

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,)
Complainant,)
v.)
STEPHAN A. BLUM,)
a/k/a Stephen A. Blum,)
Respondent.)

CONFIDENTIAL

The Florida Bar Case
No. 11G87M20

Supreme Court Case
No. 70,173

JUL 23 1987

CLERK OF THE COURT

By _____
Deputy Clerk

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as Referee for the Supreme Court of Florida to conduct disciplinary proceedings as provided for by the Rules Regulating The Florida Bar, a Pre-trial Conference was held on April 23, 1987. 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:

For The Florida Bar: Louis Thaler
Suite 211, Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131
(305) 377-4445

For Respondent: Stephan A. Blum
9684 N.W. 15th Court
Pembroke Pines, FL 33024
(305) 432-5245

At the Pre-trial Hearing held in this matter on April 23, 1987, Bar Counsel presented an initial recommendation that Respondent be disbarred for his alleged misconduct. Respondent expressed his willingness to plead guilty and receive a three-year suspension to resolve this matter. After a discussion of the underlying facts, the parties agreed to resolve this case by three-year suspension, subject to approval by the Board of Governors of The Florida Bar.

Accordingly, Respondent submitted an Unconditional Guilty Plea for Consent Judgment for Three-Year Suspension (hereinaf-

ter referred to as "Unconditional Guilty Plea)" dated June 25, 1987. In a Response to the Unconditional Guilty Plea, The Florida Bar, based on the recommendation of the Designated Reviewer for the Board of Governors, recommended a three-year suspension. It is in this posture that I now enter this Report of Referee.

II. FINDINGS OF FACTS: Based on the Unconditional Guilty Plea, I find the following facts:

1. That Respondent, STEPHAN A. BLUM, was admitted to The Florida Bar on or about May 14, 1955, and is and at all times hereinafter mentioned was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. That on or about March 8, 1956, Respondent was admitted to the Bar of the State of New York.

3. That on or about October 9, 1980, Respondent was suspended from the practice of law in the State of New York for a period of two years by the Supreme Court of New York.

4. That on or about July 15, 1981, Respondent was disbarred from the practice of law in the State of New York by the Supreme Court of New York.

5. That Respondent failed to notify the Supreme Court of Florida or The Florida Bar of his suspension by the Supreme Court of New York effective October 9, 1980, although this was not deliberate.

6. That Respondent failed to notify the Supreme Court of Florida or The Florida Bar of his disbarment by the Supreme Court of New York effective July 15, 1981, although again the failure was not deliberate or intentional to deceive.

7. That Respondent's suspension, as set forth in paragraph three (3) above, was the result of the Supreme Court of New York's finding that he signed his client's name to a general release and settlement draft without authority; improperly affixed his signature as notary public to a general release; commingled funds of his client with those of his own; misled and deceived his client as to the status of the cli-

ent's claim; and misled and deceived the Committee on Professional Standards (New York) in its investigation of an inquiry filed by his client.

8. That Respondent's disbarment, as set forth in paragraph four (4) above, was the result of the Supreme Court of New York's finding that he had failed to comply with a court order which directed him to appear for examination at the office of the Committee on Professional Standards (New York) relative to two inquiries concerning the possibility of professional misconduct on his part, although he denied any wrong doing and no further specifications or charges followed.


III. RECOMMENDATIONS AS TO GUILT: Pursuant to Paragraph 9 of the Unconditional Guilty Plea, I recommend that Respondent be found guilty of violating Rule 11.02(6) of the Integration Rule of The Florida Bar as well as Disciplinary Rules 1-102(A)(4), (5), and (6) of the Code of Professional Responsibility of The Florida Bar.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE IMPOSED: Pursuant to Paragraph 10 of the Unconditional Guilty Plea, and The Florida Bar's response thereto, I recommend that Respondent receive a three-year suspension.

V. RECOMMENDATION AS TO COSTS: Pursuant to Paragraph 10 of the Unconditional Guilty Plea, I find that Respondent should be assessed the following costs:

| | |
|-----------------------------|---------------|
| Referee Level | |
| Administrative charge | |
| [Rule 11.06(9)(a)(5)] | \$ 150.00 |
| Transcript | |
| April 23, 1987 | <u>139.29</u> |
| | \$ 289.29 |
| | ===== |

Respectfully submitted this 15 day of July, 1987.




ROY T. GELBER
Referee
Metropolitan Justice Building
1351 N.W. 12th Street
Room 239
Miami, Florida 33125

cc: Louis Thaler, Bar Counsel
Stephan A. Blum, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee, along with all pleadings, notices, motions, orders, exhibits and transcripts, has been sent to Sid J. White, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and a true and correct copy of the Report of Referee has been sent to Louis Thaler, Bar Counsel, at Suite 211 Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131, and to Stephan A. Blum, Respondent, at 9684 N.W. 15th Court, Pemproke Pines, Florida 33024-4447, this 15 day of July, 1987.



ROY T. GELBER
Referee