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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

* CONFIDENTIAL

Complainant,

versus

CASE NO. 63,298
CASE NO. 62,831

MONROE W. TREIMAN,

Respondent.

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MAY 7 1987
CLERK OF THE COURT
BY *m*

REPORT OF REFEREE

The Respondent, MONROE W. TREIMAN, is before the Court pursuant to the Florida Bar's Petition Against Unauthorized Practice of Law and the "Order to Show Cause and Order Appointing Referee" entered by the Supreme Court of Florida in Case No. 63,298 and Case No. 62,831. These proceedings and said Petition was filed pursuant to Article XVI. of the Integration Rule of the Florida Bar. Both cases were consolidated for trial. On the evidence presented this court finds as follows:

I. Summary of Proceedings:

The pleadings, notices, motions, orders, transcripts and exhibits, all of which are forwarded to the Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For the Florida Bar: L. E. Taylor, Esquire

For the Respondent: Monroe Treiman, pro se

II. Findings of Fact as to Each Item of Misconduct of which the Respondent is charged:

A. Case No. 63,298

1. As to Paragraph VII(1) of said Petition:

In January, 1982, Lewis Lee had been a resident of Hernando County for some 10 years and he and his wife

went to the Law Office of Linda Treiman for the purpose of seeking legal advice in the preparation of Wills for each. He was directed to Mr. Treiman who in turn identified himself as "Judge Treiman". Mr. Treiman took the necessary information from Lewis Lee and his wife as to the bequeaths which they would like to include in their Last Will and Testament. Mr. Treiman directed that they were to return to his office in two days and that the Wills would be ready for execution. Mr. Treiman never told them or advised them that he was not an attorney or represented that in fact he was one. Mr. Lee believed Mr. Treiman to be an attorney because of the introduction of Mr. Treiman as "Judge". Mr. Lee was under the belief that Mr. Treiman was an attorney and, in fact, returned to the same firm later when he was charged with the crime of battery and again was presented to Mr. Treiman after he requested to see an attorney. Mr. Treiman secured the necessary information from Mr. Lee and received the retainer fee of \$150.00 and issued a receipt showing that the Law Firm of Linda Treiman in fact received the retainer. The evidence does not support any finding that Mr. Lee received any direct legal advice from Mr. Treiman, however, Mr. Treiman never made any disclaimer of his non-attorney status.

2. As to Paragraph VII(2) of said Petition:

No evidence was presented as to these allegations.

3. As to Paragraph VII(3) of said Petition:

Mrs. Marilyn Naegeli went to the Law Office of Linda Treiman for the purpose of retaining counsel to handle a legal transaction in which she was in the process of acquiring a mobile home and inquiring as to whether or not the real estate lot was suitable for a mobile home. She informed the receptionist that she wanted to speak with an attorney to handle the transaction and she was presented to Mr. Treiman. Mr. Treiman secured the necessary information from Mrs. Naegeli and, in fact, met with her on site of the real estate in question. She inquired of him as to certain contract provisions as to the mobile home and admits

his responses were somewhat vague, but she did receive advice concerning the mobile home and the fact that it would be permissible for the mobile home to be located on the lot in question. She never spoke to Linda Treiman and Mr. Treiman never informed her that he was not, in fact, an attorney. Based on his advice she proceeded with the purchase of the mobile home. The monies she paid were, in fact, made payable to Linda Treiman, but she represents that Mr. Treiman advised her as what the attorneys fee would be.

4. As to Paragraph VII(4) of said Petition:

Mrs. Julie Erhard was a resident of Hernando County since 1978. However, prior to 1978 she had ties with the community and knew of Mr. Treiman's former position as "Judge". In January 1982, Mrs. Erhard went to the Law Offices of Linda Treiman to seek representation in probating her mother's estate. She had prior contact with Mr. Treiman in reference to another legal matter and at this point communicated with him concerning the probate of her mother's estate. Mr. Treiman advised and quoted the fee of \$250 - \$400. He also advised and gave information concerning the advertisement requirements in reference to probating her estate. Mr. Treiman never advised her or represented that he was not an attorney and she had no recollection of having observed any signs or documentation which made any disclaimer of Mr. Treiman's employment status. At said time she knew he formerly served in the capacity of County Judge in Hernando County, and from that fact operated from a belief that he was, in fact, an attorney.

