Group, also a non-profit public interest firm located in Washington, D. C.

formally, to abide by the restrictions set out in Brumbaugh. Therefore, pending the finality of Brumbaugh, this Court should enter a stay of all proceedings, including a suspension of discovery and a continuance of the final hearing.

Respectfully submitted,

ALBERT J. HADEED
Southern Legal Counsel, Inc.
Suite A, 115 Northeast Seventh
Avenue
Gainesville, Florida 32601
(904) 377-8288

ALAN B. MORRISON
Suite 700, 2000 "P" Street,
Northwest
Washington, D. C. 20036
(202) 785-3704

By Albert Hadeed
Albert J. Hadeed

Attorneys for Respondent-
Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Brief for Rosemary Furman, d/b/a Northside Secretarial Service, Respondent-Appellant, was furnished to Lacy Mahon, Jr., 350 East Adams Street, Jacksonville, Florida 32202, by United States mail, this 10th day of February, 1978.

Albert Hadeed

APPENDIX

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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

CASE NO. 51,226

ROSEMARY W. FURMAN d/b/a

NORTHSIDE SECRETARIAL SERVICE,

Respondent.

AMENDED PETITION AGAINST UNAUTHORIZED PRACTICE OF LAW

THE FLORIDA BAR, Petitioner, charges ROSEMARY W. FURMAN, d/b/a NORTHSIDE SECRETARIAL SERVICE, Respondent, with engaging in the unauthorized practice of law in the State of Florida and in support thereof, alleges:

1. This petition is filed pursuant to Article XVI of the Integration Rule of The Florida Bar.
2. This court has the original and exclusive jurisdiction to prohibit the unauthorized practice of law pursuant to Article V, Section 15 of the Florida Constitution.
3. Petitioner is charged with the duty and responsibility of initiating and prosecuting, in this court, proceedings for the unauthorized practice of law.
4. Article II, Section 2 of the Integration Rule of The Florida Bar provides:

No person shall engage in any way in the practice of law in this state unless such person is an active member of The Florida Bar, except that a practicing attorney of another state, in good standing, who has professional business in a court of record in this state may, upon motion, be permitted to practice for the purpose of such business only, when it is made to appear that he has associated and appearing with him in such business an active member of The Florida Bar.

5. The Board of Governors of The Florida Bar has authorized the institution of this proceeding against Respondent.

6. Respondent, at all times material herein, was not and is not a member of The Florida Bar and was not and is not licensed to engage in the practice of law in the State of Florida.

7. Respondent has engaged in the unauthorized practice of law in Duval County, Florida, by one or more of the following acts:

A. On or about September 22, 1976, Respondent offered to perform and subsequently did perform legal services for Joyce M. Green in regard to Ms. Green obtaining a dissolution of her marriage to Charles J. Green. After soliciting information from Ms. Green, Respondent prepared or caused to be prepared dissolution of marriage papers to be filed with the clerk of the Fourth Judicial Circuit Court. Respondent rendered legal advice to Ms. Green in reference to her proposed dissolution of marriage. By Respondent's words and deeds, she held herself out to Ms. Green as having legal expertise in Florida dissolution of marriage laws.

On or about September 24, 1976, Ms. Green picked up the dissolution of marriage papers prepared by Respondent and paid a fee of \$50 for Respondent's services. Respondent also rendered legal advice to Ms. Green in reference to her proposed dissolution of marriage. Pursuant to Respondent's instructions, on September 24, 1976, Ms. Green filed a petition for dissolution of marriage and a sworn statement for constructive service of process, both of which were prepared by Respondent, with the clerk of the Fourth Judicial Circuit Court. Pursuant to Respondent's advice, Ms. Green also ran an advertisement in the Financial News and Daily Record, a Jacksonville daily periodical.

On or about October 18, 1976, after receiving a receipt and proof of publication from the Financial News, Ms. Green returned to Respondent for further legal advice. Respondent instructed Ms. Green to file the proof of publication, a motion for default, a nonmilitary affidavit and a motion for final hearing with the clerk of court which Ms. Green did on November 1, 1976. A default against Mr. Green was entered on November 3, 1976. On or about November 2, 1976, Respondent rendered legal advice on the procedures for a final hearing in a dissolution of marriage proceeding. Respondent also rendered legal advice by writing instructions for Ms. Green to follow on her copy of the petition for dissolution of marriage.

On November 4, 1976, Ms. Green appeared before Judge John S. Cox of the Fourth Judicial Circuit in the case of Green v. Green, Case No. 76-10688-CA. Judge Cox granted Ms. Green's petition for dissolution of marriage, and signed the final judgment prepared by Respondent.

