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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FLORIDA BAR FILE
NO. 92-71,460(11A)

SUPREME COURT CASE
No. 83,985

THE FLORIDA BAR,

Complainant

v.

ROBERT SCOTT KAUFMAN,

Respondent

Petition for Review of Referee Proceedings
in and for the Eleventh Judicial Circuit,
Honorable Amy Steele Donner, presiding

BRIEF OF THE RESPONDENT, ROBERT S. KAUFMAN

5/24

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[305] 262-1671

(Co-counsel will
appear forthwith)

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PRELIMINARY STATEMENT

1. RE: THE RECORD AND THIS BRIEF: the lower Referee tribunal had serious Record Maintenance problems. While there are scores of filings, unfortunately, no "Progress" record was ever maintained. Many orders are not in the Record, including a purported Default Judgment. The Referee and Complainant refused Respondent's respectful requests therefore. Compounding this omission, no Index to the Record has been forthcoming. Furthermore, over six hours labor in the clerk's office, on April 15, 1996, was necessary to establish SOME CHRONOLOGICAL and systemic order in the Record, out of incredible disorder.[1] Many filings, exhibits, etc., are not only missing, but often are missing the Supreme Court filing stamp and/or are incredibly misfiled, free-floating, etc.[2] Also, Bar Counsel, in making the Record, apparently, ex parte, provided Referee A.S. Donner, herein with voluminous documents, including Authorities, etc. This has just been discovered.

This Brief, while executed by the Petitioner, is prepared using the "third person," as Co-counsel formally will appear forthwith.

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[1]Please see Petitioner's clarifying note on top of each box of records. (The Sup. Ct. of Fla. entry stamping may have aggravated the pre-existing file confusion.)

[2]Our extensive Appendix should hopefully mitigate, somewhat, this prejudicial state of conditions, for this honorable court. To an extent reasonable, documents not in the Appendix, but found in the Record, will be designated by: (R- name(s) and date).

2. RE: THIS BIZARRE AND CONVOLUTED HEREIN PENDING "POLITICAL" R. KAUFMAN CASE;[3] ALSO, RE: LONG-TIME (16 YRS.) COUNTY COURT JUDGE MARVIN H. GILLMAN, ABOUT AGE 60, PLUS, AND, TO THE EXTENT KNOWN, HIS SERIAL SECRET OR EX PARTE JUDICIAL CONFERENCES;

(1) Protagonist Marvin H. Gillman was the bench-trial judge in the underlying R. Kaufman allegedly totally fabricated counterclaim civil case.[4] Judge Gillman, for over seven (7) years, has been on an obsessive, incredible mission to explore a strange new world, e.g. the Referee (TT 19), at the ex parte Sept. 13, 1995, Final Hearing, finally stated she and Gillman had a secret conference(s) without any record. The authorities at the end of ¶I of the "Argument" and the Code of Judicial Conduct purport to prohibit such conduct, unfairly designed to use undue influence.

Did Judge Gillman, in relating with the other judges, use the tired ploy, "We must circle the wagons," or "Judicial

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[3]It proved forever that there is no lawyer, who has little power, smart enough to win an argument with any JUDGE, who has tremendous power.

[4]Belatedly, but instructively exposed by the Dade County State Attorneys Office and the Metro-Dade Police Dept. in 1995 & 1996, e.g. Supp. 1 to Crim. Contempt Motion - Aff. (A.1), Motion to Strike (A. 14). The government, over four years, worked hard, and apparently exposed attorney chicanery, etc., but discovered NO evidence of ANY M. H. Gillman bribery. Further, though the Kaufman group has repeatedly exposed that Judge Gillman habitually and brazenly ignores much of the Code of Jud. Conduct and the Fla. R. Civ. P., it has NEVER CHARGED THAT M. H. GILLMAN DID ANYTHING IMPROPER TO SECURE MONETARY GAIN FOR HIMSELF, OR COMMITTED CRIMES, ETC. (R. M.H.Gillman & J.Q.C. Complaint, May 17, 1995.) Accord, civil case, Initial Brief & Rehearing Motion (A.53 , 98).

