

Elena Sassower

From: Elena Sassower <elenaruth@aol.com>
Sent: Wednesday, June 10, 2015 10:36 AM
To: 'Ghunise Coaxum'
Subject: Thank you -- RE: Responding to Your June 5th E-Mail: RE: "Unlicensed Practice of Law Complaint: 20153035(18A)

Dear Ms. Coaxum,

My written response to your April 13, 2015 disposition letter, with its enclosed "cease and desist affidavit", will respond, as well, to our below e-mail exchange.

Suffice for now to advise that the answer is YES , with respect to your final statement and query:

"I can comply with your request for public records and provide you with public information that is available on closed cases. Our case management system can access recent cases that have been closed with a cease and desist affidavit that have not been disposed pursuant to the records retention policy. The cases are not necessarily identified by whether the complainant provided a rebuttal to any response. Do you wish to receive a list of files that have been closed recently with a cease and desist affidavit? Please advise. "

Thank you.

Elena Sassower
elenaruth@aol.com
914-421-1200

From: Ghunise Coaxum [mailto:gcoaxum@flabar.org]
Sent: Wednesday, June 10, 2015 9:58 AM
To: Elena Sassower
Subject: Re: Responding to Your June 5th E-Mail: RE: "Unlicensed Practice of Law Complaint: 20153035(18A)

Ms. Sassower,

In an attempt to efficiently address your e mail, I have provided my responses in different font and color immediately following your questions below.

Ghunise L Coaxum
Bar Counsel
The Florida Bar
Unlicensed Practice of Law Department
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-5200
(407) 425-0473
(407) 841-5403 (fax)

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

From: "Elena Sassower" <elenaruth@aol.com>
To: <gcoaxum@flabar.org>,

Dear Ms. Coaxum,

This follows the voice mail message I left for you on Friday, June 5th, shortly after 3 p.m., IMMEDIATELY upon receiving and reading your below shocking e-mail. Although I requested your prompt return call, I have, as yet, received none.

Ms. Sassower, as we had discussed during our telephone conversation I was awaiting your written response which will be forwarded to the circuit committee.

Your e-mail states – and gives the appearance of quoting – that I “...attempted to represent [Ms. Baum’s] legal interests in court as an “independent reviewer” (underlining added). Please advise: (1) did you intend this to be a quote? – and, if so, from where are you quoting?; and (2) what is your meaning of “attempted to represent [Ms. Baum’s] legal interests in court...”?

Ms. Sassower, I did so in an attempt to place emphasis on the fact that the committee's role was to investigate those specific allegations.

As for your assertion that I “did not dispute those allegations”, please advise where, in Mr. Baum’s complaint, he asserted that I “attempted to represent [Ms. Baum’s] legal interests in court...” – and what, in my response, you deem to have not disputed same.

Ms. Sassower, in paraphrasing Mr. Baum's complaint, he referenced the court hearing in Ms. Baum's case during which time you addressed Judge Harris and he instructed you to step behind the railing.

The Florida Bar’s Rule 10 governs “The Investigation And Prosecution Of The Unlicensed Practice Of Law”. Immediately pertinent are Rule 10-5 “Complaint Processing and Initial Investigatory Procedure” and Rule 10-6 “Procedures for Investigation” – the latter containing two subsections relating to investigation: “Taking of Testimony” and “Subpoenas”, and culminating in a third subsection entitled “Recommendations and Disposition of Complaints” . Pursuant thereto, you are empowered, as UPL counsel, to dismiss a complaint, at the outset, where, “if proven”, it would not “constitute a violation of the prohibition against engaging in the unlicensed practice of law” – and you may, for such purpose, conduct a “preliminary, informal investigation”. However, where you do not so-dismiss the complaint, it appears that the Committee proceeds with its investigation and determination, unless the Committee’s chair, with your concurrence, determines it should be dismissed.

