

IN THE SUPREME COURT OF FLORIDA

(Before A Referee)

IN RE: RUSSELL T. SICKMEN,
Petition For Reinstatement.

CASE NO. 70,047
FILED
SID J. WHITE

REPORT OF REFEREE

JUL 20 1987

CLERK, SUPREME COURT

By [Signature]
Deputy Clerk

I. Summary of Proceedings. Pursuant to the undersigned

being duly appointed as Referee to conduct proceedings on the Petition For Reinstatement for Russell T. Sickmen, under Rule 11.11 of the Integration Rule of The Florida Bar, a hearing was held on Thursday, June 4, 1987, in Room 400 of the Leon County Courthouse in Tallahassee, Leon County, Florida. The pleadings, notes, depositions, transcript and exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties.

For the Petitioner: JOHN A. WEISS

For The Florida Bar: JAMES N. WATSON, JR.

Testimony was received from the Petitioner together with the depositions of Harry Organek, David Grey, Andrew Schildhaus, Kenneth Paul Greenfield, Rabbi Paul Kushner, Rosalyn Kushner and Peter Kolbrener. The Florida Bar presented no witnesses.

The issue to be decided is the Petitioner's fitness to resume the practice of law, Rule 11.11(5) Integration Rule. The standard to determine one's fitness to resume the practice of law is set forth in the case of In Re: Robert Duncan Timson, 301 So2d 448, 449 (Fla. 1979):

1. Strict compliance with the disciplinary order.
2. Evidence of an unimpeachable character.
3. Clear evidence of good reputation for professional ability.

4. Evidence of lack of malice and ill feeling toward those involved in bringing the disciplinary proceedings.
5. Personal assurances of a sense of repentance and desire to conduct practice in an exemplary fashion in the future.
6. Restitution of funds.

The burden is on the Petitioner to demonstrate his fitness to resume the practice of law.

The Court should also be reminded that the undersigned also served as Referee in the original disciplinary action.

II. Findings of Fact. Upon consideration of the Petition For Reinstatement, the depositions, exhibits and testimony of Petitioner, the undersigned Referee finds as follows:

1. The Petitioner was admitted to the New York Bar in 1974 and the Florida Bar in 1975.

2. The Petitioner was suspended from the practice of law for three years, nunc pro tunc December 13, 1983, and thereafter until providing proof of his rehabilitation as set forth in Article XI, Rule 11.10(4) of the Integration Rule of The Florida Bar, and with the further requirement that Petitioner pass the ethics portion of The Florida Bar examination prior to his reinstatement, by Order of The Supreme Court of Florida in The Florida Bar v. Russell T. Sickmen, 491 So2d 275 (Fla.1986).


3. That by Order of Disbarment dated April 20, 1987, the Appellate Division of The Supreme Court of the State of New York, Second Judicial Department, disbarred Petitioner from the practice of law in the State of New York. However, said order is subject to rehearing.

4. From the evidence presented the undersigned finds that Petitioner has met his burden and demonstrated his fitness to resume the practice of law. While the State of New York has dealt more severely with the Petitioner than the State of Florida, I find that the Petitioner has complied with all the requirements placed upon him by The Supreme Court of Florida, and has not

only proved his rehabilitation but met every standard set forth in the case of In Re: Robert Duncan Timson, 301 So2d 448, 449 (Fla. 1979), as more particularly set forth above.

III. Recommendation. Based on the foregoing findings of fact, it is the recommendation of the undersigned that the Petition For Reinstatement of Russell T. Sickmen be granted without the requirement that Petitioner take The Florida Bar examination. The undersigned further recommends that The Florida Bar promptly refund the unused portion of his cost deposit, should any remain.

DATED at Tallahassee, Leon County, Florida, this 16th day of July, 1987.


WILLIAM L. GARY
Referee

copies furnished to:

JAMES N. WATSON, JR.
Bar Counsel
The Florida Bar
Tallahassee, FL 32301

JOHN A. WEISS
Counsel for Petitioner
P.O. Box 1167
Tallahassee, FL 32302

JOHN T. BERRY
Staff Counsel
The Florida Bar
Tallahassee, FL 32301