Camaraderie"? Whatever, in June, 1991, Judge Gillman totally lost jurisdiction. However, as stated, it has been now exposed that Judge Gillman somehow has been able to implicate Circuit Judge Phillip Bloom[5] and the herein Referee Amy S. Donner in his freely admitted serial, SECRET, EX PARTE AND LOBBYING "web." However, there are no NOTES, DEPOSITIONS, TRANSCRIPTS, ETC. Thus, the TRUE AND HONEST CONTENT of these claimed surreptitious, insidious, and clearly PROHIBITED JUDICIAL CONFERENCES, in the Kaufman cases, EVEN TODAY SADLY remains an allegedly sinister secret. We can guess, as in Aug. 1995 M.H.Gillman applied to the JNC for their recommendation for elevation to the Circuit Ct. Respondent sent the JNC much of the within Appendix. The JNC conferred also with Respondent's App. counsel Segor. It killed his elevation. Of course, the Supreme Court of Florida, diligently has tried to maintain the public's trust in Florida's judges. THUS, TO ITS GREAT CREDIT, IT HAS REPEATEDLY AND GRAVELY CONDEMNED ANY APPALLING AND UNFAIR JUDICIAL TACTICS.

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[5]He was the Post-Judgment Supplementary Proceeding Judge in the underlying Counterclaim case. Bloom drafted and filed SEPT. 3, 1992, recriminatory complaint with the Bar, the now pending "issue." Bloom was bitter, because Kaufman, on SEPT. 1, 1992, had served a letter on him, (against his attorneys advice) professionally requesting him to STOP his listed wholesale violations of the Fla.R.Civ.P. and of the Code of Judicial Conduct. Judge Bloom, at an AUG. 31, 1992 hearing, finally confessed, on the record, that he and Judge Gillman had had a secret conference re: this case. HOWEVER, KAUFMAN HAS NEVER ACCUSED JUDGE BLOOM WITH BRIBERY, CRIME(S), ETC. (R. Judge Bloom & J.Q.C. Complaint, June 5, 1995)

The foregoing lawlessness culminated in the Referee's 1/ recklessly refusing to 1- EVER hold the mandated initial final evidentiary hearing or to 2- EVER give Kaufman ANY mandated WRITTEN NOTICE of the lengthy ("punishment") evidentiary final hearing. "Botched" is claimed by many to be an apt word for this case. Has the old British Crown's "Star Chamber" returned?

1/ Please seeReport of Referee,(A. 38)

STATEMENT OF THE CASE

This Bar case began July 8, 1994, with the filing by the Bar's Ms. R. Lazarus, of a Bar Complaint, in the Supreme Court of Florida, vs. Robert S. Kaufman. Robert S. Kaufman responded with a timely Answer (R - Oct. 11, 1994).[6] The Honorable Amy Steele Donner was duly appointed Referee.

The Complaint and Answer have never gone to final trial or final hearing, i.e., ON THE MERITS. The Respondent, timely and properly, in writing, objected to the purported default judgment entered in lieu thereof.[7]

No written notice of the purported Sept. 13, 1995, 1 P.M. final hearing (PUNISHMENT PHASE ONLY) has ever been filed, in the Record, nor has it been served, on Respondent.[8] The Respondent, timely, and properly, in writing, and by prior Telecon, on Sept. 13, 1995, objected thereto.* The procedural details leading to the Referee's Report of Sept. 21, 1995 will be recounted in the Statement of Facts.

*(R.Respondent Fax to Referee,9-13-95)

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[6]The parties will hereafter be referred to as the Complainant (Bar) and Respondent (Kaufman).

[7]It may not exist. It is not in the Record. Respondent in writing, (e.g. April 16, 1995) repeatedly asked Referee Donner & Complainant for a copy, but to no avail. The Bar's Ms. Lazarus, per the Rules, normally sent Respondent a copy of any proposed Order. Respondent never got this.

[8]The Respondent, the early evening of Sept. 12, 1995, first discovered on his Voice-Mail a message stating it was from Judge Donner's secretary. She thereby purported to give the sole notice of this said lengthy Sept. 13, 1995, 1 P.M. final PUNISHMENT PHASE ONLY hearing.

The Report of Referee, adverse to Respondent, dated Sept. 21, 1995, appears at (A.1 - A.15). A Timely Petition for Review was filed Jan. 25, 1996.

