

**FILED**

SID J. WHITE

DEC 3 1993

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

**IN THE SUPREME COURT OF FLORIDA**

( BEFORE A REFEREE )

THE FLORIDA BAR,  
COMPLAINANT,  
V.  
SHARON KLEINFELD,  
RESPONDENT

CASE # 81,464

**REPORT OF REFEREE**

1. PURSUANT TO THE UNDERSIGNED BEING DULY APPOINTED AS REFEREE TO CONDUCT DISCIPLINARY PROCEEDINGS HEREIN ACCORDING TO THE RULES OF DISCIPLINE, HEARINGS WERE HELD ON THE FOLOWING DATES:

SEPTEMBER 22, 1993

OCTOBER 6, 1993

OCTOBER 20, 1993

OCTOBER 22, 1993

THE FOLLOWING ATTORNEYS APPEARED AS COUNSEL FOR THE PARTIES:

FOR THE FLORIDA BAR, RANDI KLAYMAN LAZARUS.

FOR THE RESPONDENT, PAUL S. RICHTER.

2. AFTER CONSIDERING ALL OF THE PLEADINGS AND EVIDENCE BEFORE ME, PERTINENT PORTIONS OF WHICH ARE COMMENTED UPON BELOW, I FIND :

THAT THE COMPLAINT BY THE FLORIDA BAR DOES NOT SPECIFY, BY COUNT, EACH ALLEGATION OF MISCONDUCT BY THE RESPONDENT. NEVERTHELESS, IT CAN BE DISCERNED TO BE FIVE SEPARATE VIOLATIONS WHICH CAN BE CORROLATED TO FIVE DATES AND/OR EVENTS.

THE FIRST OFFENSE RELATES TO THE RESPONDENT'S FAILURE TO APPEAR FOR THE FOURTH DAY OF TRIAL IN THE CASE OF THOMAS FREIHEIT V. TAMARAC LAKES HOMEOWNERS ASSOC., INC. RESPONDENT WAS TRIAL ATTORNEY FOR THE PLAINTIFF IN THAT CASE. THE EVIDENCE PRESENTED WITH RESPECT TO THE CIRCUMSTANCES SURROUNDING THE RESPONDENT'S FAILURE TO APPEAR IS NOT CLEAR AND CONVINCING AS TO THIS VIOLATION AND I THEREFORE FIND THAT THE RESPONDENT DID NOT VIOLATE ANY RULES OF PROFESSIONAL RESPONSIBILITY. ( SEE PAGE 978 THROUGH 981 OF THE TRANSCRIPT.)

THE SECOND OFFENSE RELATES TO THE FAILURE OF THE RESPONDENT TO APPEAR IN COURT FOR THE RESUMPTION OF THE TRIAL IN THE SAME MATTER. THE TRIAL COURT HAD RESET THE TRIAL FROM JANUARY 16, 1992, (THE DATE OF THE FIRST FAILURE TO APPEAR), TO FEBRUARY 6, 1992. WHEN THE RESPONDENT FAILED TO APPEAR ON FEBRUARY 6, 1992 THE TRIAL COURT DISMISSED THE LAWSUIT, WITH PREJUDICE. THIS FAILURE TO APPEAR BY THE RESPONDENT AND THE SUBSEQUENT DISMISSAL OF THE CLIENT'S LAWSUIT CREATED PREJUDICE TO THE CLIENT. I FIND THE EVIDENCE CLEAR AND CONVINCING AS TO THIS SPECIFICATION IN THAT THE RESPONDENT DID NOT ACT WITH REASONABLE DILLIGENCE AND PROMPTNESS IN REPRESENTING HER CLIENT, IN VIOLATION OF RULE 4-1.3 OF THE RULES OF PROFESSIONAL RESPONSIBILITY. ( SEE PAGES 981 THROUGH 985 OF THE TRANSCRIPT . )

THE THIRD OFFENSE ARISES OUT OF THE RESPONDENT'S FAILURE TO APPEAR AT THE HEARING ON A RULE TO SHOW CAUSE ISSUED BY THE TRIAL JUDGE WHO DISMISSED THE CIVIL LAWSUIT. THIS HEARING WAS SET FOR FEBRUARY 7, 1992, (ONE DAY AFTER THE DISMISSAL OF THE LAWSUIT ). THE RULE TO SHOW CAUSE HAD BEEN ISSUED , HOWEVER, IN JANUARY OF 1992.