Did the members of the Eighteenth Circuit Unlicensed Practice of Law Committee “A” share your view that “there was no need for either Mr. Baum or his counsel to provide a rebuttal”? And did they also believe – and vote – that “The other issues [i] brought up [in my response] are not within the scope of the unlicensed practice of law complaint and investigation”. In other words, did the Committee determine that the constitutional challenge raised by my response based on the circumstances described and documented were of no consequence? Or was Mr. Baum’s complaint – and my response – never, in fact, furnished to the Committee?

Ms. Sassower, the committee had to review both the complaint and the response in order to reach the conclusion to offer you a Cease and Desist affidavit to resolve the case. I appreciate that you took the time to review Chapter 10 of the Rules Regulating The Florida Bar. You will note that the committee's duties in part are to investigate reports of the unlicensed practice of law. Constitutional matters would necessarily need to be handled and decided by the Supreme Court of Florida

Inasmuch as the Florida Bar’s record on complaints of “unlicensed practice of law” becomes “accessible to the public upon closure of the case” – such as after they are concluded by such blatantly unconstitutional “cease and desist affidavit” as you would have me sign – please also identify all other instances in which you deviated from your “general[]” practice of furnishing the complainant with “the **opportunity** for a rebuttal” because you deemed there to be “no issues in dispute concerning the allegations of ***unlicensed practice of law***” (bold and italics in original).

Ms. Sassower, as I previously told you, you are under no obligation to sign the cease and desist affidavit. I will supply a copy of your written response to the committee. I will contact you in writing via e-mail and your mailing address once the committee has an opportunity to review your response and make a decision.

I can comply with your request for public records and provide you with public information that is available on closed cases. Our case management system can access recent cases that have been closed with a cease and desist affidavit that have not been disposed pursuant to the records retention policy. The cases are not necessarily identified by whether the complainant provided a rebuttal to any response. Do you wish to receive a list of files that have been closed recently with a cease and desist affidavit? Please advise.

Thank you.

Elena Sassower
914-421-1200
elenaruth@aol.com

From: Ghunise Coaxum [<mailto:gcoaxum@flabar.org>]
Sent: Friday, June 05, 2015 12:46 PM
To: Elena Sassower
Subject: RE: Unlicensed Practice of Law Investigation 20153035(18A)

Ms. Sassower:

My office did not send a copy of your response to Mr. Baum or his counsel, Mr. William Hennessey. I misspoke. As I previously stated, neither Mr. Baum or his counsel is obligated to respond to your written response. Generally, I will send a copy of a response to a complainant for the **opportunity** for a rebuttal if there are issues in dispute concerning the allegations of the **unlicensed practice of law**, as those are the only issues that this department has the authority to investigate. In this instant the allegations that this department could investigate were that you "assisted Ms. Baum with filing various legal pleadings and that you attempted to represent her legal interests in court as an "independent reviewer." As you did not dispute those allegations, there was no need for either Mr. Baum or his counsel to provide a rebuttal.

To the contrary, throughout your response you did acknowledge that you did assist Ms. Baum with the three motions and your position as her independent reviewer.

The other issues you brought up are not within the scope of the unlicensed practice of law complaint and investigation. Specifically: the underlying issues of the will contest; your relationship with Ms. Baum (that you felt was intentionally concealed by Mr. Baum); whether Ms. Baum willingly or unwillingly acted pro se; the transcript wherein the judge referred to you as being disruptive and instructing you to step behind the bar; and Mr. Baum's inability to cite any inaccuracies in the three motions where you assisted Ms. Baum.

The serial fraud by Mr. Hennessey and Judge Hoffman that you referenced in your response are matters that you may contact the Florida Bar Attorney Consumer Assistance Program and the Judicial Qualifications Commission to address.