STATEMENT OF THE FACTS

THE REFEREE, AT THE PARTIES SECOND HEARING, DEC. 5, 1994, ORALLY AND PURPORTEDLY, ENTERED, VS. RESPONDENT, A DEFAULT JUDGMENT;[9] ON APRIL 13, 1995, A REFEREE'S ORDER SUMMARILY DENIED RESPONDENT'S MOTION TO VACATE, THIS SAID PURPORTED DEFAULT JUDGMENT, WHICH MOTION HAD BEEN FILED DEC. 15, 1994. ON MAY 17, 1995 RESPONDENT FILED A MOTION TO RECONSIDER SAID ADVERSE APRIL 13, 1995 ORDER. NEITHER RESPONDENT, OR THE RECORD, HAS AN ORDER ON THIS MAY 17, 1995 MOTION TO RECONSIDER.

THE SOLE ALLEGED BASIS FOR THE PURPORTED DEFAULT JUDGMENT: Respondent was a little tardy in filing his time-consuming four pages of answers to the Bar's interrogatories, and his voluminous documents to produce.[10] Re: these two issues, the Bar, on and before an Oct. 11, 1994, Status Conference, had never filed a Motion to Compel or Motion for Entry of Default. At this case's first hearing, an Oct. 11, 1994 Status Conference, these issues were broached. Consequently, on OCT. 13, 1994, a written order stated that Respondent should serve in ten (10) days. Because of the Said crisis caused by Respondent's Mother's said death, inter alia, Respondent, overwhelmed, didn't notice that the said order started the ten days running on the hearing day, Oct. 11, 1994.

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[9]Neither the Record or Respondent's files contain a memoralized Default Judgment. The complainant and Referee repeatedly ignored Respondent's request for it.

[10]Respondent's mother, always beloved by all, residing hundreds of miles away, just had died in Sept., 1994. This caused, for Respondent, chaos, emotionally, legally, estate-wise, and schedule-wise.

Respondent, on Oct. 24, 1994, hand served the full mandated discovery,[11] using the order's Oct. 13, 1994 date, as the 10 day time-line.[12]

[11]THE BAR NEVER OBJECTED TO ITS CONTENT.

[12]Complainant was not prejudiced, in any way, as if it had been mailed Oct. 21, 1994, using Oct. 11, 1994 as the 10 day time-line, it would also have arrived on or after Oct. 24, 1994.

THE REFEREE NEVER PROVIDED RESPONDENT WITH ANY FLA.R.CIV.P. OR OTHER WRITTEN NOTICE[13] OF THE SEPT. 13, 1995 FINAL HEARING (PUNISHMENT PHASE). THIS IS AS CLARIFIED ABOVE IN THE SECOND PARAGRAPH OF THE STATEMENT OF THE CASE.

Respondent's timely written and verbal Sept. 13, 1995 objections were ignored. (R. Respondent's Fax to Referee, 9-13-95)

[13]only about 20 hour Voice-mail Sept. 12, 1995 notice by the Referee's secretary.

I.

THE REFEREE ERRED WHEN SHE PURPORTEDLY ENTERED HER VERBAL DEC. 5, 1995 DEFAULT JUDGMENT VS. RESPONDENT, AND TWICE REFUSED TO VACATE IT, ONCE BY ORDER AND ONCE BY REFUSAL TO RULE.

1. The trial court must make express written finding of party's wilful or deliberate disobedience of court order directing compliance with discovery to support sanction of dismissal or default against non-complying party. Commonwealth Federal S. & L. Assoc. V. Tubero, 569 So.2d 1271 (Fla. 1991).

Sanction of dismissal for nonconformance with discovery requires express written finding of wilful or deliberate violation of court's order; FINDING OF WILFUL OR DELIBERATE VIOLATION WAS NOT PROPER WHERE ATTORNEY WAS ILL. Rodriguez v. Therman Dynamics, Inc., 582 So.2d 805 (Fla. 3rd DCA 1991). [Emphasis supplied]

Upon information and belief[14] the Referee made no such findings. In fact, the busy Circuit Judge Referee really knows, or cares, little about this matter.[15] Complainant prepared ALL orders, Report of Referee, etc. (and probably the Referees prepared

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[14]The Referee, ignoring repeated requests, refused to serve the Purported Default Judgment on Respondent. The Complainant likewise never cooperated to send Respondent a copy. There is no written Default Judgment in the Record. It probably was never reduced to writing and is not extant. If so, an automatic reversal is mandated without proceeding further.

