

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

STEVEN S. FRIEDMAN,
Respondent.

CONFIDENTIAL

Case No. 69,119

(TFB No. 0286124)

REPORT OF THE REFEREE

NOV 19 1986
CLERK, SUPREME COURT
By *jl*
Deputy Clerk

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Florida Bar Integration Rule, article XI, the following occurred:

On July 31, 1986, The Florida Bar filed its Complaint and Request for Admissions in these proceedings. As a result of Respondent's failure to answer the Bar's pleadings, The Florida Bar filed a Motion to Deem Matters Admitted and a Motion for Summary Judgment. The aforementioned pleadings, along with this report, constitute the record in this case and are forwarded to the Supreme Court of Florida.

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

1. Respondent is, and at all times mentioned in this complaint was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. Respondent is also a member of the Bar of the State of New Jersey.

3. Respondent, as a personal injury lawyer, represented a number of Yugoslavian nationals, some of whom spoke little or no English. Respondent met many of these people through Sebrit Sulejmani, who served as an interpreter and spokesman for Respondent's Yugoslavian clients.

4. In October of 1980, Respondent asked Sulejmani to contact a client, Mazar Dauti, in order to obtain Dauti's signature on an affidavit stating that he did not own an automobile and was therefore entitled to no-fault benefits from the operator of the vehicle which had injured Dauti in an accident.

5. Sulejmani returned the unnotarized affidavit bearing Dauti's signature to Respondent who improperly notarized the document, thereby concealing from the insurance company the fact that Dauti had not signed the affidavit in Respondent's presence.

6. Similar scenarios accompanied affidavits bearing the names of Husni Merovic in April of 1981 and Sherbrit Doko in January of 1983.

7. In October of 1985, the Passaic County Grand Jury charged Respondent with seven counts of conspiracy to commit theft by deception in violation of N.J.S.A. Section 2C:5-2 and N.J.S.A. Section 2C:20-4; one count of forgery in violation of N.J.S.A. Section 2C:21-1a(2); five counts of uttering a forged instrument in violation of N.J.S.A. 2C:21-1a(3); and five counts of falsifying records in violation of N.J.S.A. 2C:21-4(a).

8. On November 15, 1985, Respondent pled guilty to three counts of falsifying records in violation of N.J.S.A. 2C:21-4(a) in accordance with a plea bargain agreement.

9. The crime to which Respondent pled guilty is a fourth degree crime under the New Jersey Code of Criminal Justice, which

carries with it a maximum term of 18 months imprisonment and a fine of \$7,500.00.

10. Under Florida Statutes 775.08(1), any criminal offense punishable by a prison term in the state penitentiary which exceeds a year is considered a felony.

11. Under Florida Statutes 775.082(3)(d), any criminal offense punishable by a prison term up to five (5) years is considered a felony of the third degree.

12. Under Florida Statutes 775.083(1)(b), any criminal offense providing for a fine not to exceed \$10,000.00 is considered a felony.

13. Under the provisions of Florida Statutes 117.09(2), the offenses and conduct pleaded guilty to by Respondent constitute a felony of the third degree.

14. On February 21, 1986, the court sentenced Respondent to a probationary term of two years, fined him \$7,500.00 and ordered that he perform 200 hours of community service.

15. On January 13, 1986, the New Jersey Supreme Court temporarily suspended Respondent from the practice of law in the State of New Jersey as a result of the aforementioned conviction.

16. By reason of the foregoing, Respondent has violated Disciplinary Rules 1-102(A)(3) (a lawyer shall not engage in illegal conduct involving moral turpitude); 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 1-102(A)(6) (a lawyer shall not engage in any conduct that adversely reflects on his fitness to practice law) and Rule 11.02(3)(a) of the Integration Rule of The Florida Bar.

III. RECOMMENDATIONS AS TO WHETHER
RESPONDENT SHOULD BE FOUND GUILTY

I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

DR 1-102(A)(3) (a lawyer shall not engage in illegal conduct involving moral turpitude);

DR 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation);

DR 1-102(A)(6) (a lawyer shall not engage in any conduct that adversely reflects on his fitness to practice law);

Integration Rule 11.02(3)(a) (the commission by a lawyer of any act contrary to honesty, justice, or good morals, whether the act is committed in the course of his relations as an attorney or otherwise, whether committed within or outside the State of Florida, and whether or not the act is a felony or misdemeanor, constitutes a cause for discipline).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be disciplined by:

A) A two year suspension and passage of the ethics portion of The Florida Bar Exam.

B) Payment of \$150.00 to The Florida Bar representing its costs in bringing this action. Such costs shall be paid within thirty days of the date of the Supreme Court's order imposing discipline.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 41 years old

Date admitted to the Bar: May 4, 1973

Prior Discipline: None

VI. STATEMENT OF COSTS AND MANNER IN
WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by the Florida Bar:

| | | |
|-------------------------|-------|-----------------|
| A) Referee Level | | |
| 1) Administrative Costs | | <u>\$150.00</u> |
| | TOTAL | <u>\$150.00</u> |

It is recommended that costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning thirty days after the judgment on this case becomes final unless a waiver is granted by the Board of Governors of the Florida Bar.

DATED this 18th day of November, 1986.


VICTOR M. CAWTHON, Circuit Judge
Referee

Copies to:

James N. Watson, Jr., Bar Counsel of The Florida Bar
Steven S. Friedman, Respondent