Copies of the aforementioned legal documents prepared by Respondent for Ms. Green are attached to this petition as composite Exhibit "A." A copy of Respondent's handwritten and typed instructions pertaining to procedures in the final hearing on the petition for dissolution of marriage proceeding is attached to this petition as Exhibit "B."

B. On or about January 14, 1977, Gladys Ammons obtained dissolution of marriage papers from Ellen L. Spangler, an employee of Respondent acting under Respondent's supervision. The package included a petition for dissolution of marriage and a sworn statement for constructive service of process. Both documents were filed by Ms. Ammons on January 14, 1977, with the clerk of the Fourth Judicial Circuit Court, Case Number 77-501-CA, Division I. On information and belief, Respondent, or Ms. Spangler acting under Respondent's supervision, rendered legal advice to Ms. Ammons in reference to her proposed dissolution of marriage. By Respondent's and Ms. Spangler's words and conduct they held themselves out to Ms. Ammons as having legal expertise on Florida dissolution of marriage laws. Ms. Ammons relied on such representations, advice and assistance in filing her dissolution of marriage papers in circuit court.

On information and belief, Respondent or her employee Ellen Spangler charged Ms. Ammons a fee of \$50 for their services.

in the petition prepared for Ms. Ammons by Respondent or by Ms. Spangler. Ms. Ammons asked for: a. custody of the three minor children born from the Ammons marriage and support for these children in the amount of \$150 per week, b. temporary and permanent injunctions prohibiting Mr. Ammons from "... harrasing, threatening and otherwise abusing the wife", c. Mr. Ammons' equity in the marital home; d. monthly mortgage payments by Mr. Ammons on the marital home amounting to \$100.28 per month, and e. that Ms. Ammons be awarded title to one of the cars belonging to Mr. and Mrs. Ammons. Despite the fact that she is unemployed, Ms. Ammons, relying on Respondent or Ms. Spangler's legal advice, did not ask for rehabilitative or

continuing alimony, provisions for medical care for the minor children, a determination by the court of visitation rights, or any division by the court of debts jointly owed by Mr. and Ms. Ammons.

Attached to this petition as composite Exhibit "C" are copies of the petition for dissolution of marriage and the sworn statement for constructive service of process prepared for Gladys Ammons by Respondent or by Ellen Spangler acting under Respondent's supervision.

C. Prior to February 23, 1976, Respondent prepared or caused to be prepared a petition for dissolution of marriage, an answer and waiver, a joint stipulation for motion for final hearing and a final judgment for dissolution of marriage on behalf of Frances R. Holmes, petitioner in the matter of Frances R. Holmes, wife, and Delmar R. Holmes, husband, Case Number 76-1146-CA, Division D, Circuit Court, Duval County, Florida. On information and belief, Respondent rendered legal advice to Ms. Holmes in reference to her proposed dissolution of marriage. By Respondent's words and conduct, she held herself out to Ms. Holmes as having legal expertise on dissolution of marriage laws in the State of Florida. Attached to this petition as composite Exhibit "D" are copies of the aforementioned documents prepared by Respondent. Also attached to this petition as Exhibit "E" is a copy of an instruction sheet which contains, on information and belief, written instructions given to Ms. Holmes by Respondent.

D. In or about September 1976, Respondent prepared or caused to be prepared a petition for dissolution of marriage, an answer and waiver, a joint stipulation for motion for final hearing and a final judgment for dissolution of marriage for Debra A. Touchton and Daniel A. Touchton. The petition for dissolution of marriage declares that Debra A. Touchton is the petitioner

and is filed under case number 76-10499-CA, Division J, Circuit Court, Duval County, Florida. On information and belief, Respondent, or one of her employees, rendered legal advice to both Mr. and Ms. Touchton in reference to their proposed dissolution of marriage.

By Respondent's words and conduct, she held herself out to Mr. and Ms. Touchton as having legal expertise on Florida dissolution of marriage laws. Copies of the aforementioned legal documents prepared by Respondent are attached to this petition as composite Exhibit "F."

E. On information and belief, on or about December 30, 1976, Respondent either prepared or caused to be prepared a petition for adoption, a consent for adoption to be executed by David Charles Hook, and a consent for adoption to be executed by Marsha Lynn Kirby. This petition with its supporting documents was filed in the Circuit Court of the Fourth Judicial Circuit, Division P, on January 6, 1977, and was given case number 77-164-CA. By her activity in preparing these legal documents, Respondent held herself out as having legal expertise in the law of Florida adoptions. Copies of the aforementioned legal documents prepared either by or under the direction of the Respondent are attached as composite Exhibit "G."