[15]Page 47 of the Sept. 13, 1995 transcript, Exhibit A, to Report of Referee, states, FALSELY, that another Referee wanted Respondent DISBARRED.

statement, Exh. A., Pgs. 45-48 of the Report of Referee). She just rubber stamped them.[16]

2. Complainant, clearly, in its "second" Motion for Default[17] essentially, in bad faith, complains that Kaufman is not in good faith because he was ONE DAY LATE, per the first discovery order, with his discovery. The 3rd DCA and others clearly have established Bright Line Law, that Respondent had just cause for a vacate order, all directly contrary to such a bizarre notion in our busy courts today, e.g.

(1) FIVE (5) DAYS LATE O.K.:

Striking of party's pleadings and entering of default judgment against him on basis of violation of court order requiring that his answers to interrogatories be filed by November 1, when in fact the answers were air expressed from his home in Germany on October 29 and were filed on November 5, was an unjustifiably harsh sanction and a clear abuse of trial court's discretion. Pey v. Turnberry Towers Corp., App. 3 Dist., 474 So2d 1279 (1985).

(2) SEVEN (7) DAYS LATE O.K.:

Dismissal was not warranted for plaintiffs' failure to answer initial set of interrogatories or file timely objection where they did comply with subsequent order and answered the interrogatories

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[16](A. 121) is a partial Referee profile. In Dade County, each judge is juggling 1K cases.

[17]There was only one Motion for Default re: Discovery, Nov. 9, 1994.

within seven days of the date set for answering interrogatories. Pilkington Pk v. Metro Corp., App. 3 Dist., 526 So.2d 943 (1988).

(3) RE: PREJUDICE ABSENCE: "Severity of discovery sanctions should be commensurate with violation; dismissal is inappropriate when movant is unable to demonstrate MEANINGFUL PREJUDICE." Neal v. Neal, App. 1 Dist., 636 So.2d 810 (1994). [Emphasis supplied]

(4) RE: WILLFULNESS ABSENCE: "Express written finding of WILLFUL OR DELIBERATE refusal to obey court order or comply with discovery is necessary to sustain severe sanction of dismissal or default against noncomplying plaintiff or defendant. Neal v. Neal, App. 1 Dist., 636 So.2d 810 (1994).

(5) RE: A TRIAL ON THE MERITS IS MANDATED: Kiaer v. Friendship, Inc., 376 So. 2d 919 (Fla. 3d DCA 1979) Lights the way:

> We have determined, therefore, that under Fla.R.Civ.P. 1,500 and the relevant case law authority, this defendant should have his day in court. The landmark case of North Shore Hospital Inc. v. Barber, 143 So.2d 849 (Fla.1962), cogently sets down the principles to be considered when examining a motion to vacate a default judgment, at 852-853:
>
> "It is the rule that the opening of judgments is a matter of judicial discretion and in a case of reasonable doubt, where there has been no trial upon the merits, this discretion is usually exercised in favor of granting the application so as to permit a determination of the controversy upon the merits. 31 Am.Jur., Judgments, Section 717.
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> "The true purpose of the entry of a default is to speed the cause thereby preventing a dilatory or procrastinating defendant from impeding the plaintiff in the establishment of his claim. It is not procedure intended to furnish an advantage to the plaintiff so that a defense may be defeated or a judgment reached without the difficulty that arises from a contest by the defendant."

(6) RE; ¶9 OF COMPLAINANT'S NOV. 9, 1994 DEFAULT MOTION: Riley v. Gustinger, Exh. F. of Complainant's filing: Riley is clearly inapposite as in Riley, TWO (2) extension orders had been granted TO NO AVAIL. In the case instanter, even IF a second Extension were mandated and needed, there is no Respondent stone-walling as in Riley. Thus, Complainant miscited Riley and RILEY SUPPORTS RESPONDENT'S POSITION. The Referee erred by entering a Default vs. Respondent.