THE EVIDENCE IS CLEAR AND CONVINCING AS TO THIS SPECIFICATION. I FIND THAT THE RESPONDENT HAS VIOLATED RULE 4-8.4(d) OF THE RULES OF PROFESSIONAL RESPONSIBILITY. (SEE PAGES 985 THROUGH 986 OF THE HEARING TRANSCRIPT.)

THE FOURTH OFFENSE RELATES TO THE ALLEGATIONS MADE BY THE RESPONDENT, UNDER OATH, IN AN AFFIDAVIT FILED ON FEBRUARY 27, 1992. THAT AFFIDAVIT WAS FILED WITH THE FOURTH DISTRICT COURT OF APPEALS AND THE CIRCUIT COURT AS AN APPENDIX TO A WRIT OF PROHIBITION. I FIND THAT THE EVIDENCE IS NOT CLEAR AND CONVINCING THAT THE STATEMENTS MADE IN THAT AFFIDAVIT VIOLATED THE RULES OF PROFESSIONAL RESPONSIBILITY.

THE FIFTH AND MOST SERIOUS OFFENSE ALLEGED REVOLVES AROUND AN AFFIDAVIT FILED IN THE CIRCUIT COURT IN AND FOR BROWARD COUNTY ON MARCH 10, 1992. THE AFFIDAVIT WAS SIGNED , UNDER OATH, AND FILED BY THE RESPONDENT. IT WAS ALLEGED IN THAT AFFIDAVIT THAT CIRCUIT JUDGE GEOFFREY COHEN HAD MADE THREATS TO AN ATTORNEY REPRESENTING THE RESPONDENT IN THE RESPONDENT'S PENDING CONTEMPT HEARING. THOSE THREATS WERE INTENDED TO INTIMIDATE SAID ATTORNEY DURING HIS REPRESENTATION OF THE RESPONDENT, ACCORDING TO THE AFFIDAVIT. I FIND THE EVIDENCE CLEAR AND CONVINCING AS TO THIS VIOLATION. THE EVIDENCE CONVINCES ME THAT SAID THREATS NEVER OCCURRED.

CONTAINED IN AN AFFIDAVIT, SWORN TO AND FILED BY THE RESPONDENT ON MARCH 10, 1992, I FIND THE RESPONDENT GUILTY OF VIOLATING RULE OF PROFESSIONAL RESPONSIBILITY 4-3.3(a)(1).

4. IT IS THE RECOMMENDATION OF THE REFEREE THAT THE RESPONDENT, SHARON KLEINFELD, BE SUSPENDED FROM THE PRACTICE OF LAW FOR A PERIOD OF 36 MONTHS, FOLLOWED BY 24 MONTHS OF PROBATION, WITH THE SPECIAL CONDITIONS THAT PRIOR TO REINSTATEMENT AND WHILE ON PROBATION SHE BE SUPERVISED BY A MEMBER OF THE LOCAL DISCIPLINARY COMMITTEE AND THAT THE RESPONDENT BE REQUIRED TO TAKE A PROFESSIONAL RESPONSIBILITY EXAMINATION.

5. I FIND THAT THE FOLLOWING COSTS WERE REASONABLY INCURRED BY THE FLORIDA BAR.

ADMINISTRATIVE COSTS	
RULE 3-7.6(k)(1)(5)	\$ 500.00
COURT REPORTER COSTS	
GRIEVANCE COMMITTEE LEVEL	
AND FINAL HEARING LEVEL	\$ 7,196.60
WITNESS FEES	\$ 119.08
STAFF INVESTIGATORS COSTS	\$ 1,236.43
BAR COUNSELS TRAVEL COSTS	\$ 161.88
TOTAL:	\$ 9,213.99

ALL CREDIBLE WITNESSES CONVINCED ME THAT THE EVENT DID NOT TAKE PLACE . I AM CONVINCED THAT THE FACTS CONTAINED IN THAT PORTION OF THE AFFIDAVIT WERE FABRICATIONS OF THE RESPONDENT, DAMAGING TO THE REPUTATION OF BROWARD COUNTY CIRCUIT JUDGE GEOFFREY COHEN , INTENDED TO MISLEAD A TRIBUNAL IN ITS DECISION MAKING PROCESS AND, THEREFORE, A VIOLATION OF RULE 4-3.3 (a) (1) OF THE RULES OF PROFESSIONAL RESPONSIBILITY. (SEE PAGES 991 THROUGH 994 OF THE HEARING TRANSCRIPTS.)