Sincerely,

Ghunise L Coaxum
Bar Counsel
The Florida Bar
Unlicensed Practice of Law Department
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-5200
(407) 425-0473
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From: "Elena Sassower" <elenaruth@aol.com>
To: "Ghunise Coaxum" <gcoaxum@flabar.org>

Date: 06/05/2015 12:15 PM
Subject: RE: Unlicensed Practice of Law Investigation 20153035(18A)

Dear Ms. Coaxum,

I have already left a message for Mr. Picker regarding my unresponded-to January 23, 2015 written request for an advisory opinion.

As requested, please send me your coverletter to Mr. Baum (who is not an attorney), offering him the opportunity to reply to my January 21, 2015 response to his complaint – to which neither he nor his attorneys replied.

As discussed, I plan to call you next Friday, by which time I will hopefully have sent you a written summary of my position with regard to your April 13, 2015 letter.

Thank you.

Elena Sassower

From: Ghunise Coaxum [<mailto:gcoaxum@flabar.org>]
Sent: Friday, June 05, 2015 11:10 AM
To: elenaruth@aol.com
Subject: Unlicensed Practice of Law Investigation 20153035(18A)

Ms. Sassower:

Pursuant to our telephone conversation this morning I am sending you the information concerning your request for a formal advisory opinion.

This is the direct link to Florida Bar website that sets forth the process to request a formal advisory opinion. <http://www.floridabar.org/tfb/TFBLawReg.nsf/9dad7bbda218afe885257002004833c5/34fac28eda9ca382852579ac006aff21!OpenDocument>

Rule 10-9.1 of the Rules Regulating The Florida Bar allows the Standing Committee on Unlicensed Practice of Law to issue proposed formal advisory opinions concerning activities which may constitute the unlicensed practice of law. Requests for advisory opinions must be in writing addressed to The UPL Department, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300. The request for an advisory opinion must state in detail all operative facts upon which the request for opinion is based and contain the name and address of the petitioner. Rule 10-9.1(a)(2) defines petitioner as an individual or organization seeking guidance as to the applicability, in a hypothetical situation, of the prohibitions against the unlicensed practice of law.

No opinion may be entered with respect to any case or controversy pending in any court in Florida and no informal opinions shall be issued. Rule 10-9.1(c). The proposed advisory opinion is only an interpretation of the law and does not constitute final court action. If the Standing Committee agrees to accept the request for a formal advisory opinion, notice will be published and a public hearing will be held. At the hearing, the committee will take testimony from all interested individuals. Written testimony may also be submitted prior to the hearing. The holding of a hearing does not guarantee the issuance of a proposed formal advisory opinion.

After the hearing, the Standing Committee will vote on whether to issue a proposed formal advisory opinion and on the substance of the opinion. If the Standing Committee finds that the conduct constitutes the unlicensed practice of law, the proposed formal advisory opinion is filed with the Supreme Court of Florida. If the Standing Committee finds that the conduct does not constitute the unlicensed practice of law, the Standing Committee may publish the opinion in the Florida Bar News or the committee may file the proposed opinion with the Supreme Court of Florida.

The petitioner may file comments in support of or in opposition to the proposed formal advisory opinion. Interested parties with leave of the court may also file comments. The Standing Committee is given an opportunity to reply. Any party may request oral argument before the Court.

Additionally, your issues concerning your problems with Mr. Baum and the judges that you referenced, you would need to contact the Lawyer Regulation department of The Florida Bar since Mr. Baum is a member of The Florida Bar. I do not have the authority to pursue any complaints against Mr. Baum's conduct.

The Florida Bar accepts complaints against attorneys, investigates those complaints and prosecutes attorneys who engage in unethical conduct. For individuals who are unsure if a lawyer has acted ethically or who are dissatisfied and wish to consider whether filing a complaint may be appropriate, The Florida Bar operates the Attorney Consumer Assistance Program (ACAP). The ACAP telephone number is toll-free: 1-866-352-0707.

As to any issues you may have concerning any members of the judiciary, you would need to contact The Judicial Qualifications Commission at the following link <http://www.floridajqc.com/>

Sincerely,

Ghunise L Coaxum
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