F. On or about July 30, 1976, Respondent advised Marilyn R. Brumbaugh, a resident of Ocala, Florida, to refuse to comply with a subpoena duces tecum served on Ms. Brumbaugh requiring her attendance at deposition set for August 11, 1976. Acting on Respondent's advice, Ms. Brumbaugh refused to attend the deposition to her detriment. Furthermore, Respondent prepared a letter for Ms. Brumbaugh's signature to Wallace B. Sturgis, the referee in the proceedings, advising him that the subpoena duces tecum served on Ms. Brumbaugh on July 30, 1976, was not in compliance with Florida Rules of Civil Procedure 1.410.

The letter also moved that Sturgis recuse himself from Ms. Brumbaugh's case. By advising Ms. Brumbaugh on legal matters and by writing legal correspondence for her, Respondent held herself out as having legal expertise on Florida rules of civil procedure and on Florida law. The aforementioned letter prepared by Respondent and signed by Ms. Brumbaugh is attached to this petition as Exhibit "H."

G. On or about July 8, 1977, the Respondent either placed or caused to be placed an advertisement in the Jacksonville Journal. The bold print on this advertisement proclaimed "Do-It-Yourself-Divorce" and advised the reader that Northside secretarial Service will "...type all your papers and instruct you on procedure" (emphasis added). Respondent thereby advertised that she renders legal advice. A copy of the aforementioned advertisement is attached to this petition as Exhibit "I."

H. On January 14, 1976, Circuit Judge John M. McMatt entered a judgment for dissolution of marriage after a final hearing on the wife's petition in the marriage of Claudia Louise Isbill and Larry Cecil Isbill. On information and belief, Ms. Isbill is the daughter of Respondent and the Respondent either prepared or caused to be prepared a petition for dissolution of marriage and a judgment for dissolution of marriage on behalf of the wife in the above referenced case. The petition states in paragraph 6 that, "These are no property rights to be determined by this Court."

Subsequently, in 1977, the husband, Larry Cecil Isbill filed a civil action in Division P of the Circuit Court in and for Duval County, Florida (case no. 77-5668-CA) for partition of real property against Claudia Louise Isbill, his former wife. In paragraph 4 of his complaint, Mr. Isbill alleged that, "Plaintiff and Defendant were married to each other and acquired the following described

real property during the term of their marriage, said property being the subject matter of this action..." The plaintiff further alleged that no award of use and possession of this real property (the marital home of the parties) was made by the court in its final judgment dissolving the parties' marriage. The former husband/plaintiff claims a 50% undivided interest in the property and seeks to have it sold at public auction as he alleges that it cannot be partitioned without great damage to the owners. A copy of Mr. Isbill's Action for Partition of Property is attached hereto as Exhibit "J."

On information and belief, Respondent through her words and conduct held herself out to Claudia Louise Isbill as having legal expertise on Florida dissolution of marriage laws with resulting damage to Claudia Louise Isbill: in part consisting of subsequent litigation to correct oversights and errors in the dissolution of marriage proceedings. Copies of the aforementioned legal documents prepared by Respondent are attached hereto as composite Exhibit "K."

I. On information and belief, Respondent either prepared or caused to be prepared a petition for dissolution of marriage, an answer and waiver, and a joint stipulation and agreement for use by James H. Mayden as Petitioner and by Judith M. Mayden as Respondent in a proceeding for the dissolution of the Mayden marriage, which proceeding was filed in Division F of the Circuit Court of the Fourth Judicial Circuit in Duval County, Florida (Case Number 77-8443-CA). Respondent provided the Maydens' with underlined or highlighted copies of certain portions of the Florida Statutes, the Code of Judicial Conduct, and the Florida Rules of Summary Procedure. By these actions, Respondent held herself out as having legal expertise on Florida dissolution of marriage laws. Copies of the aforementioned documents are attached to this petition as composite Exhibit "L."

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J. On information and belief Respondent either prepared or caused to be prepared a petition for dissolution of marriage which was filed in the case of Howland v. Howland, case number 77-7173-CR. On information and belief, Respondent charged Mr. Howland a fee of \$50 for her services and agreed to explain to him the procedure he should use to prosecute his case and prove his status as a Florida resident.

On August 1, 1977, Mr. Howland appeared before Judge Dorothy Pate representing himself in the aforementioned case. After hearing Mr. Howland's presentation of evidence, Judge Pate informed him that he had failed to prove up his petition.

