

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

The Florida Bar,

Complainant,

v.

IRVING B. GUSSOW,

Respondent.

CASE NO. 69,929

(TFB Case No. 87-21,372 (CTS))

FILED
SUPREME COURT

JAN 6 1988

REPORT OF REFEREE

CLERK, SUPREME COURT
By _____
Deputy Clerk

I. Summary of Proceedings:

The undersigned was duly appointed as Referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of the Florida Bar. Previous to the instant assignment, the undersigned was assigned responsibility as Referee in disciplinary proceedings involving this same Respondent, i.e. The Florida Bar, Complainant, v. Irving B. Gussow, Respondent, Case No. 69,645 and 69,989. As to those previous assignments, after hearings were conducted thereon, the undersigned submitted the Referee's Report on those proceedings on July 7, 1987, said Report having included recommendations for findings of guilt and for disciplinary action to include disbarment without consideration for readmission until the expiration of five years, and until restitution of all clients harmed by Respondent's misconduct had been made, and until proof that all costs were paid, and until Respondent proved his rehabilitation. While the above-related proceedings were pending before the undersigned, the Florida Bar petitioned the Supreme Court in the instant case (Case No. 69,929) for an Order to Show Cause why Respondent should not be held in contempt of this Court's Temporary Suspension Order dated November 14, 1986 (said Temporary Suspension Order having been entered in Case 69,586). Florida Bar filed a supplement to the Petition for Order to Show Cause on January 23, 1987, and the Supreme Court entered an Order to Show Cause dated January 27, 1987, requiring Respondent to show cause why he should not be held in contempt of the Supreme Court for failing to abide by the Temporary Suspension Order of November 14, 1986. Respondent filed his written Response to the Order to Show Cause on February 12, 1987, and then filed a Supplemental Response to the Order to Show Cause on February 25, 1987. On April 13, 1987, the undersigned was appointed Referee as above described in the instant case No. 69,929 to take testimony on the issue of contempt for failure to comply with the Supreme Court's order of suspension and to make findings of fact and report such to the Supreme Court, such appointment being dated April 13, 1987. Hearing on Order to Show Cause was originally scheduled for July 22, 1987, and was then

considered for readmission until Respondent shall prove his rehabilitation as provided in the rules; and further that Respondent be ordered to cease all practice of law in accordance with the Temporary Suspension Order dated November 14, 1986, and further that Respondent be ordered to cease his employment with Ramm Electronics, Inc. and to refrain from engaging in further employment except that specifically authorized by the Rules of Discipline, Rule 3-6.1, to wit:

When attorneys have been placed on the inactive list, suspended, disbarred, or allowed resignation pursuant to Rule 3-7.11 by order of this court, they are ineligible to practice law until reinstated or readmitted. However, this shall not preclude a lawyer, law firm, or professional association from employing the suspended, disbarred, or resigned individual to perform such services only as may ethically be performed by other lay persons employed in attorneys' offices under the following conditions:

- a. Notice of employment. Notice of employment along with a full job description will be provided to staff counsel before employment commences.
- b. Reports by employee and employer. Information reports verified by the employee and employer will be submitted to staff counsel quarterly. Such reports shall contain a statement by employing lawyer certifying that no aspect of employee's work for the period involved the unlicensed practice of law.
- c. Client contact. No suspended or disbarred attorney shall have direct contact with any client or receive, disburse, or otherwise handle funds or property of the client.

V. Personal History and Past Disciplinary Record:

After finding of guilty and prior to recommending discipline I considered the following personal history and prior disciplinary record of the Respondent, to wit: All of that information included in the Referee's Report and record in Case Nos. 69,645 and 69,989; age of Respondent: 40; Date admitted to Bar: May 1, 1973; Prior Disciplinary convictions and disciplinary measures imposed therein: Case No. 69,586, (TFB Case No. 87-21,372 (CTS)), Temporary Suspension.

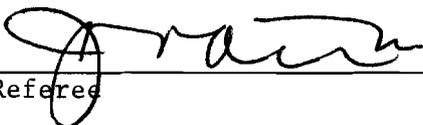
VI. Statement of costs and manner in which costs should be taxed:

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

Costs relating to the first and second Order to Show Cause at the Referee level in the amount of	<u>\$150.00</u>
Total Itemized Costs	\$150.00

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses, together with the foregoing itemized cost, be charged to the Respondent and that interest at the statutory rate shall accrue and be payable beginning thirty days after the judgment in this case becomes final, unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 18 day of December, 1987.



Referee