

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

FILED

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THE FLORIDA BAR, )  
Complainant, )  
v. )  
MYRON H. BUDNICK, )  
Respondent. )

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CONFIDENTIAL

The Florida Bar File  
No. 11L86100

Supreme Court Case  
No. 69,117

Deputy Clerk  
pl

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as Referee for the Supreme Court of Florida to conduct disciplinary proceedings as provided for by article XI, Rule 11.06 of the Integration Rule of The Florida Bar, a Final Hearing of this matter was held in Chambers on December 8, 1986. All of the pleadings, notices, motions, orders and exhibits are forwarded with this report and the foregoing constitutes the record of this case.

The following attorneys acted as counsel for the parties:

For The Florida Bar: Louis Thaler  
211 Rivergate Plaza  
444 Brickell Avenue  
Miami, Florida 33131

For the Petitioner: No Counsel

On December 5, 1986, Respondent filed a Conditional Guilty Plea for Consent Judgment of Public Reprimand (hereinafter referred to as "Conditional Guilty Plea") and The Florida Bar filed a Complainant's Response to Conditional Guilty Plea for Consent Judgment of Public Reprimand. Both pleadings were considered, along with various documentary exhibits submitted by The Florida Bar and the testimony of Respondent, at the Final Hearing on December 8, 1986. Both parties have sought the identical resolution of this case, that is, that Respondent receive a Public Reprimand to be published in the Southern Reporter for conduct which was not in accordance with Rule 11.02(6) of the Integration Rule of The Florida Bar. Accordingly, the following findings and recommendations are made.

II. FINDINGS OF FACT: Based on The Florida Bar's Complaint and the Conditional Guilty Plea, I find the following facts:

1. That the Respondent, MYRON H. BUDNICK, is and at all times hereinafter mentioned was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. That during or about 1969, Respondent was admitted to the Bar of the State of Indiana.

3. That on or about September 3, 1984, Respondent was suspended from the practice of law in the State of Indiana for a period of three years by the Supreme Court of Indiana, In the Matter of Myron H. Budnick, 466 N.E. 2nd 36 (Ind. 1984).

4. That pursuant to Rule 11.02(6) of the Integration Rule of The Florida Bar, "A final adjudication by a court or other authorized disciplinary agency of another jurisdiction, state or federal, in a disciplinary proceeding that an attorney licensed to practice in that jurisdiction is guilty of misconduct justifying disciplinary action shall be considered as conclusive proof of such misconduct in a disciplinary proceeding under this rule. In such cases the adjudication of misconduct shall be sufficient basis for the filing of a complaint by The Florida Bar and assignment for hearing before a referee without finding of probable cause under these rules."

5. That pursuant to Rule 11.02(6) of the Integration Rule of The Florida Bar "A member of The Florida Bar disbarred or suspended from the practice of law by a court or authorized disciplinary agency at another state or by a federal court shall within 30 days after the effective date of disbarment or suspension file with the court a copy of the order or judgment effecting such disbarment or suspension."

6. That Respondent failed to comply with Rule 11.02(6) of the Integration Rule of The Florida Bar or otherwise notify the Supreme Court of Florida or The Florida Bar of his suspension by the Supreme Court of Indiana effective September 3, 1984.

7. That The Florida Bar became aware of the suspension by the Supreme Court of Indiana by way of a newspaper article published in the Indianapolis Star dated March 23, 1986.

8. That the facts underlying the disciplinary action by the Supreme Court of Indiana, as set forth In the Matter of Myron H. Budnick, arose from Respondent's conduct involving an appeal which Respondent felt and does feel was just and proper in dissolution of marriage proceedings between Respondent and his former spouse, Sandra Budnick.

9. That Respondent was at the time financially unable to defend himself before the State Bar of Indiana Disciplinary Commission and attempted to convey that message in a letter dated November 1, 1983, immediately after first receiving notice of an anonymously filed complaint, to the Honorable Lawrence Giddings, the presiding hearing officer.

10. That Respondent asserts he had no notice or knowledge of the setting of a hearing date or the outcome of the disciplinary proceedings in Indiana.

11. That Respondent asserts he had no notice or knowledge of the decision of the Supreme Court of Indiana In the Matter of Myron H. Budnick until being advised by The Florida Bar.

12. That Respondent is aware of Rule 11.02(6) of Integration Rule of The Florida Bar and admits that, in giving that Rule a strict interpretation, Respondent has been in violation of that Rule.

13. That Respondent is willing to submit to a Public Reprimand to be published in the Southern Reporter and a period of probation terminating in conjunction with the suspension by the Supreme Court of Indiana.

14. That Respondent is further willing to pay the costs of these proceedings.

15. That Respondent is aware that this Conditional Guilty Plea for Consent Judgment of Public Reprimand must be endorsed by the Board of Governors of The Florida Bar and then approved by the Referee and the Supreme Court of Florida.

16. That Respondent tenders this Conditional Guilty Plea for Consent Judgment of Public Reprimand freely, intelligently, and with the knowledge that Counsel could have been retained to advise Respondent in these proceedings.

III. RECOMMENDATION AS TO GUILT:

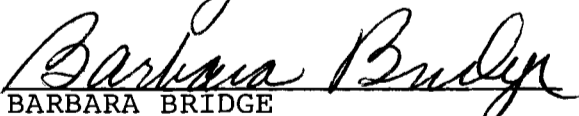
Based on the Conditional Guilty Plea and The Florida Bar's Response thereto, I recommend Respondent be found guilty of conduct which was not in accordance with Rule 11.02(6) of the Integration Rule of The Florida Bar in that Respondent failed to notify The Florida Bar or the Supreme Court of Florida of the disciplinary matter arising out of the State of Indiana, In the Matter of Myron H. Budnick, 422 N.E. 2nd 36 (Ind. 1984).

IV. RECOMMENDATION AS TO DISCIPLINE: Based on the Conditional Guilty Plea and The Florida Bar's Response thereto, I recommend that Respondent receive a Public Reprimand to be published in the Southern Reporter.

V. RECOMMENDATION AS TO COSTS: Based on the Conditional Guilty Plea, I recommend that the following costs be assessed against Respondent:

Referee Level	
Administrative Charge	
[Rule 11.06(9)(a)(5)].....	\$ 150.00
Transcript	
(12/8/86) .....	<u>177.35</u>
Total .....	\$ 327.35
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Respectfully submitted this 5 day of Jan, 1987.



BARBARA BRIDGE  
Referee  
Broward County Courthouse  
201 S.E. 6th Street, Room 998  
Ft. Lauderdale, Florida 33301

cc: Louis Thaler,  
Bar Counsel  
Myron H. Budnick,  
Respondent