8. The aforementioned activities of Respondent violated the letter and spirit of this court's decisions in The Florida Bar v. American Legal and Business Forms, Inc., 274 So. 2d 225 (Fla. 1973) and in The Florida Bar v. Stupica, 300 So. 2d 683 (Fla. 1974).

WHEREFORE, petitioner prays as follows:

1. That this court issue a temporary injunction prohibiting Respondent's activities which violate this court's decisions in The Florida Bar v. American Legal and Business Forms, Inc., supra, and in The Florida Bar v. Stupica, supra.
2. That this court issue a permanent injunction prohibiting and restraining Respondent from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida.
3. That the costs of this proceeding be assessed against Respondent.

4. That this court grant such other and further relief as it may deem proper.

THE FLORIDA BAR

R. Layton Mank, Chairman
Standing Unauthorized Practice
of Law Committee
2400 First Federal Building
One Southeast Third Avenue
Miami, Florida 33131

John A. Weiss
Assistant Staff Counsel
The Florida Bar
Tallahassee, Florida 32304

H. Glenn Boggs
Assistant Staff Counsel
The Florida Bar
Tallahassee, Florida 32304
(904) 222-5286

By: H. Glenn Boggs
H. Glenn Boggs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Amended Petition Against Unauthorized Practice of Law was mailed to the Honorable B.P. Revels, Referee, Post Office Box 250, Palatka, Florida 32077, and to Rosemary W. Furman, Respondent, 1105 Edgewood Avenue, West, Jacksonville, Florida 32208, this 23rd day of September, 1977

H. Glenn Boggs
H. Glenn Boggs

Received
Sept 26, 1977
by RWG
10

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Petitioner,

vs.

Case No. 51,226

ROSEMARY FURMAN, d/b/a
Northside Secretarial
Service,

Respondent.

ANSWER TO
AMENDED PETITION AGAINST UNAUTHORIZED PRACTICE OF LAW

The Respondent, Rosemary W. Furman, d/b/a Northside Secretarial Service, by the undersigned counsel, answers the Amended Petition Against Unauthorized Practice of Law as follows:

FIRST DEFENSE

1. Paragraph 1 of the Amended Petition requires no answer from the Respondent.
2. Paragraph 2 of the Amended Petition requires no answer from the Respondent.
3. Paragraph 3 of the Amended Petition requires no answer from the Respondent.
4. Paragraph 4 of the Amended Petition requires no answer from the Respondent.
5. Respondent is without sufficient knowledge either to admit or deny the allegations of paragraph 5 of the Amended Petition.
6. Paragraph 6 of the Amended Petition is admitted.
7. Respondent denies that she has engaged in the unauthorized practice of law in Duval County, Florida.
 - A. Respondent denies performing or offering to perform legal services for Joyce W. Green; denies rendering legal advice to Ms. Green; and denies holding herself out to Ms. Green as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent does admit

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performing secretarial and transcription services for Ms. Green in connection with her self-represented dissolution of her marriage and charging \$50 for those services. Respondent also admits typing the pleadings appended to the Amended Petition as Exhibit A pursuant to the instructions and information given by Ms. Green; further admits informing Ms. Green as to where to file these pleadings; and admits informing Ms. Green as to her conduct at the final hearing of her dissolution of marriage, including giving the instructions handwritten upon the pleading appended as Exhibit B to the Amended Petition. See also paragraph 11 herein.

B. Respondent denies performing legal services for Gladys Ammons; denies rendering legal advice to Ms. Ammons; and denies holding herself out to Ms. Ammons as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent further denies that Ellen L. Spangler is an employee of Respondent or otherwise acts under Respondent's supervision. Respondent does admit performing secretarial and transcription services for Ms. Ammons in connection with her self-represented dissolution of her marriage and charging \$50 for those services. Respondent also admits typing the pleadings appended to the Amended Petition as Exhibit C pursuant to the instructions and information given by Ms. Ammons and further admits informing Ms. Ammons as to where to file those pleadings. See also paragraph 11 herein.

C. Respondent denies performing legal services for Frances R. Holmes; denies rendering legal advice to Ms. Holmes; and denies holding herself out to Ms. Holmes as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent does admit performing secretarial and transcription services for Ms. Holmes in connection with her self-represented dissolution of her marriage. Respondent also admits typing the pleadings appended to the Amended Petition as Exhibit D pursuant to the instructions and information given by Ms. Holmes and further admits informing Ms. Holmes as to where to file those pleadings. Respondent denies that the

handwritten material contained on Exhibit E is hers but does admit that the typewritten material is excerpted from the petition for dissolution of marriage which is a part of composite Exhibit D. See also paragraph 11 herein.