(7) Accord, Gulf Maintenance and Supply, Inc. v. Barnett Bank of Tallahassee, 543 So.2d 813, (Fla 1st DCA 1989):

> "Some preliminary observations regarding the purpose and function of defaults are appropriate. Nearly 50 years ago the Supreme Court of Florida commented:
>
> The true purpose of the entry of a default is to speed the cause thereby preventing a dilatory or procrastinating defendant from impeding the plaintiff in the establishment of his claim. It is not procedure intended to furnish an advantage to the plaintiff so that a defense may be defeated or a judgment reached without the difficulty that arises from a contest by the defendant."
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> * * *
>
> The entry of default is appropriate where a defendant does not intend to appear and defend the merits of the action or engages in dilatory practices in bad faith solely for purposes of hindrance and delay.

3. More Argument and Background on these issues appears in "Respondent's May 17, 1995 Motion to Reconsider the Denial of Kaufman's 12-15-94 Motion to Vacate." This is another Respondent Motion that the Referee obdurately refused to rule on.

4. This verbal Default, at the 2d hearing in this cause, the Dec. 5, 1994 hearing, and the Referee's attitude change from Oct. 11, 1994, could have resulted solely from her secret ex parte, unauthorized Code of Judicial Conduct violating conferences with the underlying Civil Case County Court Judge, Gillman. This is more Referee trampling on the due process rights of Respondent. At the Oct. 11, 1994 hearing, the Referee first learned of the secret letters Gillman had left in the court files -- left by mistake. Please see our May 17, 1995 "Draft," in the Record, for the Judicial Qualif. Commission, re: Judge Gillman. Now that this matter instanter is before the Supreme Court, the "Draft" will be UPDATED and finally filed with the J.Q.C., vs. Gillman. See similar serial abuse of authority by another judge (App. 123).

The Referee first revealed such a "secret" ex parte meeting in the Sept. 13, 1995 ex parte Final Hearing, (TT 19). The following case(s) only permit such so-called one-sided "back alley whispers" if there are documents or transcripts therefore, i.e. the TEXT MUST BE REVEALED. A REVIEWING COURT MUST BE ABLE TO EVALUATE WHAT A REFEREE IS BASING A DECISION ON. THE "STAR CHAMBER,' OF CENTURIES PAST IN ENGLAND, DOES NOT LIVE IN FLORIDA. The Florida Bar v. Vannier, 498 So.2d 896, 898 (Fla. 1986), provides:

> Vannier presents numerous points in support of his position that the referee's report should be disapproved. First, he argues, the evidence consists largely of unauthenticated and unreliable hearsay and that admission of such evidence denies him his confrontation and due process rights. The hearsay to which Vannier refers consists largely of documents seized by the Federal

> Bureau of Investigation from the headquarters of the Church in the course of an unrelated criminal prosecution or documents and depositions obtained as a result of discovery in other unrelated civil litigation. We are persuaded that THE HEARSAY IN QUESTION was adequately authenticated and its reliability established. Disciplinary proceedings are neither civil nor criminal but are quasi-judicial. Fla.Bar Integr.Rule, art. 11, Rule 11.06(3)(a). In Bar discipline cases, hearsay is admissible and there is no right to confront witnesses face to face. [Emphasis supplied]

Accord, State ex rel. Kehoe, v. McRae, 38 So.605, (Fla. 1905)

> Our conclusion is that a disbarment proceeding is not such a criminal prosecution as requires the accused attorney to be confronted face to face with the witnesses against him, but that the deposition of an absent or non-resident witness on behalf of the state, if competent otherwise, when taken upon a commission and written interrogatories, is competent and admissible evidence in such cases.

II.

THE REFEREE ERRED WHEN, OVER TIMELY VOCIFEROUS OBJECTION OF RESPONDENT, SHE PROCEEDED TO THE LENGTHY EVIDENTIARY FINAL HEARING OR TRIAL OF SEPT. 13, 1995, WITHOUT ANY WRITTEN NOTICE TO RESPONDENT PER THE FLA.R.CIV.P.

