

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

FILED

SID J. WHITE

MAR 1 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

THE FLORIDA BAR,
Complainant,

CONFIDENTIAL

v.

Case No. 66,381

HARVEY I. SILVERMAN,
Respondent.

TFB File No. 17D85F41

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: This proceeding was commenced by the filing of the bar's petition for approval of respondent's conditional guilty plea for consent judgment filed with the Supreme Court of Florida on January 25, 1985. By order dated January 28, 1985 the undersigned was appointed referee as provided in Fla. Bar Integr. Rule, article XI, Rule 11.06(9). The matter came on for final hearing on February 15, 1985 at which time the bar appeared by David M. Barnovitz, Bar Counsel. Robert Kanziger, Esquire, respondent's attorney retained in connection with a sentencing mitigation hearing to be conducted in connection with respondent's felony conviction and sentencing appeared on behalf of respondent although not specifically retained for that purpose.

Upon hearing bar counsel and Robert Kanziger, Esquire, and being satisfied that the proposed discipline was appropriate I accepted respondent's plea and proposed discipline.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED:

A. On August 3, 1982, after a jury verdict, respondent was adjudged guilty of the felony of obstruction of justice in violation of Title 18, United States Code, Section 1503 in United States District Court for the Southern District of Florida, Case Number 81-208-CR-JE.

B. The United States Court of Appeals for the Eleventh Circuit affirmed respondent's conviction and judgment. There has been no further appeal and the conviction and judgment are final.

C. The indictment underlying the conviction and judgment aforesaid charged that respondent, from on or about February 12, 1981 to on or about May 6, 1981, in the Southern District of Florida, did willfully and corruptly and by threats endeavor to influence, obstruct and impede the due administration of justice, all in violation of Title 18, United States Code, Section 1503.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY: Upon respondent's guilty plea I recommend that he be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(3) which prohibits commission by an attorney of any act contrary to honesty, justice, or good morals and that he be found guilty of violating Disciplinary Rules 1-102(A) (3), 1-102(A) (4), 1-102(A) (5), and 1-102(A) (6) of the Code of Professional Responsibility which prohibit an attorney from engaging in illegal conduct involving moral turpitude, engaging in conduct involving dishonesty, engaging in conduct that is prejudicial to the administration of justice and engaging in any other conduct that adversely reflects on his fitness to practice law.

IV. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED: I recommend that respondent be disbarred and that the costs of this disciplinary proceeding be taxed against him as provided in respondent's conditional guilty plea and approved by the designated reviewer of the Board of Governors.

V. PERSONAL HISTORY: Respondent, Harvey I. Silverman was admitted to The Florida Bar on May 18, 1970 and is 39 years of age.

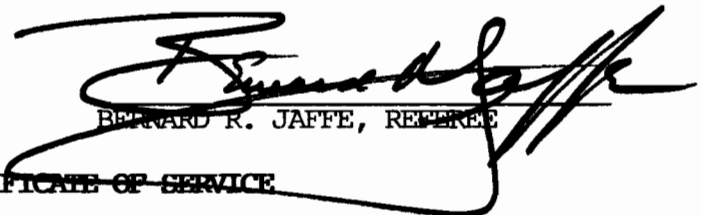
VI. STATEMENT AS TO PAST DISCIPLINE: As a result of respondent's felony conviction respondent was automatically suspended from The Florida Bar pursuant to Fla. Bar Integr. Rule, article XI, Rule 11.07(3) by order of the Supreme Court of Florida dated August 30, 1982 (Case No. 62,470). There was also filed with the Supreme Court of Florida on June 22, 1984 a complaint by The Florida Bar assigned Case No. 65,474. The undersigned was appointed referee in that case by order dated July 16, 1984. Upon recommendation by bar counsel with which I concur, I recommend that Case No. 65,474 be dismissed should the Supreme Court of Florida accept my recommendation in the discipline action sub judice (Case No. 66,381). Respondent has no other discipline history.

VII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED: I find that the following costs were reasonably incurred by The Florida Bar and recommend that respondent be directed to pay the same:

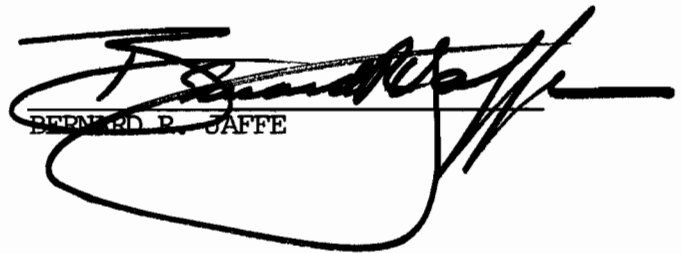
Administrative Costs (Referee Level) ----- \$ 150.00

TOTAL ----- \$ 150.00

Dated this 26 day of February, 1985 at Miami, Dade County, Florida.


BERNARD R. JAFFE, REFEREE
~~CERTIFICATE OF SERVICE~~

I HEREBY CERTIFY that a true copy of the foregoing Referee's Report was sent to David M. Barnovitz, Bar Counsel, The Florida Bar, Galleria Professional Building, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304, Harvey I. Silverman, Respondent, 5831 Northwest 56th Place, Tamarac, FL 33319, and to Robert Kanziger, Attorney for Respondent, 2725 S.W. 3rd Avenue, Miami, FL 33129, by regular mail, on this 26 day of February, 1985.


BERNARD R. JAFFE