D. Respondent denies performing legal services for Dabra A. Touchton and Daniel A. Touchton; denies rendering legal advice to Mr. and Mrs. Touchton; and denies holding herself out to Mr. and Mrs. Touchton as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent does admit performing secretarial and transcription services for Mr. and Mrs. Touchton in connection with their self-represented dissolution of their marriage. Respondent admits typing the pleadings appended to the Amended Petition as Exhibit F pursuant to the instructions and information given by Mr. and Mrs. Touchton and further admits informing Mr. and Mrs. Touchton as to where to file those pleadings. See also paragraph 11 herein.

E. Respondent denies performing legal services for David C. Hook and Marsha L. Kirkby; denies rendering legal advice to them; and denies holding herself out to them as an attorney or as one having legal expertise in the law of Florida adoptions. Respondent does admit performing secretarial and transcription services for Mr. Hook and Ms. Kirkby in connection with the uncontested adoption. Respondent also admits typing the pleadings appended to the Amended Petition as Exhibit G pursuant to the instructions and information given by Mr. Hook and Ms. Kirkby and further admits informing Mr. Hook and Ms. Kirkby as to where to file these pleadings. See also paragraph 11 herein.

F. Respondent denies performing legal services for Marilyn R. Brumbaugh; denies rendering legal advice to her; and denies holding herself out to Ms. Brumbaugh as an attorney or as one having legal expertise on the Florida Rules of Civil Procedure and on Florida law. Respondent does admit furnishing Ms. Brumbaugh a copy of Rule 1.410 of the Florida Rules of Civil Procedure and further admits typing the letter appended to the

Amended Petition as Exhibit H pursuant to the request and instructions of Ms. Brumbaugh. Respondent denies that she instructed or counseled Ms. Brumbaugh: (a) to refuse to attend the deposition set for August 11, 1976; (b) to seek the recusal of The Honorable Wallace B. Sturgis; or (c) that the subpoena served upon Ms. Brumbaugh was not in compliance with the Florida Rules of Civil Procedure.

G. Respondent admits placing the referenced advertisement in the Jacksonville Journal but denies that she thereby advertised that she rendered legal advice. See also paragraph 11 herein.

H. Respondent denies performing legal services for Claudia L. Isbill; denies rendering legal advice to Ms. Isbill; and denies holding herself out to Ms. Isbill as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent further denies preparing or causing to be prepared any pleadings in connection with the dissolution of Ms. Isbill's marriage. Respondent admits that Ms. Isbill is her daughter.

I. Respondent denies performing legal services for Judith M. Mayden and James H. Mayden; denies rendering legal advice to Mr. and Mrs. Mayden; and denies holding herself out to Mr. and Mrs. Mayden as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent does admit performing secretarial and transcription services for Mr. and Mrs. Mayden in connection with their self-represented dissolution of their marriage. Respondent admits typing the pleadings appended to the Amended Petition as Exhibit L pursuant to the instructions and information given by Mr. and Mrs. Mayden; further admits informing Mr. and Mrs. Mayden as to where to file those pleadings; and admits furnishing the Maydens with underlined or highlighted copies of certain portions of the Florida Statutes, the Code of Judicial Conduct, and the Florida Rules of Summary Procedure. See also paragraph 11 herein.

J. Respondent denies performing legal services for Mr. Howland; denies rendering legal advice to Mr. Howland;

and denies holding herself out to Mr. Howland as an attorney or as one having legal expertise in Florida dissolution of marriage law. Respondent does admit performing secretarial and transcription services for Mr. Howland in connection with his self-represented dissolution of his marriage and charging \$50 for those services. However, Respondent denies that she counseled or informed Mr. Howland regarding the conduct and procedures for a final hearing. Respondent also denies that Mr. Howland did not obtain a final judgment dissolving his marriage. See also paragraph 11 herein.

8. Paragraph 8 of the Amended Petition is in the nature of a legal conclusion that does not require an answer from the Respondent; but, to the extent that an answer is required, the paragraph is denied.

9. Respondent denies each and every allegation of the Amended Petition not expressly admitted or denied herein and denies that the Petitioner is entitled to the relief prayed for in the Amended Petition or to any relief whatsoever.

SECOND DEFENSE

The rule of this Court concerning the unauthorized practice of domestic relations law is violative of the Fourteenth Amendment of the United States Constitution and, as grounds therefor, Respondent states as follows:

10. The Fourteenth Amendment of the United States Constitution prohibits any state from depriving any person of life, liberty or property without due process of law and from denying any person the equal protection of the laws.