The foregoing travesty, not an emergency hearing, also occurred at a time when Respondent was mostly confined to his bed, and gravely ill.[18] He was then, like thousands of Miamians, unable to talk. This was fundamental error, a departure from the essential requirements of law and caused Respondent irreparable harm. Please see the Bright Line Case, State Farm General Insurance v. Grant, 641 So.2d 949, 952 (Fla 1st DCA 1994). "See also Department of Environmental Regulation v. Montco Research Products, Inc., 489 So.2d 771 (Fla. 5th DCA), review denied. 494 So.2d 1152 (Fla 1986) (determination of an issue not raised by pleadings or on which parties have not been given notice or opportunity to be heard is departure from essential requirements of law)"

That irreparable harm is shown is self-evident. Respondent totally was prevented from making his Record, from putting in his

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[18]Even were Respondent then recovered, with his heavy schedule, like most, he couldn't have ever appeared per the Referee's 18-20 hour ORAL NOTICE. Two weeks minimum is mandated in writing.

defenses[19] totally was prevented from or making a showing of any kind. See General Ins. Co. v. Grant, ibid.

> "As for the requirement that irreparable harm be shown, Petitioner asserts that it did not attempt to make a showing below that the documents were work product and that disclosure would cause material injury because of the lack of notice that the Request to Produce would be taken up at hearing. We believe Petitioner has satisfied the irreparable injury requirement in that it was prevented from attempting to show the documents sought were covered by the work product privilege; this is the type of fundamental error appropriately addressed by certiorari review. See Martin-Johnson, Inc."

Respondent on Sept. 13, 1995 was not just being recalcitrant. Respondent's side had fully appeared, ready in the Referee's Court Room, at a prior properly noticed Final Hearing. It was at 4 P.M. sharp May 17, 1995. The Complainant never appeared. After 45 minutes, without word, of any kind, Referee Donner herself, suddenly finally appeared, with the sole startling intelligence that the scheduled final hearing was canceled, totally. No reason was offered. She then quickly disappeared.

Also, it had been executed at an EX PARTE meeting with the Judge's FORMER colleague, Calvin D. Fox. Bloom just rubber-stamped this order. He never read it, because IT CLEARLY GAVE FOX 52K, WHICH BLOOM DIDN'T WANT. Bloom, on Sept. 3, 1992, complained to the Bar that Fox tried to steal this 52K.

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[19]e.g. (and partially) the Bar's Aug. 6, 1992, Judge P. Bloom order, the basis of its complaint, was mostly false per public documents, e.g. the Supp. Pro. ran only from April 21, 1992 to July 2, 1992 when the Supersedeas was posted. It satisfied the judgment to Respondent, waived his Homestead and mortgaged his home to do so. Because of the judgment, it was difficult to get mortgages.

Also, re: the Criminal Contempt Motion-Affidavit,there are exhibits there to prove false almost all of their then testimony. Furthermore, in Circuit Court, Criminal Contempt of Court proceedings were then, and still are, pending vs. Somberg & Klein (2) of the Bar's Sept. 13, 1995 Final Hearing witnesses. Additionally, recently, because of irrebuttable proof from investigations of the Dade County State Attorney and the Metro-Dade Police Dept., it has been discovered that their side on June 1, 1992 repeatedly submitted pernicious and vital lies to Judge Bloom. This prevented him from vacating their fake underlying Judge Gillman civil judgment (App. 1).

SUMMARY OF THE ARGUMENT

The Referee, at the second, and last, motion practice hearing in this cause, Dec. 5, 1994, on the Record, VERBALLY, over Respondent's objections, entered a Default Judgment vs. Respondent. However, no hard copy written Default is in the Record, nor has a copy been served on Respondent. Neither Referee nor complainant would provide Respondent with a copy, (if it exists) -- despite repeated demands therefore. Respondent was thus summarily denied his due process rights to a full and fair hearing on the merits. The cause or basis of this "default," was, purportedly, solely because Respondent innocently, in good faith, instead of within ten days, was essentially a day late on serving some minor discovery. A typical technical time-line confusion. This Respondent's service was per the FIRST and ONLY discovery order. No willful and deliberate "stonewalling" of order(s) was alleged by anyone. The substance of the discovery was never objected to by Complainant, nor prejudice claimed by anyone. Bottom line, the genuine and honest and true reason for this purported oral default judgment has been clarified effective Sept. 13, 1995. The Final Default Order, like other orders over the years, is believed to have been ordered for these real reasons, e.g. the Referee on the ex parte Sept. 13, 1995 Final Hearing date, on the Record, finally admitted that she had been conferring, improperly in secret, re: the issues in this cause, with County Court Judge Gillman. Gillman, vs. Respondent, for seven (7) years has been waging war, relentlessly, in his media blitzes, in his ex parte, secret, oral interrelations both with the opposing lower court litigant (also serial written relations) and with the successive judges, etc. This long train of abuses, and

