

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. 69,591

v.
JOHN A. FRIEDMAN,

The Florida Bar Case
Nos. 17E86F52 and
17E86F84

Respondent.

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

1. The Florida Bar filed its Complaint and Request for Admissions in this cause on November 7, 1986. The undersigned was duly appointed as Referee by the Chief Justice of the Supreme Court of Florida by order dated December 4, 1986. Respondent did not file any responsive pleadings. Accordingly, The Florida Bar filed a Motion for Judgment on the Pleadings on January 22, 1987 which came on for hearing on February 20, 1987.

The following attorneys appeared for the respective parties:

On behalf of The Florida Bar: Richard B. Liss, Esquire
On behalf of Respondent: No appearance

II. FINDINGS AS TO SUFFICIENCY OF NOTICE AND FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH RESPONDENT IS CHARGED:

After considering all pleadings, documentary evidence and testimony, the undersigned Referee finds:

1. That Respondent 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 copies of the Complaint and Request for Admissions filed by The Florida Bar were mailed to Respondent by certified mail and regular mail to his last mailing address as shown by the official records of The Florida Bar, to wit: 1040 Bayview Drive, Suite 228, Fort Lauderdale, Florida 33304 and to his last known mailing address, to wit:

2731 N.E. 14th Street, Apt. 4, Fort Lauderdale, Florida.

3. That the aforesaid transmittals, except for the one sent by regular mail to the 1040 Bayview Drive address, were returned undelivered by the postal service.

4. That copies of the Notice of Hearing on The Florida Bar's Motion for Judgment on the Pleadings, directed to the 2731 N.E. 14th Street address by certified and regular mail, were returned undelivered by the postal service.

5. That copies of the Notice of Hearing on The Florida Bar's Motion for Judgment on the Pleadings, directed to the 1040 Bayview Drive address by certified and regular mail, were not returned but it was known to the Bar that Respondent was no longer practicing law at that address.

6. That The Florida Bar complied with all notice requirements set forth in the Integration Rule of The Florida Bar and the Rules of Discipline which became effective January 1, 1987.

7. That notwithstanding compliance with the aforesaid notice requirements, The Florida Bar made further efforts to notify Respondent of the pendency of these proceedings and the hearing set for February 20, 1987.

8. That the efforts of The Florida Bar to locate Respondent proved successful and, on February 6, 1987, a staff investigator of The Florida Bar served Respondent with copies of the Complaint, Request for Admissions, Motion for Judgment on the Pleadings and Notice of Hearing previously filed in this cause.

9. That, by virtue of the foregoing, personal service was effected on Respondent and he is deemed to have notice of these proceedings.

10. That Respondent has chosen to absent himself from his law practice by deliberately abandoning same and has also chosen to make himself unavailable for these proceedings despite notice of same.

11. That The Florida Bar's Motion for Judgment on the Pleadings was granted at the hearing conducted on February 20, 1987. As a consequence thereof, all allegations against Respondent contained in The Florida Bar's complaint are incorporated by reference as if set forth fully herein and shall constitute the Referee's findings of fact.

12. That a copy of a proposed report of referee was hand delivered to Respondent on February 25, 1987 by a staff investigator employed by The Florida Bar but Respondent has failed to submit any comments to the Referee.

III. RECOMMENDATIONS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY:

The undersigned Referee recommends that Respondent be found guilty of all violations of the Code of Professional Responsibility and the Integration Rule of The Florida Bar enumerated in The Florida Bar's complaint, to wit: Disciplinary Rules 1-102(A) (3), 1-102(A) (4), 1-102(A) (6), 2-106 (E), 2-110(A) (2), 2-110(A) (3), 6-101(A) (3), 7-101(A) (1), 7-101(A) (2), 7-101(A) (3), 9-102(A) (2), 9-102(B) (1), 9-102(B) (3) and 9-102(B) (4) of the Code of Professional Responsibility and article XI, Rules 11.02(2), 11.02(3) (a), 11.02(4), 11.02(4) (b) and 11.02(4) (c) of the Integration Rule of The Florida Bar.

IV. STATEMENT AS TO PAST DISCIPLINE:

The official records of The Florida Bar reflect that by order of the Supreme Court of Florida, dated April 16, 1981 in Case No. 59,500, Respondent was directed to receive a private reprimand from the Chief Judge of the Seventeenth Judicial Circuit. On June 30, 1981, Respondent received said private reprimand administered by Chief Judge George W. Tedder, Jr.

V. STATEMENT OF COSTS AND RECOMMENDATIONS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED:

The undersigned finds the following costs were reasonably incurred By The Florida Bar:

Court Reporter Attendance and Transcript, Grievance Committee hearings	\$419.25
Administrative Costs at Grievance Committee Level	\$150.00
Investigative Costs	\$250.63
Court Reporter Attendance, Transcript and postage, Referee level proceedings	\$109.02
Administrative Costs at Referee Level	\$150.00
Bar Counsel Travel	\$ 21.40
TOTAL COSTS	\$1,100.30

It is recommended that Respondent be taxed the aforesaid costs pursuant to Rule 3-7.5(k), Rules of Discipline.

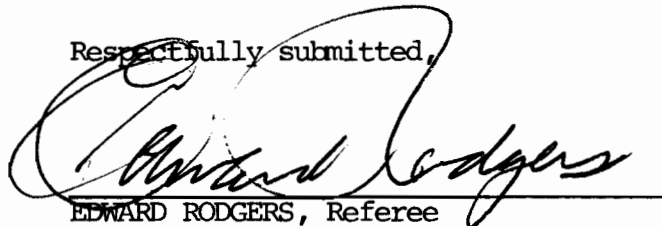
VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned recommends that Respondent be disbarred from the practice of law in this jurisdiction for a period of (5) years. Respondent's abandonment of his law practice evidenced a total disregard for the most fundamental obligations a lawyer owes to his clients. That act, in conjunction with the specific acts of neglect, fraud, misrepresentation, breach of fiduciary responsibility, conversion of funds and trust account violations set forth in The Florida Bar's complaint, amply supports this disciplinary recommendation. Respondent has failed to come forward and offer any explanation for his conduct so it must be presumed that he knowingly and willfully engaged in the aforestated course of unethical conduct.

Costs of these proceedings should be taxed against Respondent in the amount of One Thousand One Hundred Dollars and Thirty Cents (\$1,100.30), with execution to issue and with interest at a rate of twelve per cent (12%) to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's Final Order in this cause, unless time for payment is extended by the Board of Governors of The Florida Bar. In addition, Respondent should be ordered to make restitution to Mary Ann Buntz in the amount of Five Hundred Eighty Six Dollars (\$586.00) and to Charlotte Langer and/or Lane, Gelety, Woolsey & Centrone, P.A., as their respective interests may appear at the time of restitution, in the amount of Three Thousand Dollars (\$3,000.00).

DATED this 15 day of April, 1987, at West Palm Beach, Palm Beach County, Florida.

Respectfully submitted,


EDWARD RODGERS, Referee

Copies furnished to:

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