11. The Respondent, who is not a member of the Florida Bar and is not licensed to engage in the practice of law in the State of Florida, assists individuals in obtaining self-represented dissolutions of marriage and adoptions. Most of the assistance that Respondent gives is to indigents who qualify for legal aid but who are unable to secure timely services from the local legal aid society and to other indigents who, although ineligible for legal aid, cannot afford to retain private counsel. Respondent's

assistance is provided to those who cannot, due to lack of familiarity with Florida forms and procedures, represent themselves in the dissolutions of their marriages and adoptions and, absent Respondent's assistance, are thereby unable to effectuate their rights to self-representation as guaranteed by Florida law. Respondent's assistance takes the form of typing pleadings and informing individuals as to where to file these pleadings, and informing individuals as to how they should conduct themselves before the courts in obtaining self-represented relief. Respondent's assistance does not include the rendering of legal advice or legal counseling but does include services by which the agreements or desires of such indigents are reduced to writing in pleadings typed by the Respondent. The Respondent charges no more than \$50 for her services and has, on occasion, performed her services without charge. The prevailing fee for private counsel in Duval County, Florida, is approximately \$250 to \$350 for uncontested dissolutions involving no children or property.

12. The rule of this Court against the unauthorized practice of domestic relations law would prohibit Respondent from assisting indigents and would effectively impede, hinder, obstruct and otherwise preclude such individuals from obtaining dissolutions of their marriages and adoptions.

13. The rule of this Court governing the unauthorized practice of domestic relations law is over broad and is not the least restrictive means of protecting the legitimate interests of the judiciary in regulating the practice of law because such rule denies access to Florida's domestic relations courts solely on the basis of indigency in violation of the Fourteenth Amendment of the United States Constitution.

14. The sweep of this Court's rule against the unauthorized practice of domestic relations law is not reasonably or rationally related to essential or compelling state interests in regulating the practice of domestic relations law and hence is violative of the Fourteenth Amendment of the United States Constitution.

THIRD DEFENSE

The rule of this Court concerning the unauthorized practice of domestic relations law is violative of Article I, Sections 1, 2, 9 and 21, of the Florida Constitution and Florida Statutes, Section 454.13, and, as grounds therefor, Respondent states as follows:

15. The Florida Constitution prohibits the deprivation of life, liberty or property without due process of law and the denial of equal protection of the laws. The Florida Constitution and Florida statutory law also guarantee the right of any person to have access to the State's courts and to conduct his or her own cause before the State's courts.

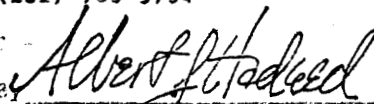
16. Paragraphs 11 and 12 of this answer are realleged and are hereby incorporated by reference.

17. The rule of this Court governing the unauthorized practice of domestic relations law is over broad and is not the least restrictive means of protecting the legitimate interests of the judiciary in regulating the practice of law because such rule denies access to Florida's domestic relations courts solely on the basis of indigency in violation of the Florida Constitution.

18. The sweep of this Court's rule against the unauthorized practice of domestic relations law is not reasonably or rationally related to essential or compelling state interests in regulating the practice of domestic relations law and hence is violative of the Florida Constitution.

ALBERT J. HADEED
Southern Legal Counsel, Inc.
115 Northeast Seventh Avenue,
Suite A
Gainesville, Florida 32601
(352) 377-3233

ALAN R. MORRISON
2000 "P" Street, N. W., Suite 700
Washington, D. C. 20036
(202) 785-3764



Albert J. Hadeed

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Amended Petition Against Unauthorized Practice of Law was served upon H. Glenn Boggs, The Florida Bar, Tallahassee, Florida 32304, attorney for Petitioner, and upon The Honorable P. B. Revels, Post Office Drawer 250, Palatka, Florida 32077, by United States mail, this 14th day of November, 1977.

Albert H. Hedeed
Attorney

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
petitioner,

v.

ROSEMARY FURMAN, d/b/a
Northside Secretarial Service,
Respondent.

Case No. 51,226

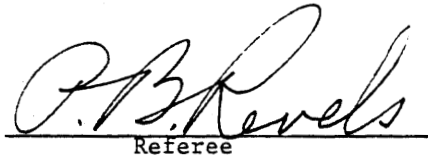
ORDER GRANTING MOTION TO REQUIRE
AN ANSWER TO PETITION IN A TIME
CERTAIN

This action was heard on the Motion to Require an Answer to Petition in a Time Certain filed by the Petitioner and it is

ADJUDGED:


1. That Petitioner's Motion is granted.
2. Respondent is ordered to file an answer to Petitioner's amended petition against the unauthorized practice of law not later than the 14th day of November, 1977.