3. AS TO THE FIRST ACCUSATION , THE RESPONDENT'S FAILURE TO APPEAR IN THE BROWARD COUNTY CIRCUIT COURT ON JANUARY 16, 1992, I FIND THE RESPONDENT NOT GUILTY.

AS TO THE SECOND ACCUSATION, THE RESPONDENT'S FAILURE TO APPEAR IN THE BROWARD COUNTY CIRCUIT COURT ON FEBRUARY 6, 1992, I FIND THE RESPONDENT GUILTY OF VIOLATING RULE OF PROFESSIONAL RESPONSIBILITY 4-1.3.

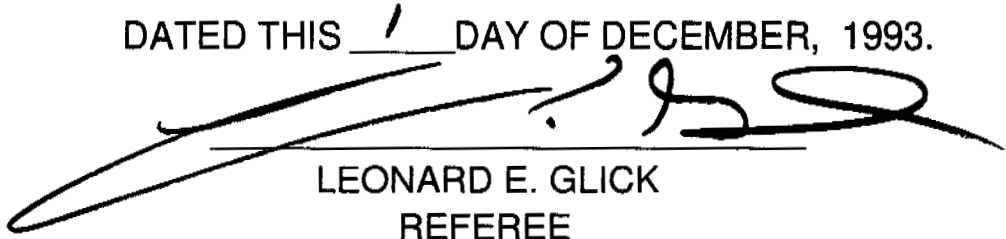
AS TO THE THIRD ACCUSATION, THE RESPONDENT'S FAILURE TO APPEAR BEFORE BROWARD COUNTY CIRCUIT COURT JUDGE GEOFFREY COHEN ON FEBRUARY 7, 1992, I FIND THE RESPONDENT GUILTY OF VIOLATING RULE OF PROFESSIONAL RESPONSIBILITY 4-8.4(d).

AS TO THE FOURTH ACCUSATION, ALLEGATIONS CONTAINED IN THE AFFIDAVIT IN SUPPORT OF DISQUALIFICATION, FILED ON FEBRUARY 27, 1992, I FIND THE RESPONDENT NOT GUILTY.

AS TO THE FIFTH ACCUSATION, ALLEGATIONS OF MISCONDUCT BY CIRCUIT COURT JUDGE GEOFFREY COHEN,

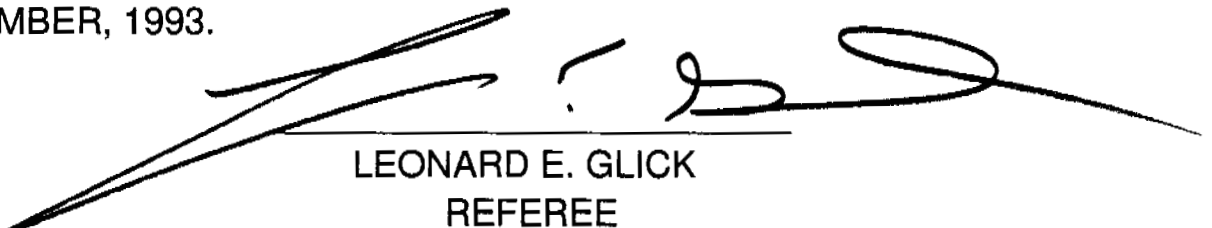
IT IS RECOMMENDED THAT ALL COSTS INCURRED ,  
INCLUDING BUT NOT LIMITED TO THE ITEMIZED COSTS LISTED  
ABOVE, BE CHARGED TO THE RESPONDENT.

DATED THIS 1 DAY OF DECEMBER, 1993.



LEONARD E. GLICK  
REFEREE

I HEREBY CERTIFY THAT A COPY OF THE ABOVE REPORT OF  
THE REFEREE HAS BEEN SERVED UPON RANDI KLAYMAN  
LAZARUS, BAR COUNSEL, AT SUITE M-100, RIVERGATE PLAZA  
444 BRICKELL AVE. MIAMI, FLORIDA 33131, NICHOLAS R.  
FRIEDMAN, ATTORNEY FOR THE RESPONDENT, AT 100 NORTH  
BISCAYNE BOULEVARD, MIAMI, FLORIDA 33132 AND STAFF  
COUNSEL, THE FLORIDA BAR, 650 APALACHEE PARKWAY,  
TALLAHASSEE, FLORIDA 32399-2300, THIS 1 DAY OF  
DECEMBER, 1993.



LEONARD E. GLICK  
REFEREE