Mr. John Erhard also knew of Mr. Treiman's former position as Judge in and for Hernando County and he likewise labored under the mistaken belief that Mr. Treiman was a lawyer because of that fact. At no time was he informed that Mr. Treiman was not, in fact, an attorney nor does he have any recollection of seeing documentation or otherwise noting a disclaimer of Mr. Treiman's status as a non-lawyer.

B. Case No. 62,831

1. As to Paragraph VII(1), VII(2) (3) (4) (5) (9) (12) (15) of said Petition:

No evidence was presented.

2. As to Paragraph VII(6) of said Petition:

Marlene Cutrole was a resident of Hernando County for 8-1/2 years and sought legal advice from the Law Offices of Linda Treiman as to the possibility of bringing legal action for libel. It seems that her minor son's name was printed in the local newspaper concerning his arrest for the possession of marijuana and she was attempting to determine whether or not she had a cause of action against the newspaper for that act. When she went to the office of Linda Treiman she was introduced to Mr. Treiman and she proceeded to show him the newspaper article and discuss the matter with him. Mr. Treiman told her that he would make some telephone calls and get back to her to see if she had a case. She was also informed by Mr. Treiman that it would be difficult to bring suit and recover against newspapers. He, after two or three telephone calls to her in discussing the case, advised that there was nothing that they would be able to do and that it would not be worthwhile for her to pursue the matter. He at not time represented himself to be an attorney, but he did not affirmatively state that he was not an attorney. She had moved to Hernando County when Mr. Treiman was seeking re-election as "Judge" and that she believed and assumed that he was a lawyer because of his former position. Based on his advice, she did not elect to pursue the case or any cause of action against the newspaper. She received a bill for \$100.00 from the Law Offices of Linda Treiman. She had no contact at any time with Linda Treiman nor does she recall any documentation, signs or otherwise which were disclaimers as to Mr. Treiman's non-attorney status.

3. As to Paragraph VII(7) of said Petition:

Carol Bledsoe, a resident of Hernando County for 32 years, was knowledgeable of the fact that Mr. Treiman had formerly been a County Judge in Hernando County and she believed that he was, in fact, an attorney. When she was served a complaint in which she was being sued concerning a fire that had occurred in a mobile home which they occupied, she called Linda Treiman's office and was placed in contact with Mr. Treiman. Linda Treiman's office was representing the Plaintiffs in the action and Mr. Treiman advised her as to what the Plaintiffs would do in order to settle the dispute. He at no time stated that he was not an attorney or that he was an attorney, but his discussions about the case led her to believe that he was representing the Plaintiffs as their attorney. He never made any statement or gave her reason to believe that he was not in fact an attorney.

4. As to paragraph VII(8) of said Petition:

Marice Miller, formerly Marice Duckham, moved from Michigan to Hernando County in 1980. She and her husband acquired a parcel of property and went to the Law Offices of Linda Treiman in reference to dividing the land in question. She on one previous occasion had been introduced to Mr. Treiman and was presented to him at that time and discussed her desire to divide the property in question. He discussed the matter with her and advised her as to how to proceed in dividing the property into two 2-1/2 acre plots. She at no time had any contact with Linda Treiman and Mr. Treiman at no time mentioned the fact that he had discussed this matter with an attorney. He never represented that he was not an attorney and she had no recollection of seeing any documentation or evidence of a disclaimer of his non-attorney status.

5. As to Paragraph VII(10) of said Petition:

David Sasser, is an attorney in Brooksville, Hernando County, for 6-1/2 years. He had knowledge that, in fact, Monroe Treiman was not an attorney and had on many occasions dealt with both Linda Treiman and Monroe Treiman. Mr. Sasser on one occasion had filed

suit in a "Wilkins" case and he received a telephone call from Monroe Treiman and Monroe Treiman discussed the case with him as to possible settlements. The discussions centered around whether or not the Plaintiff would be willing to accept bringing the payments current in settlement of the dispute. Monroe Treiman advised him that he had discussed the possibility of settlement with the defendant Wilkins, and the witness testified that Mr. Treiman advised that the Wilkins "have retained us". The witness also had contact with Mr. Treiman in reference to a Will dispute which arose in the estate of Annie Lee Johnson. Again Mr. Treiman called him on the telephone and told him that he wanted to discuss the matter with him before filing a claim in the estate in that "his client" was entitled to some relief. The contacts made by Mr. Treiman with Mr. Sasser was duties performed in the role of an attorney and he held himself out to be counsel for clients in discussions with this David Sasser.