ORDERED at Jacksonville, Florida on October 14, 1977.


Referee

Copies furnished to: (1) Rosemary W. Furman, Respondent

(2) Mr. Sid J. White, Clerk, The Supreme Court of
Florida


H. Glenn Boyce
Atty for Petitioner


Albert H. Hedrick
Atty for Respondent

FILE ORIGINAL w/ SID WHITE
COPY w/ HON. P.B. REVELS
P.O. DRAWER 250
PA LATRA FL
32077

IN THE SUPREME COURT OF FLORIDA

(Before a Referee)

THE FLORIDA BAR

Petitioner

-vs-

Case No. 51,266

ROSEMARY FURMAN d/b/a
Northside Secretarial Service

Respondent

O R D E R

This cause came on to be heard upon Petitioner's Motion to Set for Final Hearing, and the Respondent having appeared before the Court and moved the Court for a stay of this proceeding in order that Respondent might proceed to take an Interlocutory Appeal, and upon consideration of Petitioner's Motion to Set and Respondent's Motion to Stay, it is

ORDERED:

1. That Respondent's Motion to Stay this proceeding pending Interlocutory Appeal, be and the same is denied.
2. This cause be and the same is scheduled for final hearing on Monday, March 6, 1978, at 9:00 A.M. at the Duval County Courthouse, Jacksonville, Florida.

Dated this 16th day of January, 1978.

/s/ P. B. Revels
J U D G E

IN THE SUPREME COURT OF FLORIDA

(Before a Referee)

THE FLORIDA BAR,

Petitioner,

vs.

Case No. 51,266

ROSEMARY W. FURMAN, d/b/a
Northside Secretarial Service,

Respondent.

OFFER OF JUDGMENT

Pursuant to Rule 1.442, Fla. R. Civ. P., Respondent hereby makes the following offer of judgment:

In accordance with the decision of the Florida Supreme Court in The Florida Bar vs. Marilyn R. Brumbaugh, Case No. 48,803 (Jan. 10, 1978), Respondent shall conduct her business activities as follows:

1. Respondent shall sell only printed material purporting to explain legal practice and procedure to the public in general and shall sell sample legal forms.

2. Respondent shall engage in a secretarial service, typing such forms for her clients based solely on the information given to her in writing by her clients.

3. Other than through printed material furnished to her clients, Respondent, shall not, in conjunction with her business, engage in advising clients as to the various remedies available to them, or otherwise assist them in preparing necessary forms; nor shall she make inquiries or answer questions from her clients as to the particular forms which might be necessary, how best to fill out such forms, where to properly file such forms, or how to present necessary evidence at court hearings.

4. Respondent shall advertise her business activities in accordance with the above-described restrictions of providing secretarial and notary services and selling legal forms and general printed information.

ALBERT J. HADEED
Southern Legal Counsel, Inc.
Suite A, 115 Northeast Seventh Avenue
Gainesville, Florida 32601
(904) 377-3288

ALAN B. MORRISON
Suite 700, 2000 "P" Street, Northwest
Washington, D. C. 20036
(202) 785-3704

Albert J. Hadeed
By _____
Albert J. Hadeed

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Offer of Judgment were served upon Lacy Mahon, Jr., 350 East Adams Street, Jacksonville, Florida 32202, and upon The Honorable P. B. Revels, Post Office Drawer 250, Palatka, Florida 32077, by United States mail, this 18th day of January, 1978.

Albert J. Hadeed

Attorney

IN THE SUPREME COURT OF FLORIDA .

(Before a Referee)

THE FLORIDA BAR

Petitioner

-vs-

Case No. 51,266

ROSEMARY FURMAN, d/b/a
Northside Secretarial Service,

Respondent

JOINT MOTION FOR STAY OF PROCEEDINGS
AND FOR SUSPENSION OF DISCOVERY AND
FINAL HEARING.

The undersigned parties to this action jointly move that the Referee enter his Order granting this Motion and state as follows:

1. The Florida Supreme Court handed down its Opinion on The Florida Bar vs. Marilyn R. Brumbaugh, Case No. 48,803, on January 10, 1978.
2. The Florida Bar is petitioning for a rehearing in the Brumbaugh case.
3. The final outcome of the Brumbaugh case will materially affect these proceedings.
4. Pending the finality of the Supreme Court's decision in Brumbaugh, the undersigned parties request that the Referee enter an Order granting a stay of these proceedings including discovery.
5. The undersigned parties request that the final hearing set for March 6, 1978 in this cause be continued until further Order.