usurpations, these abuses of authority and power, mandate reversal. A reversal for a honest and fair trial on the merits, with just notice in writing per the Fla.R.Civ.P. This will preserve the integrity of, and public respect for, the Fla. judicial system.

The lengthy Final Hearing (on punishment) was held Sept. 13, 1995. No Due Process written notice, but only 20 hour verbal notice therefore, was provided Respondent. It was held on the said Sept. 13, 1995, though the Referee knew that the Respondent had been on antibiotics for many weeks prior thereto (a new virulent flu). The Referee had been advised Sept. 7, 1995, in writing, by Respondents Internist, Dr. Ramirez, as to the foregoing disabilities, including chronic vocal cord inflammation (rendered voiceless). Said Internist, in said report, also then related Respndents permanent heart disability, per cardiologist Rodriguez, (perpetuates the vicious fatigue). The Respondent did not object, in writing or orally, to the Dr. Ramirez report, at any time, except during the said Sept. 13, 1995 hearing (wasn't notarized). Only one (1) Order, continuing a hearing, is attributable to a timely, written request therefore by Respndent (the Aug. 7,1995 Final Hearing). Complainant, on short oral notice, continued an April 16, 1995 Status Conference; complainant, on May 17, 1995, without a specified reason, orally cancelled a Final Hearing (Punishment), almost an hour after its scheduled commencement time. Respondent's side was there, in good faith, on time, and was left "twisting in the wind." The foregoing absence of Final Hearing notice, habitual harrassment and bad faith by both the Complainant and the Referee , easily mandates a reversal.

CONCLUSION

It is only repeating the obvious to say that there are few Bar c asesmore botched and bizarre than this one. Bar counsel even admitted, at the Oct. 11, 1994 hearing, that she interfered with the government's (States Attorneys Office) criminal investigation of County Judge Gillman INTER ALIA.[20] Kaufman had sent papers, revealing this investigation, IN CONFIDENCE, to Branch Staff Counsel Needelman, on March 7, 1994 (R. Letter to Needelman, April 16, 1995, Exh. 1). Judge Gillman, only days later, finally relented, after almost 5 years of deliberation, and ordered that Respondent need not pay certain substantial attorney's fees to another. This was a "Sword of Damocles."

Finally, our courts are the crown jewels of our participatory democracy. To keep it thus, only a full reversal, for a proper, full, lengthy, honest and concerned final hearing, on the merits, before a neutral jurist, after timely written notice, per the Fla.R.Civ.P., will suffice. To do less, is a clear departure from the essential requirements of law.

Respectfully submitted,

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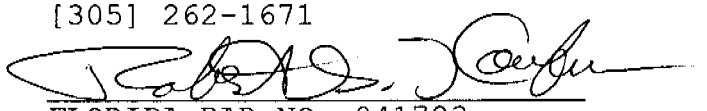

FLORIDA BAR NO. 041723

[20]M.H.Gillman was NOT discovered to have committed crimes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that the original and 7 copies of Respondent's attached papers were _____ mailed, ✓ hand delivered, _____ Fed expressed to the Supreme Court of lorida, Tallahassee, Florida, and a copy each was _____ hand delivered, ✓ mailed to Bar Counsel (444 Brickell Avenue, #M-100, Miami, FL 33131) and Staff Counsel, (650 Apalachee Parkway, Tallahassee, FL 32399-2300), this 29 day of April, 1996.

Robert S. Kaufman, Respondent
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Coral Gables, FL 33134
Tel. (305) 262-1671
Bar: 41723