6. As to Paragraph VII(11) of said Petition:

Mr. Gene H. Auvil has been practicing law since 1951 and in Hernando County since 1977. As an attorney he knew that Monroe Treiman was not an attorney but he did have a number of contacts with both Monroe Treiman and Linda Treiman. Mr. Auvil does recall conversations in which Monroe Treiman used the terms "my clients" and "our clients" in reference to discussions about disputes in which Mr. Auvil was representing clients involved in the dispute.

In one case in particular, Mr. Auvil was representing a client by the name of Lawrence who had adverse interest against an individual named Koningsburg. A proposed agreement was drafted by Mr. Auvil for the Lawrences and when the agreement was presented to Koningsburg, Mr. Auvil was contacted by Monroe Treiman concerning the terms. After the discussions, Mr. Treiman was going to submit a revised agreement.

Mr. Treiman also contacted Mr. Auvil in a dispute in which Mr. Treiman was speaking for the Klines in

discussing a possible settlement of the issues. He would make statements of "Well, I haven't gotten into the matter for enough yet to decide about that." and "I haven't studied it enough yet to know if there's going to be litigation."

I. Recommendations as to whether or not the Respondent should be found guilty.

A. As to Case 63,298:

I recommend that the Respondent, MONROE TREIMAN, be found to have engaged in the unauthorized practice of law in Hernando County, Florida by the acts as set forth in paragraphs II.A.3. and paragraph II.A.4.

No evidence was submitted as to the allegation of paragraph II.A.2. and the evidence as to the allegations of II.A.1. is insufficient to find an act of unauthorized practice of law as to those allegations.

B. As to Case 62,831:

I recommend that the Respondent, MONROE TREIMAN, be found to have engaged in the unauthorized practice of law in Hernando County, Florida by the acts as set forth in paragraph II.B.2., II.B.3., and II.B.4. II.B.5 and II.B.6.

No evidence was presented as to II.B.1. and the evidence does not support the allegations of paragraph #14 of the Petition. I would recommend that the Respondent be found not guilty of having engaged in unauthorized practice of law as to those acts as alleged in II.B.1. and paragraph #14 of the Petition in Case 62,831.

II. Recommendation as to findings that Respondent engaged in acts which violated Article II. Section 2 of the Integration Rule of The Florida Bar:

During the commission of said acts and at all times material herein, Monroe Treiman was not and is not a member of The Florida Bar, and was not therefore licensed to engage in the practice of law in the State of Florida.

1. That the Court issue a permanent injunction preventing and restraining the Respondent from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida. He should be specifically enjoined from impliedly or expressly holding himself out as an individual licensed to practice law in the State of Florida.

2. That the Respondent be found guilty of engaging in unauthorized practice of law; however, the adjudication of indirect contempt of court should be withheld and the Respondent should receive a judicial reprimand in addition to the imposition of the permanent injunction.

V. Statement of costs:

As a result of the finding of guilt as to violation of Article XVI., unauthorized practice of law, that the cost of these proceedings be assessed against the Respondent. The costs are found to be in the amount of \$1,846.96.

DATED this 27th day of May, 1987.



ELSIE S. SANDERS, REFEREE

I HEREBY CERTIFY that the original Report of Referee has been submitted to the **Supreme Court of Florida** and copies have been forwarded to **Catherine L. Dickson**, UPL Counsel, The Florida Bar, **L. E. Taylor, Esquire**, Bar Counsel; and **Monroe Treiman**, 133 South Brooksville Avenue, Brooksville, Florida 33512, by U. S. Mail this 27th day of May, A. D. 1987.



JUDICIAL ASSISTANT