WHEREFORE, the undersigned parties request that the Referee enter his Order granting this Motion.

THE FLORIDA BAR

R. Layton Mank, Chairman
Standing Unauthorized Practice
of Law Committee
2400 Federal Building
One Southeast Third Avenue
Miami, Florida 33131

H. Glenn Boggs
Assistant Staff Counsel
The Florida Bar
Tallahassee, Florida 32304

By *Roy Mahon Jr.*
LACE MAHON, JR.
350 E. Adams Street
Jacksonville, Florida 32202
(904) 354-4300
Bar Counsel

ALBERT J. HADEED
Southern Legal Counsel, Inc.
Suite A, 115 Northeast Seventh
Avenue
Gainesville Florida 32601
(904) 377-8288

ALAN B. MORRISON
Suite 700, 2000 "P" Street
Northwest
Washington, D. C. 20036
(202) 785-3704

By *Albert J. Hadeed*
ALBERT J. HADEED

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion for Stay of Proceedings and for Suspension of Discovery and Final Hearing was served upon The Honorable P. B. Revels, Post Office Drawer 250, Palatka, Florida 32077, by *U.S. mail*, this *23rd* day of January, 1978.

Albert J. Hadeed
Attorney

THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
OF FLORIDA

P. B. REVELS
CIRCUIT JUDGE (RET.)

January 25, 1978

P. O. DRAWER 250
PALATKA, FLORIDA 32077

Albert J. Hadeed, Esq.
Southern Legal Counsel, Inc.
Suite A, 115 Northeast Seventh Avenue
Gainesville, Florida 32601

In Re: The Florida Bar vs.
Rosemary Furman, d/b/a
Northside Secretarial
Service
Case # 51,266

Dear Mr. Hadeed:

Last week I received a copy of your proffer of Consent Judgment. I have today received your Joint Stipulation to Stay the Proceedings and Suspension of Discovery and Final Hearing because The Florida Bar has filed a Petition for Rehearing in the Brumbaugh case.

In the Order dated August 1st, 1977, I was appointed referee to hear and to report my findings to the Supreme Court in subject case. That I am attempting to do.

I do not consider the reasons for all of the delay set forth in the motion as any justification for not going forward with this case and completing the trial because even if the Supreme Court should grant a new hearing or make any alterations or changes in the Brumbaugh case, it would enter a judgment based upon the final solution in the Brumbaugh case even if some of my findings were contradictory to any alterations or modifications the Court might make. Therefore, I consider the attempt to delay the trial date from March 6th as nothing more than a delay of due process.

I have reserved a courtroom in Duval County to commence the trial on March 6, 1978, at 9:00 A.M. unless some unforeseen or stronger reason should be brought to the attention of the Court to postpone or delay these proceedings. I do not plan on granting your Motion to Stay.

The pleadings have been settled since December and on January 5th we settled on March 6th as the date of trial. I allowed 60 days in which to prepare for trial of this case, which is more than ample time and more than generous to both sides.

In the event you and Mr. Mahon should wish to proceed on your proffered judgment, I would be willing to give you an earlier date for a hearing for that purpose so if there is that possibility the three of us together could arrive at what the Court is to report to the Supreme Court, we could quickly bring the matter to final conclusion.

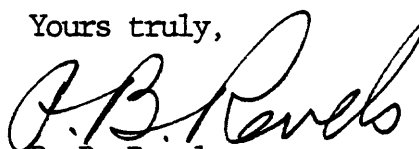
THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
OF FLORIDA

P. B. REVELS
CIRCUIT JUDGE (RET.)

P. O. DRAWER 250
PALATKA, FLORIDA 32077

I do not think it is the proper procedure to practice law by correspondence. If it is necessary for any matters to be brought to the attention of the Court, a date should be determined and proper notice given, so that we could be face to face and possibly have a chance of accomplishing something.

Yours truly,


P. B. Revels
Circuit Judge

Copies furnished to:

R. Layton Mank, Chairman
Standing Unauthorized Practice of Law Committee
2400 Federal Building
ONE Southeast Third Avenue
Miami, Florida 33131

H. Glenn Boggs,
Assistant Staff Counselor
The Florida Bar
Tallahassee, Florida 32304

Lacy Mahon, Jr.
350 East Adams Street
Jacksonville, Florida 32202

Alan B. Morrison
Suite 700, 2000 "P" Street Northwest
Washington, D.C. 20036