

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

IN RE: PETITION FOR
RESIGNATION BY:

IRVING H. ZUCKERMAN,

Petitioner.

CONFIDENTIAL

Supreme Court Case No. 65,657

The Florida Bar Case No. FRS85001

FILED

S'D J. WHITE

JUL 27 1984

PETITION FOR LEAVE TO RESIGN CLERK, SUPREME COURT
PENDING DISCIPLINARY PROCEEDINGS By _____

Chief Deputy Clerk

COMES NOW the Petitioner, Irving H. Zuckerman, pursuant to Article XI, Rule 11.08 of the Integration Rule of The Florida Bar and files this Petition for Leave to Resign Without Leave to Apply for Readmission Permanently and states the following:

1. Petitioner is, and at all times hereinafter mentioned, was a member of The Florida Bar subject to the jurisdiction of the Supreme Court of Florida.
2. That at all times incident to The Florida Bar's investigation of allegations made against him, Petitioner has been aware of his right to counsel, his right to confront his accusers, his right against self-incrimination, his right to call witnesses on his own behalf, his right to a hearing before a referee appointed by the Supreme Court of Florida, and hereby acknowledges his waiver of same.
3. That the Petitioner is aware of the requirement of Article XI, Rule 11.08 (2) of the Integration Rule of The Florida Bar that a petition for leave to resign shall contain a statement of all past and pending disciplinary actions.
4. That in accordance with the foregoing requirement, Petitioner would state, upon information and belief, that he has not been the subject of any disciplinary sanction during the period of his membership in The Florida Bar.
5. That in accordance with the foregoing requirement, Petitioner would state, upon information and belief, that there is a pending disciplinary action pertaining to him.
6. That the pending disciplinary action has been assigned The Florida

Bar Case No. 17F83F32 and the allegations concerning said case are as hereinafter set forth:

- a) Petitioner acted as counsel in the United States for a foreign firm that arranged loans for borrowers who were precluded from obtaining conventional financing.
- b) A certain Pennsylvania business corporation sought such financing from Petitioner's client and a loan commitment agreement was entered into by the parties.
- c) The borrower caused to be wire transferred to Petitioner's trust account the sum of Nineteen Thousand Five Hundred Dollars and No Cents (\$19,500.00) which was to cover certain costs of the loan, including a Thirteen Thousand Dollar and No Cents (\$13,000.00) payment toward the commitment fee which was subject to being held in escrow until certain conditions precedent were met.
- d) The terms of the escrow agreement were violated when certain sums pertaining to the commitment fee in this transaction were transferred from Petitioner's trust account to his client, without permission of the borrower, prior to closing of the subject transaction.
- e) Petitioner's client was unable to fund the loan and the transaction failed to close.
- f) Demand was made for the return of all sums transmitted by the borrower to Petitioner.
- g) The sums in question were refunded and the borrower's claims against Petitioner have been satisfied.
- h) Additionally, there are allegations involving violations of escrow agreements pertaining to other transactions which have been merged for investigative purposes into The Florida Bar Case No. 17F83F32.

i) Petitioner failed to maintain those trust account records mandated by Article XI, Rule 11.02(4)(b) of the Integration Rule of The Florida Bar and the Bylaws Under The Integration Rule related thereto and Petitioner's course of conduct relative to the aforementioned escrow agreements was violative of Disciplinary Rules 1-102(A)(1), 1-102(A)(6), and 9-102 of the Code of Professional Responsibility and Article XI, Rule 11.02(4) of the Integration Rule of The Florida Bar.

7. That Petitioner neither admits nor denies the veracity or accuracy of the aforementioned pending disciplinary matter as set forth in Paragraph six (6).

8. That Petitioner agrees to cooperate with any Clients' Security Fund investigation conducted by The Florida Bar in the eventuality that same becomes necessary.

9. That Petitioner will make full restitution to any person or entity that legitimately claims any loss of funds entrusted to Petitioner as escrow agent or entrusted to Petitioner in any other capacity.

10. That Petitioner will make full restitution to the Clients' Security Fund in the eventuality that any claim is paid as a result of Petitioner's actions.

11. That Petitioner freely and voluntarily submits this petition with the full understanding and awareness, that by its terms, he will be forever barred from the practice of law in this jurisdiction should the petition be granted by this Honorable Court.

12. That Petitioner is of advanced age and not in the best of health.


13. That Petitioner does not desire to engage in protracted and costly proceedings with The Florida Bar which would be detrimental to his health and remaining financial resources.

14. That Petitioner agrees to pay costs incurred by The Florida Bar in the amount of Two Hundred Fifty Five Dollars and Forty Cents (\$255.40).

15. That Petitioner avers that the public interest will not be adversely affected by the granting of this petition, and that granting this petition will not adversely affect the purity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession.

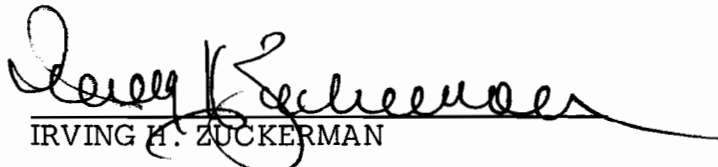
WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this Petition for Leave to Resign Without Leave to Apply for Readmission Permanently.

Respectfully submitted,

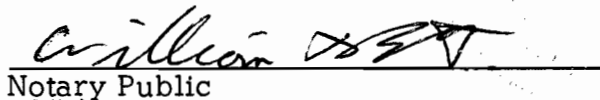

 IRVING H. ZUCKERMAN
 2540 Van Buren St.
 Hollywood, FL 33020

STATE OF FLORIDA)
 SS:
 COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, on this day personally appeared Irving H. Zuckerman, to me well known to be the person aforesaid, and after being by me first duly sworn on oath deposes and says that he has signed the foregoing Petition and acknowledges before me that he has approved the filing thereof for the purposes herein expressed.


 IRVING H. ZUCKERMAN

Sworn to and subscribed before me this 25th day of JULY, 1984.


 Notary Public

My Commission Expires: **Notary Public, State of Florida**
My Commission Expires Jan. 12, 1988
Bonded Thru Troy Fain Insurance, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition was sent by U.S. Mail this 25th day of July, 1984 to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida, 32301-8226, John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida, 32301-8226 and to Richard B. Liss, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, Florida 33304.


 IRVING H. ZUCKERMAN