

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,)
Complainant,)
v.)
LOUIS P. KAUFMAN,)
Respondent.)
_____)

Supreme Court Case
No. 70,316

The Florida Bar Case
No. 87-21,930(11A)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDING: 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 of the Integration Rule of The Florida Bar, review of a consent judgment for discipline was undertaken. All of the pleadings, notices, motions, orders, transcripts and exhibits are forwarded with this report and the foregoing constitutes the record of this case.

The following attorneys appeared as counsel for the parties:

On Behalf of The Florida Bar: Randi Klayman Lazarus
Kevin P. Tynan

On Behalf of the Respondent: Bruce Alexander

Respondent submitted a Stipulation as to Probable Cause, Unconditional Guilty Plea and Consent Judgment for Discipline ("Consent Judgment") which provides for a one (1) year suspension with the request that it be made retroactively effective as of April 23, 1987 the date of his temporary suspension for a felony conviction. Said suspension shall be followed by a two (2) year period of probation. Prior to the termination of this one (1) year suspension certain conditions, explained with particularly below, must be met. Respondent has in addition, agreed to pay for the costs of these proceedings. In response, Complainant filed a Petition for Approval of Consent Judgment for Discipline which reflects the position of The Florida Bar, as approved by the Designated Reviewer of the Eleventh Judicial Circuit Grievance Committee "A",

that Respondent's plea be accepted based upon the imposition of the following Disciplinary terms:

a) A one (1) year suspension from the practice of law. Said suspension shall be followed by a two (2) year period of probation. That prior to the termination of the one (1) year suspension, the following conditions must be demonstrated:

1) That Respondent did contact Florida Lawyer's Assistance, Inc., or a similar organization in either New York, New Jersey or Pennsylvania within fourteen (14) days of execution of this consent judgment. Said organization must be approved by Florida Lawyer's Assistance, Inc.

2) That during the period of Respondent's suspension he was monitored by the Florida Lawyer's Assistance, Inc.

3) Respondent shall be precluded from engaging in the practice of law until such time as the monitoring organization certified to The Florida Bar that his drug problem is under control and no longer impairs his ability to practice law.

b) The Florida Bar does not object to Respondent's request that the date of the one (1) year suspension be made retroactive to April 23, 1987, the date of his temporary suspension for his felony conviction.

c) Taxation of costs of this disciplinary proceeding assessed against Respondent, with execution to issue with interest at a rate of 12% to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's final order, unless the time for payment is extended by the Board of Governors.

Having reviewed the records of these proceedings, I find that Respondent's plea, together with his request for a retroactive effective date of suspension, and the position of The Florida Bar as to terms of discipline are both fair to the Respondent and in the best interests of the public. Accordingly, Respondent's Consent Judgment and the terms of discipline recommend by The Florida Bar are accepted hereby and adopted as the recommendations of this Referee in this matter.

II. FINDINGS OF FACT: In his consent judgment, Respondent admits certain factual matters which I hereby accept and adopt as the findings of fact in this cause, to wit:

a) Respondent was arrested on June 1, 1984 in Passaic, New Jersey, for possessing eight and one-half methaqualone tablets.

This arrest resulted in an indictment for possessing a controlled dangerous substance under NJSA 24:21-20.

b) In October 1984, Respondent was arrested for possessing 3.45 Grams of cocaine. This arrest resulted in an indictment for possessing a controlled dangerous substance under NJSA 24:21-20(a)(1).

c) Respondent pled guilty to charges of possession of cocaine and methaquaalude in New Jersey in March 1985 and May 1985.

d) As a result of Respondent's guilty pleas he received sentences in each case of two (2) years probation and fines of \$750.

e) Possession of cocaine and methaquaalude tablets in Florida are felonies under state law. But, possession of methaquaalude is a misdemeanor in New Jersey.

I would also like to note that the Unconditional Guilty Plea and Consent Judgment for Discipline was signed by Respondent's counsel and not the Respondent. It is my understanding the Respondent's counsel signed the Plea with the Respondent's authorization and consent as the Respondent lives in New Jersey. The Florida Bar has expressed no objections to this procedure.

III. RECOMMENDATION AS TO GUILT: In his Consent Judgment, Respondent admits that he was convicted of a felony which constitutes a violation of the Code of Professional Responsibility and Integration Rule of the Florida Bar. Based upon Respondent's admissions, I recommend that Respondent be found guilty of violating article XI, Rule 11.02(3) (a) and (b) of the Integration Rule of The Florida Bar (commission of an act contrary to honesty, justice and good morals and commission of a crime) Disciplinary Rules 1-102(A)(3) (engaging in illegal conduct involving moral turpitude), and 1-102(A)(6) (conduct that adversely reflects on fitness to practice law) of the Code of Professional Responsibility.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend acceptance of Respondent's Consent Judgment and the imposition of the following disciplinary terms:

a) A one (1) year suspension from the practice of law. Said suspension shall be followed by a two (2) year period of probation. That prior to the termination of the one (1) year suspension, the following conditions must be demonstrated:

1) That Respondent did contact Florida Lawyer's Assistance, Inc., or a similar organization in either New York, New Jersey or Pennsylvania with fourteen (14) days of execution of this consent judgment. Said organization must be approved by Florida Lawyer's Assistance, Inc.

2) That during the period of Respondent's suspension he was monitored by the Florida Lawyer's Assistance, Inc.

3) Respondent shall be precluded from engaging in the practice of law until such time as the monitoring organization certified to The Florida Bar that his drug problem is under control and no longer impairs his ability to practice law.

b) The Florida Bar does not object to Respondent's request that the date of the one (1) year suspension be made retroactive to April 23, 1987, the date of his temporary suspension for his felony conviction. Therefore, it is recommended that said one (1) year suspension be made retroactive to April 23, 1987.

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

I find that the following were reasonably incurred by The Florida Bar as costs in these proceedings and should be assessed against Respondent:

<u>Administrative Costs:</u>	<u>Amount</u>
Rule 3-7.8(a) Referee Level	\$ 150.00
TOTAL	\$ 150.00

It is recommended that the foregoing costs be assessed against Respondent. It is further recommended that execution issue with interest at a rate of twelve percent (12%) to accrue on all costs not paid within 30 days of entry of the Supreme Court's final order, unless the time for payment is extended by the Board of Governors of The Florida Bar.

Dated this 7th day of March, 1988


PHILIP BLOOM
REFEREE

Copies furnished to:
Randi Klayman Lazarus, Bar Counsel
Kevin P. Tynan, Co-Bar Counsel
Bruce Alexander, Attorney for Respondent